



Defence Business Services

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Ref: FOI2022/03124

DBSRES-Secretariat@mod.gov.uk

24 March 2022

Dear [REDACTED]

Thank you for your email of 7 March 2022 to Veterans UK, seeking information.

You have requested the following information:

“The Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, Footnote to Sch. 3 Pt. 1 Table 3), states that “Mental disorders must be diagnosed by a clinical psychologist or psychiatrist at consultant grade”. Please may you provide me with details of the professional qualifications, with respect to the diagnosis of mental disorders of the person or persons known by the initials [REDACTED] who provided input to Part 4, Medical Advice of the Interim Review for [REDACTED] dated 14 February 2022, your ref: 2247936.”

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 all the information in scope of your request is held, however I must advise you that Section 40(2) has been applied to this request in order to protect personal information as governed by the Data Protection Act 2018. Section 40 is an absolute exemption and there are no requirements to consider the public interest in making a decision to withhold the information.

Despite section 40 being applied, I can confirm that consent has been given to confirm that AMC is a Medical Advisor (MA) who has received the appropriate training to complete AFCS casework for Veterans UK. They are not a clinical psychologist or psychiatrist in a consultant grade.

The Armed Forces Compensation Scheme file does not constitute a health record, and Veterans UK MA's are not involved in the diagnosis, care, or treatment of claimants. The MA's role is to provide advice and guidance based upon pre-existing medical evidence which is used to determine the level of award in accordance with the relevant scheme rules.

Under Section 16 (Advice and Guidance) I should explain that although some information has been given, the MOD is not required to release the names or qualifications of its employees, where doing so would contravene other legislation such as the Data Protection Act. The General Medical Council (GMC) has confirmed that where an individual makes a direct approach to a Doctor for their qualifications, the Doctor must provide the requested information, for example where a patient makes a verbal request to their General Practitioner (GP).

However, as DBS customers are unable to approach the Veterans UK MA's directly, the release of an MA's personal information is dependent upon other rules and regulations such as the UK Data Protection Act 2018 (UK DPA 18). GDPR Article 23(1) and the UK DPA 2018, Schedule 2, Part 3, covers the Protection of Rights of Others, specifically in relation to Health, Social and Education workers. In accordance with paragraph 17(1)(a) it is to be considered reasonable for a controller to disclose information to a data subject without the consent of the other individual where – (a) the health data test is met. 17(2) explains, the health data test is met if – (a) the information in question is contained in a health record, and (b) the other individual is a health professional who has complied or contributed to the health record or who, in his or her capacity as a health professional, has been involved in the diagnosis, care or treatment of the data subject.

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,

A black rectangular redaction box covering the signature of the DBS Secretariat.

DBS Secretariat