



Ministry
of Defence

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29 October 2018

Dear [REDACTED]

Thank you for your email received on 1 October 2018 requesting the following information:

“Under the FOI act, can you please provide the following:

The number of awards made under the AFCS during the financial years 2015/16 to 2017/18 where the individual claimed for PTSD and the MOD awarded compensation for a mental health condition, and the total lump sum amount paid in compensation during the same period.

The number of common law claims for PTSD settled during the financial years 2012/13 to 2016/17, and the total amount paid in compensation for these claims.”

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

A search for the information has now been completed within the Ministry of Defence, and I can confirm that information in scope of your request is held.

Table 1 presents the number of AFCS claims made for PTSD that were awarded under the Mental Disorder tariff of injury table. Total amounts paid out in lump sum awards are also presented.

Table 1: AFCS claims for PTSD that received an award under the Mental Disorder tariff of injury table, by financial year¹, numbers and £²

01 April 2015 – 31 March 2018

	Total	2015/16	2016/17	2017/18
Number of PTSD claims³	1,441	511	453	477
Amount awarded (£, M)	14.84	6.35	4.28	4.21

Sources: Compensation and Pension System (CAPS) and Veterans UK Finance Team

1. Presented by financial year in which each claim was cleared.
2. Amounts awarded are presented in millions, to the nearest two decimal places.
3. Numbers are presented by financial year of claim clearance date and do not match the numbers presented in the AFCS National Statistic, which are presented by financial year of claim registration date.

Information is presented in Table 1 by financial year in which each AFCS claim was cleared. This does not match figures in the AFCS National Statistics for claims made for PTSD, which are presented by financial year in which each AFCS claim was registered.

Between 1 April 2015 and 31 March 2018, there were 116 AFCS claims for PTSD awarded under the Mental Disorder tariff of injury table for a more severe injury (a tariff level between 1 and 11) and as such, attracted a lump sum award plus a Guaranteed Income Payment (GIP), which is payable for life. Table 1 presents amounts paid out for lump sum awards, but not the amounts paid out in the form of GIPs.

Table 2 presents the number of common law PTSD claims that have had damages settled, plus the total compensation awarded, broken down by the financial year in which damages were paid.

Table 2: Common law claims for PTSD that have been settled, by financial year¹, numbers^{2,3} and £⁴

01 April 2012 – 31 March 2017

	Total	2012/13	2013/14	2014/15	2015/16	2016/17
Number of PTSD claims settled	27	5	5	5	4	8
Amount awarded (£, M)	5.46	0.26	1.85	1.55	0.6	1.19

Source: Directorate of Judicial Engagement Policy Common Law Claims & Policy team

1. Figures for the 2017/18 financial year have not been presented. The MOD publish statistics on claims brought against the MOD for compensation at common law. The next update covering the financial year 2017/18 is due to be published on 8 November 2018: <https://www.gov.uk/government/collections/mod-compensation-claims-statistics>
2. Includes the number of common law claims for PTSD where PTSD was considered to be the primary injury. Claims where an individual had a severe physical injury and PTSD as a secondary injury are not included.
3. Presents the number of PTSD claims that had their damages settled in each financial year.
4. Amounts awarded are presented in millions, to the nearest two decimal places. The amounts represent the total damages awarded to the settled claims. The amounts paid out exclude legal costs, with the exception of one claim that was settled in the 2013/14 financial year on a fully inclusive basis.

Under Section 16 (advice and assistance) you may wish to note the following:

Armed Forces Compensation Scheme

The AFCS came into force on 6 April 2005 to pay compensation for injury, illness or death attributable to Service that occurred on or after that date. It replaced the previous compensation arrangements provided by the War Pensions Scheme (WPS) and the attributable elements of the Armed Forces and Reserve Forces Pensions Scheme. Defence Statistics publish an annual National Statistic on claims and awards under the AFCS:

<https://www.gov.uk/government/collections/armed-forces-compensation-scheme-statistics-index>

The latest update was published on 28 June 2018 (as at 31 March 2018).

Claimants' injuries/illnesses considered to be Service-attributable are awarded under the AFCS in line with one of nine tariff of injury tables, which each cover the legislation surrounding the payment of compensation: Table 1 - Burns; Table 2 - Injury, Wounds and Scarring; Table 3 - Mental Disorders; Table 4 - Physical Disorders; Table 5 - Amputations; Table 6 - Neurological Disorders; Table 7 - Senses; Table 8 - Fractures and Dislocations; and Table 9 - Musculoskeletal Disorders. The information supplied in this response concerns awards made under Table 3 – Mental Disorders.

Claims for PTSD under the AFCS are recorded in a free-text field. The figures provided were based on a search of the following terms: 'PTSD', 'post traumatic stress' and 'post-traumatic stress'. As conditions are sometimes spelt incorrectly it is possible that some records with reference to PTSD have not been identified. Therefore, the figures supplied should be treated as a minimum.

Please note that the MOD only holds information centrally on the conditions claimed for and not the conditions for which they received a final award. Therefore, those that claimed for PTSD may have been awarded for a different type of mental illness.

AFCS data is sourced from the Compensation and Pension System (CAPS) which is administrated and managed by DBS Veterans UK.

This response presents the number of AFCS PTSD claims awarded compensation under the Mental Disorder tariff of injury table as at 31 March 2018. The figures provided includes awards made as a result of an initial claim or following a later review, reconsideration or appeal.

Common law claims

Common law claims are dealt with by the Claims Unit within the department's Directorate of Judicial Engagement Policy (DJEP), by contractors operating in accordance with instructions provided by the Claims Unit, or by delegated authorities. When compensation claims are received, they are considered on the basis of whether or not the MOD has a legal liability to pay compensation. Where there is a proven legal liability, compensation is paid.

The MOD publish statistics on claims brought against the MOD for compensation at common law: <https://www.gov.uk/government/collections/mod-compensation-claims-statistics>

The next update covering the period 2017/18 is due to be published on 8 November 2018.

This response presents the number of PTSD claims awarded common law compensation as at 31 March 2017.

If you have any queries regarding the content of this letter, please contact this office in the first instance

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.gov.uk). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely

Defence Statistics (Health)