



Ministry of Defence

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Ref: FOI2023/14236

[Redacted]

12 January 2024

Dear [Redacted]

Thank you for your email of 17 November 2023 to the Ministry of Defence (MOD) requesting the following information:

"a) Total amounts paid out in the form of lump sum awards to successful AFCS claimants for Service-attributable non-freezing cold injuries in each of the 2016/17 to 2022/23 financial years, presented by year.

b) The number of common law NFCI claims that were settled within financial years 2016/17 to 2022/23 and the total amount of compensation paid on each settled claim.

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.

In response to: *a) Total amounts paid out in the form of lump sum awards to successful AFCS claimants for Service-attributable non-freezing cold injuries in each of the 2016/17 to 2022/23 financial years, presented by year:*

The table below presents the total amount paid out in lump sum compensation awards for Non-Freezing Cold Injuries (NFCI) under Table 2 (Injuries, Wounds and Scarring) of the Armed Forces Compensation Scheme (AFCS) tariff of injury table between 1 April 2016 and 31 March 2023.

AFCS claims awarded lump sum compensation for NFCI under the Injuries, Wounds and Scarring tariff of injury table, by financial year¹, £²

1 April 2016 – 31 March 2023

Financial year	Total	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Lump sum compensation	£3,369,600	£1,034,100	£990,300	£629,800	£358,200	£117,400	£119,300	£120,500

1. Presented by financial year in which initial claim was cleared. If a claim had subsequent activity (a reconsideration, appeal and/or review) which led to an increase in awarded tariff, the claim is presented in the financial year the initial claim was cleared.

2. Amounts awarded have been rounded to the nearest hundred.

Data provided in the above table was sourced via the Compensation and Pension System (CAPS) and Veterans UK Finance Team

Please note that multiple injuries/illnesses can be awarded under one claim. In these cases, the amount reported in this response for lump sum compensation is specific to the non-freezing cold injury.

In response to: *b) The number of common law NFCI claims that were settled within financial years 2016/17 to 2022/23 and the total amount of compensation paid on each settled claim.*

FY of settlement of case	Number of settled NFCI cases	Total amount of compensation
FY2016/17	150	£9.74m
FY2017/18	165	£13.5m
FY2018/19	127	£18.3m
FY2019/20	69	£7.8m
FY2020/21	115	£22.6m
FY2021/22	63	£11.7m
FY2022/23	95	£17.1m

Data presented in the above table was sourced from the Directorate of Judicial Engagement Policy Common Law Claims & Policy team. Presented by the financial year the claim was fully settled ie both compensation and legal costs were settled. The financial year of settlement is not necessarily the financial year in which the compensation was paid.

Claims where compensation has settled but legal costs remain outstanding are not included within the table.

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

The Armed Forces Compensation Scheme (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.

AFCS data is sourced from the Compensation and Pension System (CAPS) which is administrated and managed by DBS Veterans UK. The Veterans UK finance team provided the financial amounts paid out in lump sum compensation.

Data was extracted from the CAPS as at 31 March 2023 to inform the latest published National Statistics, as published on the Gov.uk website:

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

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 2 – Injury, Wounds and Scarring.

Within Table 2 – Injuries, Wounds and Scarring, there are a number of descriptors for NFCI which are used to identify awards made under the scheme, based on a free text search for "non-freezing". Due to potential spelling errors, figures supplied should be treated as a minimum. A full list of AFCS tariff descriptors can be found here:

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

The legislation surrounding the payment of compensation under each tariff of injury table determines the tariff level at which each injury/illness should be paid compensation. There are 15 tariff levels which each attract a lump sum award.

The financial information supplied by DBS Veterans UK is provided on an accrual basis. Expected expenditure is recorded when a claim is submitted and then later revised if this claim is withdrawn or rejected. Expenditure figures may therefore differ to the amount of actual monies paid out in a given time period, as they may include pending cases that are due to be paid but have not yet been paid or pending claims that go on to be rejected at a later date.

This response includes awarded claims that were initially cleared between 1 April 2016 and 31 March 2023, as at 31 March 2023. The figures provided include awards made as a result of an initial claim or following later subsequent activity, such as a review, reconsideration or appeal.

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)