



Ministry  
of Defence

**Defence Business Services**

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REF: FOI2021/05074

E-mail: DBSRES-Secretariat@mod.gov.uk

[REDACTED]

June 2021

Dear [REDACTED]

Thank you for your email of 12 March 2021 requesting the following information:

*I am a member of RBL `s War Pension and Compensation team and am concerned with advice and appeals in relation to the AFCS.*

*On 8th April 2019, the Armed Forces and Reserve (Compensation Scheme) (Amendment) Order 2019 came into force.*

*The Statutory Instrument (2019 No 440) made amendment to Schedule 3 by introducing: (Table 3) "A1 (Level) 4 Permanent mental disorder causing very severe functional limitation or restriction. "*

*This new descriptor should be read in conjunction with the table note "(aa)", the criteria .*

*Please will you kindly detail the number of applications that have fallen to be dealt with by this new provision, since its introduction, from inception to date, how many have been approved and how many, declined?*

*Please may I also have a brief summary of evidence leading to the approval of such awards together with a summary of evidence where the tariff was declined? I appreciate the evidence must be redacted.*

*Are you also able to indicate how many cases are subject to appeal to the Tribunal?*

And your subsequent clarification dated 13 May 2021 which requested:

*Your ref FOI 2021/03057. Belated thanks for your detailed reply, I am sorry my initial*

*enquiry was imprecise.*

*I believe I can now distil my enquiry, more precisely.*

*In the light of your kind guidance, please may I request*

- 1. The number of claims made on or after 08/04/2019 involving mental health disorders together with the number of awards that have been made incorporating the new amendment to Schedule 3 of the AFCS Table 3 Item A1 Level 4*
- 2. Brief redacted case examples where such an award has and had not been made and in particular, the evidence disclosed leading to such an award . We need to understand what evidence we need to collate in order to assist Veterans and Serving personnel with their claims.*

I am treating your correspondence as a request for information under the Freedom of Information Act 2000.

I am writing to confirm that the MOD holds the information on the subject you have requested. However, I have to advise you that we will not be able to answer your request without exceeding the appropriate limit. This is because to locate, retrieve and extract information in scope of part two of your request, would involve scrutiny of in excess of 420 files. It is estimated that this would take at least 30 mins per file at a total cost of £5,250.

Section 12 of the Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for central government is set at £600. This represents the estimated cost of one person spending 3.5 working days in determining whether the department holds the information, and locating, retrieving and extracting it.

Under Section 16 (Advice and Assistance) you may be interested to know that the MOD may be able to provide information regarding question one if you were to refine your request to just that question. We could provide figures for initial claims registered on or after 8th April 2019 with a mental disorder-related term using a free text search. However, this would be considered a minimum as we cannot account for every variation of how a claimed condition might be entered on to the system. We can also identify the number of claims awarded under the tariff descriptor specified. If that information would be helpful, we would be happy to look at it again.

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

If you wish to complain about the handling of your request, or the content of this response, you can request 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.gov.uk). Please note that any request for an internal review should be made within 40 working days of the date of this response.

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

Defence Business Services Secretariat