



Ministry
of Defence

Defence Statistics (Health)
Ministry of Defence
Oak 0 West (#6028)
Abbey Wood North
Bristol BS34 8JH
United Kingdom

Telephone: +44 (0)30679 84423

E-mail: DefStrat-Stat-Health-PQ-FOI@mod.gov.uk

Reference: FOI2019/05921

17 June 2019

Dear [REDACTED]

Defence Statistics received an email from Harris Fowler on 28 February 2019 requesting the following:

"1. The number of claims made to the Armed Forces Compensation Scheme for which compensation was paid for a non-freezing cold injury for all tariff levels for the years 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017 and 2018. Please provide the number per year and of those the number per year made by applicants who were of an Afro-Caribbean ethnicity.

2. Please provide the number of those of an Afro-Caribbean ethnicity serving in the Marines in the ranks between and including Private and WO1 and those in training for the years referred to in paragraph 1 above.

3. If known, please provide the number of civil claims made for a non-freezing cold injury against the Ministry of Defence for the same years as those set out at paragraph 1 above and of those, the numbers per year made by claimants of an Afro-Caribbean ethnicity.

4. If known, please provide the number of reported incidents of non-freezing cold injury to the MOD's medical authorities including the Institute of Naval Medicine, Regional Occupational Health Teams, the non-freezing cold injury clinics at Catterick and Aldershot and the Navy Lessons and Incident Management System and of those reported the number concerning personnel of an Afro-Caribbean ethnicity".

Defence Statistics sent Harris Fowler a clarification on the 26 March 2019, to which, Harris Fowler replied by email on the 17 May 2019:

"In answer to your questions, we respond using the same lettering, as follows:-

a. We are assuming that you are able to provide information separately for each ethnicity in which case we are interested in personnel with all of the ethnicity types you have referred to i.e. *"black Caribbean", "mixed black Caribbean and white", "black African" and "mixed black African and white"*.

b. We are interested in information for all members of the Army and Naval service.

We assume that the information can be provided separately for each service...

c. We should be grateful to receive the information for all non-commissioned Royal Marine ranks.

d. You have interpreted our question correctly but in the light of the clarification you provided in paragraph a of your letter we should also like to have the same information for those of an ethnicity of *"mixed black Caribbean and white", "black African" and "mixed black African and white"*. Again we assume that you are able to provide the data separately for each ethnicity...

e. We should be grateful to receive the information for the Naval services and the Army. We assume that this information can be provided for each service separately...”

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. Some of the information falls entirely within the scope of the absolute exemptions provided for at section 40 (Personal Data) of the FOIA and has been withheld.

Section 40(2) has been applied to the information in order to protect personal information as governed by the Data Protection Act 2018 and GDPR. In line with JSP 200 (March 2016), numbers that refer to awards for specific conditions (Tables 1 and 3) have been rounded to the nearest five, with numbers fewer than three suppressed in order to reduce the possible inadvertent disclosure of individual identities. Numbers that refer to personnel in the Royal Marines (Table 2) that are fewer than 5 have been suppressed, with remaining numbers being rounded to the nearest 10. Numbers ending in '5' have been rounded to the nearest multiple of '20' to prevent systematic bias, with. Section 40 is an absolute exemption and there is therefore no requirement to consider the public interest in making a decision to withhold the information.

Figures have not been broken down by Service and ethnicity as this would result in a large number of cells being suppressed in order to reduce the inadvertent disclosure of individual identities.

Part 1

Table 1 presents the number of claims awarded under the Armed Forces Compensation Scheme (AFCS) for non-freezing cold injuries (NFCI), by the year the claim was registered, by ethnicity (for claimants with an ethnicity of 'Black African', 'Black Caribbean', 'Mixed Black African and White' or 'Mixed Black Caribbean and White' recorded on the Joint Personnel Administration (JPA) System) and Service (for claimants with a Service of Naval Service or Army).

Table 1: Claims awarded under the AFCS for NFCI, by year¹, ethnicity² and Service, numbers

01 January 2009 – 31 March 2018

	All	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
All AFCS claims awarded for NFCI	1,395	55	100	215	210	175	160	190	145	135	10

Of which, by ethnicity²	All	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
All	1,015	40	80	160	145	125	125	130	110	90	10
Black African	770	30	60	115	100	100	100	100	90	70	5
Black Caribbean	5	0	0	5	0	0	0	~	0	0	0
Mixed BA/White	225	15	15	35	40	25	25	30	20	20	~
Mixed BC/White	10	0	~	~	~	~	~	5	~	0	0

Of which, by Service	All	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
All	1,015	40	80	160	145	125	125	130	110	90	10
Naval Service ³	10	0	0	0	0	~	~	~	5	~	0
Army	1,005	40	80	160	145	125	125	130	105	90	10

Source: Compensation and Pension System (CAPS) and the Joint Personnel Administration (JPA) System.

