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29 May 2020

Dear [REDACTED],

Thank you for your email of 29 April 2020, requesting the following information:

“Attached is a Freedom of Information Act response from 2018 provided by you in relation to claims for compensation relating to noise induced hearing loss.

Could you please provide me with a similar response to that in the attached Fol but this time to update the response so that it includes data from the 2017/18 and 2018/19 financial year as well as the 2019/20 financial year, if that is available already?”

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

I can confirm that the Ministry of Defence holds this information. Information up to financial year 2018/19 is exempt under Section 21 of the Freedom of Information Act (FOIA), because it is reasonably accessible to you by other means. It has been published in an FOI response and is already in the public domain (FOI2019-12287): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/886138/information_regarding_total_amounts_paid_out_in_the_form_of_lump_sum_awards_to_successful_AFCS_claimants_2019_12287.pdf.

Figures for the financial year 2019/20 for Armed Forces Compensation Scheme (AFCS) awards are provisional, as the data have not been fully processed and validated. Between 1 April 2019 and 31 March 2020 there were **50** claims awarded under the AFCS for noise induced hearing loss (NIHL). A total of **£367,337** was paid out in lump sum compensation under these awards.

Of the **50** NIHL awards, **fewer than five** were awarded for a more severe injury (a tariff level between 1 and 11). These more severe injuries attracted a lump sum award plus a Guaranteed Income Payment (GIP), which is payable for life. Please note that the amount paid out in the form of GIPs is not included in the amount provided above.

Updated figures for the financial year 2019/20 are not available for common law claims, as the data have not yet been compiled. The 2019/20 publication is due for release in Autumn 2020 at the following link: <https://www.gov.uk/government/collections/mod-compensation-claims-statistics>

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

Armed Forces Compensation Scheme

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 War Pensions Scheme (WPS) and the attributable elements of the Armed Forces and Reserve Forces Pensions Scheme.

Defence Statistics publish an annual National Statistic on claims and awards under the WPS:

<https://www.gov.uk/government/collections/war-pension-recipients-index>

The latest update was published on 27 June 2019 (as at 31 March 2019).

Defence Statistics also publish an annual National Statistic on claims and awards under the AFCS:

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

The latest update was published on 27 June 2019 (as at 31 March 2019).

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 7 – Senses.

Within Table 7 – Senses, there are a number of descriptors for noise-induced hearing loss which are used to identify awards made under the scheme, based on a free text search for the following terms: 'blast injury to ear', 'bilateral permanent hearing loss', 'total deafness' and 'deafness'. Due to potential spelling errors, figures supplied should be treated as a minimum.

AFCS data is sourced from the Compensation and Pension System (CAPS) which is administrated and managed by DBS Veterans UK.

The figures provided include awards made as a result of an initial claim or following a later review, reconsideration or appeal.

Figures are presented by financial year in which each initial AFCS claim was cleared. This does not match figures in the AFCS National Statistics for awarded NIHL claims, which are presented by financial year in which each AFCS claim was registered. In addition, 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. Due to this methodology, the numbers presented in FOI2019-12287 may not match those presented in the FOI you attached (FOI2018-10120).

Common law claims

Please note the figures presented for common law claims in the FOI attached to your email (FOI2018/10120) differ to those presented in the updated FOI (FOI2019-12287). FOI2018/10120 presents the amount of damages awarded by the financial year the damages were settled; FOI2019-12287 presents the information by the financial year of final settled i.e. the financial year where damages have been awarded to the claimant and both the damages and the associated legal costs have been settled. Please note that legal costs are often settled later than damages, so the financial year of final settlement is not always the same year in which damages are paid. This change was driven by MOD contractors who hold data on common law claims.

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 Statistics (Health)