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of Defence

Ministry of Defence

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Ref: FOI2020/12159

28 January 2021

Dear [REDACTED]

Thank you for your request of 3 November asking for the following information:

*"In a previous Fol response [FOI2015/4523] you provided me with details of the ten largest payments the MoD had made for Post-Traumatic Stress Disorder where the payment was not made through the statutory compensation scheme. Please could you provide me with an updated table of the ten biggest payments on the same basis as in the previous response.*

*Could you state the total cost to the MoD of settling PTSD cases from the 2007/08 financial year to the 2019/20 financial year inclusive in an updated version of the attached Fol response [FOI 2019/13172]?"*

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. Some of 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 some of the information to protect personal information as governed by the Data Protection Act 2018 and GDPR. In line with JSP 200 the following disclosure control methods have been applied to reduce the possible inadvertent disclosure of individual identities:

- a) the number of successful Armed Forces and Reserve Forces Compensation Scheme (AFCS) claims for post-traumatic stress disorder (PTSD) have been rounded to the nearest five.
- b) the number of common law claims for PTSD five or fewer have been suppressed and marked as '~'.

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.

Table 1 presents the top 10 PTSD claims settled between FY0708 and FY1920. The figures comprise of damages and claimant's legal costs. The financial year of settlement does not necessarily equal the year the compensation was paid.

**Table 1: Top 10 - PTSD common law claims settled between FY0708 and FY1920.**

Compensation and claimant's legal costs	Financial Year claim settled	Location	Reason
£2,378,300	FY14/15	Iraq	Failure to diagnose and treat PTSD
£1,189,745	FY18/19	-	Aircraft incident
£905,206	FY15/16	Iraq	Failure to diagnose and treat PTSD
£885,070	FY19/20	Afghanistan	Failure to diagnose and treat PTSD
£857,208	FY15/16	Iraq	Failure to diagnose and treat PTSD
£820,218	FY17/18	Afghanistan	Failure to diagnose and treat PTSD
£820,000	FY07/08	Northern Ireland	Failure to diagnose and treat PTSD
£696,500	FY19/20	Afghanistan	Failure to diagnose and treat PTSD
£591,507	FY07/08	Northern Ireland	Failure to diagnose and treat PTSD
£585,853	FY16/17	Iraq	Failure to diagnose and treat PTSD

Tables 2 and 3 are shown on the following page.

Table 2 presents the number of AFCS awards made under the Mental Disorder tariff of injury table, where the claim was made for PTSD, between 1 April 2007 and 31 March 2020. Total amounts paid out in lump sum compensation and Guaranteed Income Payments (GIP) as at 31 March 2020 are also presented. It should be noted that the current FOI request asks for all cases settled during the time period 2007/08 to 2019/20 and will include more awards and financial amounts than those captured in the previous FOI request (FOI 2019/13172). There are 128 additional awards for claims that were made between 2009/10 and 2018/19 for claims that were registered prior to 1 April 2009 that have now been included.

Table 3 presents the number of settled PTSD claims by the financial year of which the final damages were settled.

**Table 2: AFCS awards under the Mental Disorder tariff of injury table, where the claim was made for PTSD, by financial year<sup>1</sup>, numbers<sup>2</sup> and £<sup>3</sup>**  
01 April 2007 – 31 March 2020

	All	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
Number of awards	<b>3,730</b>	45	65	100	145	170	220	380	380	510	455	475	410	370
Lump sum compensation	<b>£48,583,000</b>	£537,400	£884,100	£2,110,800	£2,803,200	£3,088,200	£4,114,000	£6,857,600	£6,187,600	£6,529,900	£4,562,700	£4,444,700	£3,553,800	£2,909,100
Guaranteed Income Payments (GIP)	<b>£42,132,100</b>	£483,600	£903,500	£3,793,000	£3,678,600	£4,146,000	£4,700,800	£8,432,200	£6,763,500	£5,340,100	£1,867,800	£1,278,400	£526,200	£218,100

Sources: Compensation and Pension System (CAPS) and Veterans UK Finance Team

1. Presented by financial year in which each claim was cleared.
2. In line with JSP 200, these numbers have been rounded to the nearest five.
3. Amounts awarded have been rounded to the nearest hundred.
4. The numbers presented in this response do not match the numbers presented in the AFCS National Statistic. The AFCS National Statistic presents the number of conditions awarded under the AFCS by the financial year the initial claim was registered. This response presents the number of claims awarded under the AFCS by the financial year the initial claim was cleared.
5. Amounts are presented by the financial year the initial claim was cleared. If a claim had subsequent activity (a reconsideration, appeal and/or review) which led to an increase in the lump sum award, the increase in lump sum value is presented in the financial year the initial claim was cleared, not the financial year the increase in lump sum award was made.

**Table 3: Settled PTSD claims by financial year the final damages were settled<sup>1</sup>**

01 April 2007 – 31 March 2020

	All	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
Total damages paid	<b>£17,062,700</b>	£620,000	£2,233,800	£1,616,100	£357,000	£359,500	£245,200	£1,854,500	£1,706,400	£603,800	£1,382,700	£1,900,800	£3,087,700	£1,095,300
Number of settled PTSD claims	<b>84</b>	~	8	12	~	~	~	5	6	~	9	9	12	7

<sup>1</sup> The costs may have been settled in a later financial year.

