



Ministry
of Defence

Ministry of Defence
Main Building
Whitehall
London SW1A 2HB
United Kingdom

Ref: FOI2021/04599

E-mail: SPODJEP-ClaimsGeneral@mod.gov.uk

24 May 2021

Dear Mr [REDACTED]

Thank you for your email of 29 April requesting the following information:

“Would you be able to provide me with information pertaining to all NIHL claims made against the Ministry of Defence, both EL and PL, dating back to the year 2000.

Can you provide the total number of claims and the overall cost of these claims (inclusive of damages, TP fees & own fees).

Can the above figures be provided for each respective year and can EL and PL be separated.”

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 MOD holds the information on the subject you have requested.

Further to our email exchange it was agreed that we provide costs of NIHL settlements from FY12/13 to FY19/20. Table 1 presents the number of settled common law NIHL claims brought by current and former Service and Civilian personnel and the spend inclusive of damages, claimant’s legal costs (TP fees) and MODs own legal costs (own fees) and expenses by the financial year of final settlement.

The financial year of final settlement does not necessarily reflect the year in which the costs are paid.

Table 1: Cost of settled Employer’s Liability NIHL common law claims brought by current and former service and civilian personnel, by financial year and £

1 April 2012 – 31 March 2020

	Total	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
Number of NIHL claims	10,253	2,077	1,885	1,702	856	975	853	862	1043
Cost of settled claims¹ (£m)	128.3	17.7	16.6	15.0	7.6	12.5	14.5	19.8	24.4

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

- The costs shown in the table are for settled claims only and therefore do not include any costs associated with claims that were closed without any damages awarded for example, cases that have been successfully defended as well as cases that have been repudiated or discontinued. The majority of the claims are dealt with by MODs contracted claims handlers, we are unable to provide MODs own legal fees for a small number of the claims that were managed in-house. The table does not take account of any recoveries received.
- The figures presented in Table 1 have been compiled from live data, which are continuously updated and cleansed by MOD contractors. Figures are correct as at 31 March 2021. Figures may differ from those previously published in the MOD

Compensation Claims Bulletin and may not match with figures previously published. Sometimes it is necessary to reopen a claim, this could be due to late payment which will mean the claims closed date is overwritten with the late payment date which can then lead to a change to the Financial Year of final settlement. It may be that a claim is reopened but a further payment is not required, however, the system will need to update any closed date which still may result in a change to the Financial Year of final settlement.

Table 2 presents the number of settled common law NIHL claims brought by members of public such as contractors and the spend inclusive of damages and claimant's legal costs (TP fees) by the financial year of final settlement. We are unable to provide any MODs own legal fees for these cases.

The financial year of final settlement does not necessarily reflect the same year in which the damages and legal costs are paid.

Table 1: Cost of settled Public Liability NIHL common law claims brought by members of the public, by financial year and £

1 April 2012 – 31 March 2020

	Total	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
Number of NIHL claims	15	~	~	~	-	~	~	-	~
Cost of settled claims¹ (£)	277,900	12,900	1,800	7,600	-	147,100	25,200	-	83,300

~ denotes fewer than 5 claims

- denotes nil

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

1. The costs shown in the table are for settled claims only and therefore do not include any costs associated with claims that were closed without any damages awarded for example, cases successfully defended and cases that have been repudiated or discontinued.
2. The figures presented in Table 2 are correct as at 20 May 2021 and have been rounded to the nearest 100.

Under Section 16 of the Act (Advice and Assistance) you may find it helpful to note the following: Numbers fewer than five have been suppressed in order to reduce the possible inadvertent disclosure of individual identities.

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 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 and Policy