



Ministry
of Defence

Defence Business Services
Secretariat
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FY5 3WP

Ref: FOI2022/09429

Email: DBSRES-Secretariat@mod.uk

[REDACTED]
[REDACTED]

5 September 2022

Dear [REDACTED]

Thank you for your email of 9 August 2022 to the Ministry of Defence (MOD) requesting the following information:

“How many cases have been submitted to the Armed Forces Compensation Team for medical discharge linked mental health (other than PTSD) over the past 8 years

How many of those cases have been rejected/accepted

How many of those cases that were rejected subsequently appealed their decision?

How many of the appeal cases were rejected?

How many of the rejected appeal cases went to tribunal?

How many of the cases that went to tribunal were accepted?”

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

1,745 injury/illness claims were registered between 1 April 2013 and 31 March 2022 under the AFCS by claimants who were medically discharged for a mental health condition up to 31 June 2022, excluding Post-Traumatic Stress Disorder.

As at 31 March 2022:

1,627 of these claims had received an outcome under Table 3 – Mental Disorders, and 118 were still pending. Claims are attributed a tariff injury table upon clearance, therefore it is possible that not all pending claims are for mental health conditions.

Of the 1,627 cleared initial claims, 684 (42%) had been awarded a Tariff 1-15, and 943 (58%) had been rejected. This does not include any subsequent activity on the claim.

Of the 943 rejected initial claims, 220 had gone to reconsideration. 24 (11%) reconsiderations were awarded a new or increased tariff, and 196 (89%) were maintained at the tariff awarded at initial claim.

Of the 196 maintained reconsiderations, 136 proceeded to the Appeals process. 14 (10%) have received an outcome favourable to the claimant and 43 (32%) have received an outcome unfavourable to the claimant. The remaining 79 (58%) were either ongoing or withdrawn.

Under Section 16 (Advice and Assistance) I should first explain that for the purpose of this response, “appeal cases” have been interpreted to mean reconsiderations and “cases that went to tribunal” interpreted to mean appeals as defined within the terms of the Armed Forces Compensation Scheme. A claimant can lodge an appeal to an independent tribunal if they are unhappy with the reconsidered outcome of their initial AFCS claim. Where an appeal has been lodged and a reconsideration has not already been carried out, the MOD must carry out a reconsideration of the original decision and notify both the claimant and the Tribunal of the reconsideration outcome. The request must be received within six months of the notification date of the reconsideration outcome. The Tribunal is held by HM Courts and Tribunals Service (England, Scotland and Wales) and the Northern Ireland Courts and Tribunals Service and is independent from the MOD. The Tribunal is bound by the rules of the scheme.

You may also be interested to know that data was extracted from the Compensation and Pension System (CAPS) as at 31 March 2022 to inform the latest published National Statistics, as published on the Gov.uk website on 30 June 2022:

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

Medical discharge figures are for UK Regular personnel (including Gurkhas and MPGS).

Medical discharges due to mental health were identified as personnel who were discharged with a principal or contributory cause coded as F00-F99 in the International Classification of Diseases and Related Health Problems Tenth Revision (ICD-10). Personnel who medically discharged with PTSD (F431) as their only mental health cause have been excluded, whilst those medically discharged with PTSD (F431) and another mental health cause have been included. This is regardless of whether it was the principal or contributory cause.

Medical discharges are the result of a number of specialists (medical, occupational, psychological, personnel, etc) coming to the conclusion that an individual is suffering from a medical condition that pre-empts their continued service in the Armed Forces. The number and diversity of processes involved with administering a medical discharge introduce a series of time lags, impacting on the quality of data recorded.

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 sender.

Defence Business Services (Secretariat)