

Ms

30 July 2020

████████████████████  
Dear Ms

Thank you for your letter of 19 June 2020 requesting the following information:

*“We would be grateful if you would kindly provide details of the number of claims where information has been requested under Article 63 of the Armed Forces and Reserve Forces Compensation Scheme Order 2011 and where the information has not been provided thereby the claim is not treated as not being made. Please provide the number of claims where information has not been provided and then consequently a claim has been closed for the last five years, breaking down each year on an annual basis.”*

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 all the information in scope of your request is held. However, we will not be able to answer your request without exceeding the appropriate limit.

This is because there is no marker on the Compensation and Pension System (CAPS) to identify those cases where information has been requested under Article 63 and then subsequently closed. The level of detail required to identify these specific cases is not recorded on CAPS. In order to provide the information requested, we would have to manually examine each case cleared as Otherwise Disposed (OD) of over the last five years.

Over a four-month period where we have previously undertaken some monitoring, we deemed there to be approximately 60 cases cleared “OD” per month. Working to an average of 60 cases per month equates to in excess of 720 cases per year and 3,600 cases over the requested period. If we allow ten minutes to manually examine each case file to identify the reason for clearing the case, this equates to in excess of 600 hours. To locate, retrieve and extract the relevant data for the period requested would therefore equate to in excess of £15,000.

Section 12 of the Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which is set at £600. This represents the estimated cost of one person spending 3.5 working days in determining whether the department holds the information, and locating, retrieving and extracting it.

Under Section 16 advice and guidance, should you wish to substantially refine the period of your request, while I cannot guarantee that a refined request would fall within the limit, I would be happy to consider it again.

You may also find it helpful to note the published data relating to Armed Forces Compensation Scheme claims and decisions:

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

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 Business Services Secretariat