



Ministry
of Defence

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Ministry of Defence
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Dear [REDACTED]

Thank you for your email of 7 January requesting the following information:

"I am seeking the following: all compensation payments made by the Ministry of Defence to employees or to members of the public during the course of 2018 and 2019. I am seeking a short narrative description of each payment, the nature of the compensation claim in each case, the amount of money paid out, and any legal fees incurred as part of the claim. I would prefer to receive this information electronically, ideally in its original electronic format."

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 information in scope of your request is held. However, 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 the information in order to protect personal information as governed by the Data Protection Act 2018 and GDPR. 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.

Under Section 16 of the Act (Advice and Assistance) you may find it helpful to note the following:

Armed Forces Compensation Scheme (AFCS)

The 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.

Defence Statistics publish an annual National Statistic on claims and awards under the AFCS: <https://www.gov.uk/government/collections/armed-forces-compensation-scheme-statistics-index>
The latest update was published on 27 June 2019 (as at 31 March 2019).

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

The Supplementary Tables present the number of claims registered under the AFCS each financial year by the latest and initial claim outcomes (Tables 1, 2 and 20), the number of reconsiderations, appeals and reviews (Tables 3 to 5), the time it takes to clear claims (Tables 6 to 9), survival analysis (Table 10), the number of claims awarded a lump sum by tariff level (Tables 11, 12, 14 and 21), the number of successful claims by tariff of injury table (Tables 13 and 22), the number Guaranteed Income Payments (GIPs) currently in payment (Tables 15 to 18) and expenditure amounts paid out (Table 19).

War Pension Scheme (WPS)

The WPS provides no-fault compensation for all ex-Service personnel where illness, injury or death is caused by Service from the start of the First World War in 1914 up until 5 April 2005. The WPS is managed by the Ministry of Defence (MOD) with all compensation claims administered by Defence Business Services (DBS) Veterans UK.

Defence Statistics (Health) publish statistics on claims and awards made under the WPS: <https://www.gov.uk/government/collections/war-pension-recipients-index>
The latest update was published on 27 June 2019 (as at 31 March 2019).

WPS data is sourced from the War Pensions Computer System (WPCS).

The Supplementary Tables present the number of claims registered under the WPS each financial year (Tables 1 and 2), the time it takes to clear claims (Tables 3 to 6), the number of cleared claims and their outcomes (Tables 7 to 13), recipients of a War Pension under the WPS (Tables 14 to 20), medical causes of disablement (Tables 21a and 21b), recipients of supplementary allowances under the WPS (Tables 22 and 23) and expenditure amounts paid out (Tables 24 and 25).

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.

A Claims Annual bulletin is compiled each financial year reporting on claims brought against the MOD for compensation at common law. The FY18/19 report can be found at the link below: <https://www.gov.uk/government/statistics/mod-common-law-compensation-claims-statistics-201819> Section 2 contains the number of settled Public Liability and Employer's Liability claims in FY1819 and Section 3 contains the in-year expenditure on claims in these categories.

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 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,
Common Law Claims and Policy