



# Ministry of Defence

Ref: FOI2019/13174  
Revision

Common Law Claims &  
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Dear [REDACTED]

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

*The number of claims for non-freezing cold injuries (NFCI) made against the MOD has been released previously via the request detailed in this article:*

<https://www.lawgazette.co.uk/features/battle-lines/5071045.article>

*In October last year, the MoD responded to a Freedom of Information request from [REDACTED], revealing that in the period from 31 August 2012 to 31 March 2017, it had settled 485 NFCI claims, paying out £26.6m in damages. £24m was spent in legal and court fees in relation to them."*

*Please could you provide me with an up-to-date figure for:*

- 1) *The number of claims for NFCI*
- 2) *A breakdown of the country of origin of the claimants*
- 3) *The amount paid out in damages for those claims*
- 4) *The amount spent in legal and court fees in relation to them*
- 5) *The number of claims which reached court*

*From 31st August 2012 to date.*

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.

I have provided data from financial year 2012/13 to 2018/19 ie the 7 year period between 1 April 2012 - 31 March 2019. I cannot provide any data post 31 March 19 as FY19/20 data will not be published until autumn 2020.

1) 669 NFCI claims have been recorded as settled between 1 April 2012 and 31 March 2019.

2) The ethnicity of the 669 NFCI claimants is as follows:

108 identified as White

524 identified as BAME

37 had no ethnicity recorded on MOD's Joint Personnel Administration (JPA)

3) The amount of damages paid out on the settled claims as above is £54.1m.

4) The amount paid out in legal costs which includes claimant's legal costs and MOD's own legal costs is £39.8m.

5) The claims management system does not record cases that have run to trial.

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 me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Deputy Chief Information Officer, 2nd Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [CIO-FOI-IR@mod.uk](mailto: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 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.gov.uk>

Yours sincerely,

Common Law Claims & Policy Team