1. Figures are broken down by the calendar year the claim was registered and differ to those presented in the 2017/18 National Statistic, which present figures by the financial year the claim was registered. Data is only available until 31 March 2018, so figures for 2018 will be lower than prior years.
 2. Ethnicity is self-reported on the Joint Personnel Administration (JPA) system. This field is not mandatory to complete, as such, these figures should be considered a minimum.
 3. Naval Service includes the Royal Navy and the Royal Marines.
- ~ In line with the JSP 200 directive on statistical disclosure control, numbers fewer than 3 have been suppressed and numbers have been rounded to the nearest five in order to reduce the possible inadvertent disclosure of individual identities.

Part 2

Table 2 presents the number of regular personnel with an ethnicity of Black African, Mixed Black African and White, Black Caribbean or Mixed Black Caribbean and White, serving in the Royal Marines as a Rank as at the 01 April of each year, between 01 April 2009 and 01 April 2018.

Table 2: Regular personnel serving in the Royal Marines as a Rank¹, broken down by ethnicity² and training indicator³, as at 01 April each year, numbers

01 April 2009 – 01 April 2018

		01/04/2009	01/04/2010	01/04/2011	01/04/2012	01/04/2013	01/04/2014	01/04/2015	01/04/2016	01/04/2017	01/04/2018
Black African	Trained	~	~	10	10	~	~	~	~	~	~
	Untrained	0	~	~	0	0	0	0	0	~	0
Mixed Black African and White	Trained	10	10	10	10	10	10	20	20	20	20
	Untrained	~	~	~	~	~	~	~	~	~	~
Black Caribbean	Trained	40	40	40	40	30	30	30	30	20	20
	Untrained	~	~	10	~	~	~	0	~	0	0
Mixed Black Caribbean and White	Trained	40	30	30	40	40	30	30	30	30	40
	Untrained	~	10	~	~	~	~	~	~	10	10

Sources: Joint Personnel Administration (JPA) System.

1. Other Ranks is comprised of personnel from the rank of Marine (OR-2) to Warrant Officer 1 (OR-9).

2. Ethnicity is as self-reported on the Joint Personnel Administration (JPA) system. This field is not mandatory to complete, as such, these figures should be considered a minimum.

3. Untrained personnel are Royal Marines who have served between 0 to 32 weeks. Trained personnel are Royal Marines who have served 32 weeks or more, are considered 'Trade trained' and have passed out of CTCRM Lympstone.

~ In line with the JSP 200 directive on statistical disclosure control, numbers of 5 and fewer have been suppressed and numbers have been rounded to the nearest ten in order to reduce the possible inadvertent disclosure of individual identities. Figures ending in 5 are rounded to the nearest multiple of 20 to avoid systematic bias.

Part 3

Table 3 presents the number of claimants who made a common law claim for NFCI, by the year the claim was registered, by ethnicity (for claimants with an ethnicity of 'Black African', 'Black Caribbean', 'Mixed Black African and White' or 'Mixed Black Caribbean and White' recorded on the JPA) and Service (for claimants with a Service of Naval Service or Army).

Table 3: Common law claims for NFCI, by the year the claim was reported, ethnicity and Service, numbers¹

01 January 2009 – 31 December 2018

	All	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
All common law NFCI claims	1,155	40	75	100	110	150	145	150	165	125	100

Of which, by ethnicity²	All	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
All	850	25	55	70	85	105	125	110	120	95	65
Black African	650	15	40	50	65	80	100	85	85	80	55
Black Caribbean	190	10	15	20	15	20	25	20	35	15	10
Mixed Black African and White	5	0	0	~	~	~	0	~	0	0	0
Mixed Black Caribbean and White	10	~	0	~	0	~	0	5	0	~	0

Of which, by Service	All	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
All	850	25	55	70	85	105	125	110	120	95	65
Naval Service³	5	0	~	0	0	0	~	~	0	~	~
Army	845	25	50	70	85	105	125	105	120	90	65

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

1. Figures in Table 3 differ to those presented in the 2017/18 statistical bulletin, which are presented by financial year.

2. Ethnicity is self-reported on the Joint Personnel Administration (JPA) system. This field is not mandatory to complete, as such, these figures should be considered a minimum.

3. Naval Service includes the Royal Navy and the Royal Marines.

~ In line with the JSP 200 directive on statistical disclosure control, numbers fewer than 3 have been suppressed and numbers have been rounded to the nearest five in order to reduce the possible inadvertent disclosure of individual identities.

Part 4

Table 4 presents the number of UK Armed Forces personnel with reported incidents of NFCI to MOD medical authorities, by ethnicity (for claimants with an ethnicity of 'Black African', 'Black Caribbean', 'Mixed Black African and White' or 'Mixed Black Caribbean and White' recorded on the JPA) and Service (for claimants with a Service of Naval Service or Army). Please note that 61% of all personnel with a reported incident of NFCI were recorded on JPA as 'White'.

