



Ministry
of Defence

Ministry of Defence

Main Building

Whitehall

London SW1A 2HB

United Kingdom

Email: spodjep-claimsgeneral@mod.gov.uk

Ref: FOI2020/08742

2 September 2020

Dear [REDACTED]

Thank you for your request of 29 July asking for the following information:

“The MoD has made public statistics which include information about civil claims for NFCI: MOD Common Law Compensation Claims Financial Year 2018/2019 (“the Statistics”). The Statistics cover claims brought against and settled with the Defendant over the financial years 2014/15 to 2018/19. We seek further information and clarification as follows:

1. *How many NFCI claims included in the Statistics proceeded to a trial?*
 - *Please break down these reported statistics into financial years from 2014 to 2019*
2. *How many of those NFCI claims included in the Statistics were discontinued and/or struck out (i.e. claims ending without a settlement or trial)?*
 - *Please break down these reported statistics into financial years from 2014 to 2019”*

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. I am writing to confirm that information in scope of your request is held.

1. Two NFCI cases included in the statistics proceeded to trial. One of these claims went to trial on **limitation**, it was included in the Claims Annual Report statistics within the claims brought in FY16/17. The case has settled post FY18/19. The other claim went to trial on **quantum**. This case is included in the settled NFCI cases in FY16/17. The case was brought prior to FY14/15.

2. The table below shows NFCI cases that have been closed with no damages awarded to the other side. These cases will include those that have been discontinued, struck out by the Courts or repudiated by the Claims Unit. These claims do not appear in the Claims Annual Report which shows claims settled in favour of the claimant ie where a damages payment was made to the claimant and the damages and associated legal costs have been paid.

	FY1415	FY1516	FY1617	FY1718	FY1819
Number of closed NFCI claims	8	5	16	10	23

This response is based on live data from third party contracted claims handlers/ legal providers as at 26 August 2020.

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact us in the first instance at the address above. If informal resolution is not possible and you are still dissatisfied then you may apply for 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.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint 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. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.org.uk>.

Yours sincerely,

Directorate of Judicial Engagement Policy
Common Law and Claims Policy