



Defence Business Services
DBS Secretariat
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Ref: FOI2021/12933

DBSRES-Secretariat@mod.gov.uk

16 November 2021

Dear

Thank you for your email of 22 October 2021 requesting:

I require two things please if possible. First how financial compensations are assessed and calculated. For both physical and psychological damage.

Also, I request through the freedom of Information Act (MOD). Protocols, procedures for the deployment of CS GAS. (2-chlorobenzylidene malononitrile).

In both training scenarios and field exercise situations?

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 MOD and I can confirm that all information in scope of your request is held.

How financial compensations are assessed and calculated. For both physical and psychological damage.

There are two compensation schemes administered by Veterans UK – the War Pensions Scheme (WPS) covers service-related injuries or deaths caused on or before 5th April 2005, the Armed Forces Compensation Scheme (AFCS) covers those caused after that date. Decisions under both schemes are evidence-based.

Under the WPS, the decision is certified by a Medical Advisor. If an injury or illness is shown to be attributable to or aggravated by service, an assessment of the degree of disability is given in the form of a percentage figure according to its severity.

The assessment figure will only include those injuries caused by service and is assessed by comparing the individual with an able-bodied, healthy person of the same age and sex. Assessments below 20 per cent are paid in the form of a lump-sum. Assessments of 20 per cent or more are made in increments of 10 per cent and are paid in the form of an ongoing pension payment. The rates of both lump sums and ongoing pension payments are set out in Schedule 1, Part II of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006.

<https://www.legislation.gov.uk/uksi/2006/606/contents/made>

Under AFCS decisions are made by lay staff with medical input where appropriate. Awards are made according to descriptors of injury within nine tariff tables (each dealing with a different type of injury or illness) which can be found at Schedule 3 of the Armed Forces and Reserve Forces Compensation Scheme Order 2011. Each descriptor has ascribed a tariff level from 1 to 15 (1 being the most serious) and these equate to a lump sum award which can be found in a tenth table.

AFCS awards are intended to be full and final and take into account the expected development of that injury or illness over the individual's lifetime. Those who receive an award between levels 1 and 11 also receive a Guaranteed Income Payment (GIP) which is payable for life (but can only be paid once the individual has left service). The amount of GIP varies according the individual's age, service salary and severity of the injury. How this is calculated can be found in Article 24 of the AFCS Order 2011.

<https://www.legislation.gov.uk/uksi/2011/517/schedule/3/made>

Protocols, procedures for the deployment of CS GAS. (2-chlorobenzylidene malononitrile).

Our records show that you previously submitted a request for the same information on the protocols for the deployment of CS gas on 31 August 2021 which the Department compiled with in its response of 28 September 2021, referenced T/B/Army/PolSec/FOI2021/09648. The Department's position has not changed since that response and consequently it is not obliged to comply with this part of your current request under the terms of Section 14(2) of the Act.

This provision exempts public authorities from complying with requests for identical or substantially similar information which has previously been requested unless a reasonable period has elapsed between the requests. Given the nature of the information in scope of this request, it is unreasonable to expect that the Department's position is likely to have changed from that advised in our previous response.

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