



Ministry  
of Defence

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Dear [REDACTED]

Thank you for your email of 25 November 2019 requesting the following information:

“We would like to find out the number of awards made under the AFCA during the financial years 2009-2010, 2010-2011, 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016, 2016-2017, 2017-2018, 2018-2019 where the individual claimed for PTSD and the MOD awarded compensation for a mental health condition, and the total lump sum paid in compensation during the same period.

The number of common law claims for PTSD settled during the financial years 2009-2010, 2010-2011, 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016, 2016-2017, 2017-2018, 2018-2019 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.

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 some of the information to protect personal information as governed by the Data Protection Act 2018 and GDPR. In line with JSP 200 the following disclosure control methods have been applied to reduce the possible inadvertent disclosure of individual identities:

- a) the number of successful Armed Forces and Reserve Forces Compensation Scheme (AFCS) claims for post-traumatic stress disorder (PTSD) have been rounded to the nearest five;
- b) the number of common law claims for PTSD fewer than 5 have been suppressed and marked as ‘~’

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

Table 1 presents the number of AFCS claims made for PTSD that were awarded under the Mental Disorder tariff of injury table between 1 April 2009 and 31 March 2019. Total amounts paid out in lump sum awards as at 31 March 2019 are also presented.

**Table 1: AFCS claims for PTSD that received an award under the Mental Disorder tariff of injury table, by financial year<sup>1</sup>, numbers<sup>2</sup> and £<sup>3</sup>**

01 April 2009 – 31 March 2019

	<b>Total</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
<b>Number of PTSD claims<sup>4</sup></b>	3,120	50	125	145	215	375	380	500	450	475	405
<b>Lump sum amount awarded (£)<sup>5</sup></b>	42,099,100	1,177,500	2,502,600	2,663,500	4,087,500	6,714,000	6,144,600	6,430,700	4,532,400	4,379,500	3,466,900

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

1. Presented by financial year in which each claim was cleared.
2. In line with JSP 200, these numbers have been rounded to the nearest five.
3. Amounts awarded have been rounded to the nearest hundred.
4. The numbers presented in this response do not match the numbers presented in the AFCS National Statistic. The AFCS National Statistic presents the number of conditions awarded under the AFCS by the financial year the initial claim was registered. This response presents the number of claims awarded under the AFCS by the financial year the initial claim was cleared.
5. Amounts are presented by the financial year the initial claim was cleared. If a claim had subsequent activity (a reconsideration, appeal and/or review) which led to an increase in the lump sum award, the increase in lump sum value is presented in the financial year the initial claim was cleared, not the financial year the increase in lump sum award was made.

Between 1 April 2009 and 31 March 2019, there were 610 PTSD claims awarded under the Mental Disorder tariff of injury table under the AFCS 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 the lump sum awards for these claims, but the amounts paid out in the form of GIPs have not been included.

Table 2 presents the number of common law PTSD claims in relation to Service personnel that have had damages settled between 1 April 2009 and 31 March 2019, plus the total compensation awarded as at 31 March 2019, broken down by the financial year in which damages were paid.

**Table 2: Military common law claims for PTSD that have been settled, by financial year<sup>1</sup>, numbers<sup>2</sup> and £<sup>3</sup>**

01 April 2009 – 31 March 2019

	<b>Total</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
<b>Number of PTSD claims settled</b>	64	12	~	~	~	5	5	~	9	8	10
<b>Amount awarded (£)<sup>3</sup></b>	11,703,000	1,616,100	357,000	359,500	245,200	1,854,500	1,700,000	603,800	1,382,700	1,400,800	2,183,500

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

1. Presents the number of PTSD claims that had their final damages settled in each financial year.
  2. The figures are based on PTSD claims made by current and former service personnel and consist of claims with a clinical negligence nature, i.e. the failure to diagnose and treat PTSD, as well as Service personal injury claims where PTSD was considered to be the incident injury. The figures do not include any PTSD cases where an individual had a severe physical injury and PTSD as a secondary injury.
  3. Amounts awarded have been rounded to the nearest hundred and represent amounts paid out for damages only, excluding any legal costs for settled cases.
- ~ In line with the JSP 200 directive on statistical disclosure control, numbers fewer than 5 have been suppressed.

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

## Armed Forces Compensation Scheme

The Armed Forces and Reserve Forces Compensation Scheme (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.

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

Data were extracted from the CAPS as at 31 March 2019 to inform the latest published National Statistics, as published on the Gov.uk website on 27 June 2019:

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

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.

Please note that whilst it is possible to determine AFCS awards for mental disorders from the electronic information, it is not possible to reliably determine awards for PTSD specifically. PTSD awards have been identified based on a free text search of the condition claimed for using the following terms: 'PTSD', 'post traumatic stress' and 'post-traumatic stress'. The condition claimed for is based on information supplied by the claimant and does not necessarily reflect a diagnosis of PTSD. Therefore, awards made under the mental disorders table to those that claimed for PTSD may have been awarded for a different type of mental illness. Therefore, these figures should be treated with caution.

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 awarded PTSD claims, which are presented by financial year in which each AFCS claim was registered. The figures provided includes awards made as a result of an initial claim or following a later review, reconsideration or appeal.

The numbers presented may not match those previously published as the AFCS statistics are subject to routine revisions and historic data may be amended (see Background Quality Report for further information:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/811417/20190627 - AFCS National Statistics BQR - O.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/811417/20190627_-_AFCS_National_Statistics_BQR_-_O.pdf)

## 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.

Data regarding common law claims are collated from DJEP (for in-house claims) and three MOD contractors: Royal Sun Alliance (prior to 30 April 2007), Gallagher Bassett (1 May 2007 - 30 April 2016) and Top Mark (from 1 May 2016).

DJEP-CLCP's claims handling information payment system (CHIPS) is used for claims managed in-house. PTSD claims on the CHIPS have been picked up by searching for PTSD in the free text claims description field (the clinical negligence cases also contain PTSD in the generic grouping field).

Financial information provided by the contracted claims handlers is checked against information held by Head Office – Corporate Services (HOCS) Finance to ensure consistency.

The level of claim detail and the ability to search for claims relating to different conditions differ between data sets and MOD contractor. As such, the number of claims for specific conditions cannot accurately be identified. The data held and maintained by Gallagher Bassett can be more reliably used to search for specific conditions than Top Mark.

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 2018/19 was published on 13 December 2019.

This response presents the number of military claimants awarded common law compensation as at 31 March 2019. Civilians are also entitled to claim compensation for PTSD but have not been presented in Table 2.

The numbers presented may not match those previously published as statistics on common law claims are subject to routine revisions and historic data may be amended.

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](mailto: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)