



# Ministry of Defence

Ref: FOI2019/04268

Ministry of Defence  
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9 May 2019

Dear [REDACTED]

Thank you for your letter of 2 April requesting the following information:

- “1. How many civil claims for personal injury in respect Non Freezing Cold Injury have been brought against the Ministry of Defence, for each year that statistics have been kept.*
- 2. Of those claims, the number of cases*
  - (a) that have run to trial upon the issue of limitation*
  - (b) that have run to trial upon the issue of liability (not including limitation)*
  - (c) that have run to trial on liability and limitation*
  - (d) that had been settled prior to trial*
  - (e) made by soldiers of Afro-Caribbean origin.*
- 3. The average amount of compensation awarded.”*

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 some information in scope of your request is held.

In answer to question 1, from 1 April 2007 to 31 March 2018, the total number of NFCI claims brought against the Ministry of Defence relating to Non-Freezing Cold Injury claims was 1184. Figures in relation to NFCI claims brought against MOD have been published as Official Statistics for the last four financial years. I have provided the figures below but they can be found in Table 1 of the MOD Compensations Claims report which is published annually on the [www.gov.uk](http://www.gov.uk).

FINANCIAL YEAR	TOTAL NUMBER OF CLAIMS
2014/2015	145
2015/2016	206
2016/2017	117
2017/2018	101

In answer to questions 2(a) to (c). The claims management systems that we use do not record cases that have run to trial upon the issue of limitation and/or liability. I can confirm that I am aware that no cases have been run to trial on liability to date and no cases have been run to limitation to date, however, a trial is listed for June, which is proceeding.

In answer to question 2(d), I can confirm that 757 claims have been settled prior to trial in the time period from 1 April 2007 to 31 Mar 2018.

In answer to question 2(e), we do not hold ethnicity details for all of the NFCI cases, however, to improve data capture the recording of claimants' ethnicity was introduced on 1 May 16 and from this point to date, 265 cases have been identified as being brought by soldiers of Afro-Caribbean origin.

In answer to question 3, the average amount of compensation received is £76,000.

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](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 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,

Common Law Claims & Policy

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