Source: Directorate of Judicial Engagement Policy Common Law Claims & Policy team

1. Presented by financial year the final damages were settled. Legal costs are not included.
2. In line with the JSP 200 directive on statistical disclosure control, numbers '5 or fewer' have been suppressed.
3. Amounts awarded have been rounded to the nearest hundred and represent amounts paid out for damages only. There are 2 cases where a global settlement was made on both damages and claimant's legal costs and the figures will include some claimant's legal costs in respect of these claims.
4. PTSD claims where damages have been settled but legal costs are outstanding are not included within the table.
5. The figures are based on PTSD claims made by current and former service personnel and consist of claims with a clinical negligence nature, i.e. the failure to diagnose and treat PTSD, as well as Service personal injury claims where PTSD was considered the incident injury. The figures do not include any PTSD cases where an individual had a severe physical injury and PTSD as a secondary injury.

Under Section 16 (advice and assistance) you may wish to note the following:

### *Armed Forces Compensation Scheme*

The Armed Forces and Reserve Forces Compensation Scheme (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.

The legislation surrounding the payment of compensation under each tariff of injury table also determines the tariff level at which each injury/illness should be paid compensation. There are 15 tariff levels which each attract a lump sum award. Tariff levels 1- 11 also attract an ongoing Guaranteed Income Payment (GIP), a tax-free index-linked income stream known as the Guaranteed Income Payment (GIP) is paid from service termination for life to recognise loss of future earnings due to the injury or illness.

AFCS data is sourced from the Compensation and Pension System (CAPS) which is administrated and managed by DBS Veterans UK. The Veterans UK finance team provided the financial amounts paid out in lump sum compensation and Guaranteed Income Payments (GIP).

Data were extracted from the CAPS as at 31 March 2020 to inform the latest published National Statistics, as published on the Gov.uk website:

<https://www.gov.uk/government/collections/armed-forces-compensation-scheme-statistics-index>

Claimants' injuries/illnesses considered to be Service-attributable are awarded under the AFCS in line with one of nine tariff of injury tables, which each cover the legislation surrounding the payment of compensation: Table 1 - Burns; Table 2 - Injury, Wounds and Scarring; Table 3 - Mental Disorders; Table 4 - Physical Disorders; Table 5 - Amputations; Table 6 - Neurological Disorders; Table 7 - Senses; Table 8 - Fractures and Dislocations; and Table 9 - Musculoskeletal Disorders. The information supplied in this response concerns awards made under Table 3 – Mental Disorders.

Please note that whilst it is possible to determine AFCS awards for mental disorders from the electronic information, it is not possible to reliably determine awards for PTSD specifically. PTSD awards have been identified based on a free text search of the condition claimed for using the following terms: 'PTSD', 'post traumatic stress' and 'post-traumatic stress'. The condition claimed for is based on information supplied by the claimant and does not necessarily reflect a diagnosis of PTSD. Therefore, awards made under the mental disorders table to those that claimed for PTSD may have been awarded for a different type of mental illness. Therefore, these figures should be treated with caution.

Please note that multiple injuries/illnesses can be awarded under one claim. In these cases, the amount reported in this response for lump sum compensation is specific to the award made for PTSD. However, the Guaranteed Income Payment (GIP) covers the total amount paid for the whole award. It is not possible to split this down into the specific elements of the payment.

Information is presented in Table 2 by financial year in which each AFCS claim was cleared. This does not match figures in the AFCS National Statistics for awarded PTSD claims, which are presented by financial year in which each AFCS claim was registered. The figures provided include awards made as a result of an initial claim or following a later review, reconsideration or appeal.

### *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 Ministry of Defence has a legal liability to pay compensation. Where there is a proven legal liability, compensation is paid.

Data regarding common law claims are collated by DJEP from information on the Claims Handling Information Payment system CHIPS (for in-house claims) as well as information provided by MOD's contracted claims handlers Gallagher Bassett International Ltd and Topmark Claims Management Ltd.

The MOD publish statistics on claims brought against the MOD for compensation at common law: <https://www.gov.uk/government/collections/mod-compensation-claims-statistics>

The update covering the period 2019/20 is due to be published on 10 December 2020. It should be noted that settled claims in the official statistics are based on the financial year the claim was fully settled ie where damages have been awarded to the claimant and damages and associated legal costs have been paid. In Table 1, the settled claims are based on the financial year the claim was fully settled but in Table 3 the settled claims are based on the financial year the damages; the legal costs are often settled in a later financial year.

This response presents the number of military claimants awarded common law compensation as at 31 March 2019. Civilians are also entitled to claim compensation for PTSD but have not been presented in Table 2.

The numbers presented may not match those previously published as statistics on common law claims. As claims settle on costs are subject to routine revisions and historic data may be amended.

If you have any queries regarding the content of this letter, please contact this office in the first instance

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,

Directorate of Judicial Engagement Policy  
Common Law and Claims Policy