



Ministry  
of Defence

Defence Business Services  
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Ref: FOI2021/08284

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

24<sup>th</sup> August 2021

Dear [REDACTED]

Thank you for your letter of 28 July 2021 requesting the following information:

*“Service Personnel that served on the Tristar on 216 Squadron”*

This was further to your email of 26 May 2021 to the Ministry of Defence (MOD) requesting the following information:

- “1. How many claims for hearing loss and/or tinnitus have you had from servicemen and veterans associated with the Tristar or similar aircraft?*
- 2. What was the outcome of those claims i.e. how many were upheld or turned down?*
- 3. Where claims have been upheld, please distinguish the decision from my case.*
- 4. Please forward a copy of the awards referred to in 2 and 3, redacting any personal information”*

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 (MOD), and I can confirm that some of the information in scope of your request is held.

However, I have to advise you that we would not be able to answer your questions without exceeding the appropriate cost limit. As you are aware Section 12 of the FOI 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, locating it, retrieving it and extracting it.

To locate, retrieve and extract information in scope of your request, would involve scrutiny of more than 1,311 claim files, as this information is not held centrally. Due to the level of information requested, a search of each file would take approximately five minutes per file

meaning, in total, the search would take at least 100 hours to complete at £25 per hours; amounting to £2,500 and thus exceeding the cost limit.

Under Section 16 (Advice and Assistance) the Department is aware of your dissatisfaction at the previous response of this nature and wishes to be as helpful as possible. All records before 1989 are stored in paper files which are not easily searchable. All records after 1989 are stored electronically and are more easily examined. Also, our claims records only date back to 2003 when the recording system changed.

Therefore, should you refine your request to a period within the above scope, e.g. all individuals attached to Squadron 216 since 1989 who registered a claim after 2003, the department may be able to provide some of the information.

It may also be helpful to re-iterate the information provided in the response to the Internal review.

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. It replaced the previous compensation arrangements provided by the WPS and the attributable elements of the Armed Forces Pensions Scheme.

Defence Statistics publish an annual National Statistic on claims and awards under the WPS: <https://www.gov.uk/government/collections/war-oension-recipients-index>. The latest update was published on 4 June 2021 (as at 31 March 2021).

Defence Statistics also publish an annual National Statistic on claims and awards under the AFCS: <https://www.gov.uk/government/collections/armed-forces-compensationscheme-statistics-index>. The latest update was published on 24 June 2021 (as at 31 March 2021).

Statistics on compensation claims brought against the MOD at common law are also published: <https://www.gov.uk/government/collections/mod-compensation-claimsstatistics>. The latest update was published 10 December 2020.

You may be interested to know that there have been other responses under the Act that have provided statistical information about noise-induced hearing loss (NIHL) claims awarded under the AFCS. For ease of reference, I attach redacted copies of three previous responses, F012019/12287 dated 29 January 2020, F012020/05118 dated 29 May 2020 and F012021/04458 dated 25 May 2021.

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/>.



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