Table 4: UK Armed Forces personnel with reported incidents of NFCI, by the year their first incident was reported, ethnicity and Service, numbers^{1,2,3}
01 January 2010 – 30 September 2018

	All	2010	2011	2012	2013	2014	2015	2016	2017	2018
Service personnel with reported incidents of NFCI to the MOD medical authorities	5,562	1,241	547	729	724	479	549	546	401	346

Of which, by ethnicity⁴	All	2010	2011	2012	2013	2014	2015	2016	2017	2018
All	1,641	404	179	249	241	132	140	130	93	73
Black African	1,100	264	118	161	172	89	95	89	66	46
Black Caribbean	466	122	54	76	63	38	35	30	22	26
Mixed Black African and White	16	7	0	3	~	0	~	3	0	~
Mixed Black Caribbean and White	59	11	7	9	~	5	~	8	5	~

Of which, by Service	All	2010	2011	2012	2013	2014	2015	2016	2017	2018
All	1,641	404	179	249	241	132	140	130	93	73
Naval Service⁵	45	8	5	6	~	6	5	7	~	5
Army	1,596	396	174	243	~	126	135	123	~	68

Sources: Notification of Casualties (NOTICAS), Aeromedical Evacuations, Field Hospital Data, Operational Emergency Department Attendance Register (OpEDAR), Defence Patient Tracking System (DPTS), Health and Safety Systems, Defence Medical Information Capability Programme (DMICP), Compensation and Pension Scheme (CAPS), Directorate of Judicial Engagement Policy (DJEP).

1. It is not possible to provide the number of incidents of NFCI, as Defence Statistics are unable to distinguish "episodes of care" on the medical systems. For this reason, the number of Service personnel with reported NFCI are presented.
 2. Each person is only counted the first time they are identified as having NFCI between 1 April 2010 and 30 September 2018.
 3. The number of personnel reported as having a NFCI in 2009/2010 was higher than in subsequent years as it included NFCIs reported on the medical system that occurred prior to this time period. For this reason, 2009 figures are not presented.
 4. Ethnicity is self-reported on the Joint Personnel Administration (JPA) system. This field is not mandatory to complete, as such, these figures should be considered a minimum.
 5. Naval Service includes the Royal Navy and the Royal Marines.
- ~ In line with the JSP 200 directive on statistical disclosure control, numbers fewer than 3 have been suppressed. Secondary cell suppression has also been applied to the next smallest numbers so that the values of suppressed cells cannot be derived from totals and sub-totals.

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). The next update (as at 31 March 2019) is due to be published on 27 June 2019.

Claimants' injuries/illnesses considered to be Service-attributable are awarded under the AFCS in line with one of nine tariff of injury tables¹, each covering the legislation surrounding the payment of compensation for: Burns (Table 1); Injury, Wounds and Scarring (Table 2); Mental Disorders (Table 3); Physical Disorders (Table 4); Amputations (Table 5); Neurological Disorders (Table 6); Senses (Table 7); Fractures and Dislocations (Table 8); and Musculoskeletal Disorders (Table 9). The information supplied in this response concerns awards made under Table 2 – Injury, Wounds and Scarring.

Within Table 1 there are a number of descriptors for non-freezing cold injury which are used to identify awards made under the scheme, based on a free text search for the following terms: 'non-freez' and 'non freez'. Due to potential spelling errors, figures supplied should be treated as a minimum.

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 NFCI claims awarded compensation under the AFCS 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.

Joint Personnel Administration (System)

Armed Forces personnel data on the Joint Personnel Administration (JPA) System was used to identify Service and ethnicity of UK Armed Forces personnel. JPA holds personnel data from April 2007 onwards. It is not mandatory to update ethnicity details on JPA and as such, some personnel will not update this field on JPA, whilst others will 'decline to declare' their ethnicity, a valid option on JPA.

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 latest update covering the period 2017/18 was published on 8 November 2018.

¹ <http://www.infolaw.co.uk/mod/docs/AFCS-2016-05-31.pdf> - information about tariff of injury tables can be found from page 60 onwards.

Service personnel with reported incidents of NFCI to MOD medical authorities

The number of Service personnel who reported NFCI incidents to the MOD medical authorities have been compiled from the following data sources (which have been matched together by Service number):

1. Notification of Casualties (NOTICAS)
2. Aeromedical Evacuations
3. Field Hospital Data
4. Operational Emergency Department Attendance Register (OpEDAR)
5. Defence Patient Tracking System (DPTS)
6. Health and Safety Systems
7. Defence Medical Information Capability Programme (DMICP)
8. Compensation and Pension Scheme (CAPS)
9. Directorate of Judicial Engagement Policy (DJEP)

Please note that it is not possible to provide the number of incidents of NFCI, as Defence Statistics are unable to distinguish "episodes of care" on the medical systems. For this reason, the number of Service personnel with reported NFCI are presented. As such, each person is only counted the first time they are identified as having NFCI between 1 April 2009 and 30 September 2018. The number of personnel reported as having a cold injury in 2009/2010 was higher than in subsequent years as it included cold injuries reported on the medical system that occurred prior to this time period. For this reason, 2009 figures are not presented.

It is also not possible to accurately identify all suspected and confirmed NFCIs for the following reasons:

1. It is not possible within the primary care data to identify 'episodes' of care – an individual may have multiple codes entered over a long time period and we cannot identify if these relate to one or multiple NFCIs. Therefore, each person with a NFCI has only been counted once within the time period.
2. Anything recorded as free text in DMICP is not able to be found by Defence Statistics (Health) and will therefore not be included in figures.

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)