



Ministry
of Defence

Ref: FOI2019/13175

Common Law Claims & Policy
Directorate of Judicial
Engagement Policy
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E-mail:
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23 December 2019

Dear [REDACTED]

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

Please could you provide me with:

- 1) *The number of civil claims against the MOD which involved heat injury/illness (including deaths)*
- 2) *The total amount paid out in damages for those claims*
- 3) *The total amount spent in legal and court fees in relation to the claims*
- 4) *The number of claims which reached court, and the number which were settled out-of-court*
- 5) *The number of claims which relate to incidents in training, exercise or selection. from 31st August 2012 to date. If Q5 is likely to push the request over the Section 12 cost limit then please let you know and reply only to Q1-4.*

Please take 'civil claims' to mean any action which resulted in a claimant receiving money from the MOD as a result of injury/death.

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.

This response does not cover any compensation paid out to current and former service personnel under the no-fault 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.

I have provided data for financial year 2012/13 to 2018/19 ie the 7 year period between 1 April 2012 - 31 March 2019. Please note that our current contractors who handle the majority of Employer's Liability- Service claims since 1 May 16, do not currently hold data that classifies claims in terms of heat illness/injury. The figures contained in this response should therefore be treated as a minimum.

1) 9 common law claims in respect of heat illness/injury were settled between 1 April 2012 and 31 March 2019.

Under Section 16 (Advice and Assistance) it should be noted that there have been individual heat injury/illness cases that have resulted in multiple claims brought during the period. Therefore, the nine claims settled relate to six individuals.

2) £2m has been paid out in compensation in connection with the nine settled claims.

- 3) £1.2m has been paid out in legal costs which includes claimant's legal costs and MODs own legal costs and disbursements in connection with these nine settled cases.
- 4) The claims management system does not record cases that have run to trial.
- 5) Unable to respond within cost limits.

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). 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