



Ministry
of Defence

Ref: FOI2024/06442

Defence Statistics Health
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15 May 2024

Dear [REDACTED]

Thank you for your email from 22 April 2024 requesting the following information:

“In a previous FOI response [Ref: FOI2019/12287] you published details on claims made under the AFCS and common law for service-attributable hearing loss.

Could you provide me with similar updated tables but which now include claims settled in 2022/23?”

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 information in scope of your request is held.

I can advise that some of the information in scope of your request falls entirely within the scope of the exemption provided for at Sections 40 (Personal Data) of the FOIA and has been redacted. Section 40(2) has been applied to some of the information in order to protect personal information as governed by the Data Protection Act 2018. Section 40(2) requires the Department to conduct a balancing exercise, this exercise involves balancing the rights and interests of individuals against the legitimate interests in disclosure, this is not the same as carrying out the public interest test associated with certain exemptions in FOIA. The balancing exercise is carried out in order to decide whether the absolute exemption in section 40(2) is engaged. In particular, there is no assumption of disclosure in the legitimate interests test, as there is with qualified exemptions. The outcome of the balancing exercise has resulted in numbers being rounded to the nearest five and financial amounts being rounded to the nearest ten thousand to prevent inadvertent disclosure of individual identities.

Table 1 presents the number of AFCS awards for noise induced hearing loss (NIHL) under the Senses tariff of injury table, between 1 April 2012 and 31 March 2023. Total amounts paid out in lump sum compensation as at 31 March 2024 are also presented.

Table 1: AFCS claims for NIHL that received an award, by financial year¹, numbers² and £M³

1 April 2012 – 31 March 2023

	Total	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Number of NIHL 2,000 Claims⁴		305	430	290	275	175	155	95	60	50	50	110
Lump sum amount awarded (£M)^{5,6}	14.56	2.34	3.18	1.93	2.0	1.29	1.10	0.78	0.61	0.32	0.31	0.71

Source: Compensation and Pension System (CAPS) and Veterans UK Finance Team

1. Presented by financial year in which the initial claim was cleared.
2. In line with JSP 200, these numbers have been rounded to the nearest five. Therefore totals and sub-totals may not equal the sum of their parts.
3. Amounts awarded have been rounded to the nearest 10,000. Therefore totals and sub-totals may not equal the sum of their parts.
4. The numbers presented in this response do not match the numbers presented in the AFCS Officially Accredited Statistic (formerly National Statistic) (<https://www.gov.uk/government/collections/armed-forces-compensation-scheme-statistics-index>). The AFCS Officially Accredited Statistic (formerly National Statistic) presents the number of conditions awarded under the AFCS by the financial year the claim was registered. This response presents the number of claims awarded under the AFCS by the financial year the claim was cleared.
5. Amounts are presented by the financial year the initial claim was cleared. 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.
6. Amounts awarded are as at 31 March 2024.

Of the 2,000 NIHL claims awarded compensation under the AFCS between 1 April 2012 and 31 March 2023, 105 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. Table 1 includes the lump sum awards for these claims, but the amounts paid out in the form of GIPs have not been included.

Table 2 presents the number of settled common law NIHL claims brought by current and former service personnel and the amount awarded in damages by the financial year of final settlement.

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.

Table 2: Military common law claims for NIHL that have been settled, by financial year, numbers^{1,2} and £M³

1 April 2012 – 31 March 2023

	Total	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Number of NIHL claims	12,894	1,907	1,787	1,627	796	913	803	825	999	685	846	1,706
Amount awarded (£M)	121.82	10.17	9.46	7.97	3.79	5.87	7.97	11.22	15.17	9.42	9.19	31.59

Source: Directorate of Judicial Engagement Policy Common Law Claims & Policy team

1. The MOD publish statistics on claims brought against the MOD for compensation at common law. The latest update covering the period 2022/23 was published 26 February 2024: <https://www.gov.uk/government/collections/mod-compensation-claims-statistics>
2. The figures presented in Table 2 have been compiled from live data, which are continuously updated and cleansed by MOD contractors. Figures may differ from those previously published in the MOD Compensation Claims Bulletin. Sometimes it is necessary to reopen a claim, this could be due to late payment which will mean the claims' closed date is overwritten with the late payment date which can then lead to a change to the Financial Year of final settlement.
3. Amounts awarded have been rounded to the nearest ten thousand and represent amounts paid out for damages only, excluding any legal costs.

Under section 16 of the Act (Advice and Assistance) you may find it useful to note:

Armed Forces Compensation Scheme

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 and Guaranteed Income Payments (GIP).

The Ministry of Defence publishes annual statistics for the AFCS on the Gov.uk website, the latest publication was on 6 July 2023 using data extracted from the CAPS as at 31 March 2023:

<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 data presented in table 1 of this response is concerned with the tariff of injury 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', 'blast injury to the ear', 'bilateral permanent hearing loss', 'total deafness' and 'deafness'. Due to potential spelling errors, figures supplied should be treated as a minimum.

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 condition awarded under the Senses tariff of injury table.

This response presents the number of NIHL claims awarded compensation under the AFCS between 1 April 2012 and 31 March 2023 based on data that was extracted as at 31 March 2024. 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.

Information is presented in Table 1 by the financial year in which each AFCS Injury/Illness claim was cleared. A claim is classed as cleared when DBS Veterans UK issue a letter to the claimant informing them of the outcome of their claim, reconsideration and/or appeal. This does not match figures in the AFCS Officially Accredited Statistics (formerly National Statistics) for awarded NIHL claims, which are presented by financial year in which each AFCS claim was registered.

The legislation surrounding the payment of compensation under each tariff of injury table also 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. Tariff levels 1- 11 also attract an ongoing Guaranteed Income Payment (GIP), a tax-free index-linked income stream known as the Guaranteed Income Payment (GIP) is paid from service termination for life to recognise loss of future earnings due to the injury or illness. The full tariff of injury tables and associated tariff levels are published online by Infolaw, a publisher of legal resources.

Please note, individuals have up to seven years from when the injury was sustained to submit an AFCS claim.

Common law claims

Common law claims are dealt with by the Claims Unit within the department's Directorate of Judicial Engagement Policy (DJEP), by contractors operating in accordance with instructions provided by the Claims Unit, or by delegated authorities. When compensation claims are received, they are considered on the basis of whether or not the MOD has a legal liability to pay compensation. Where there is a proven legal liability, compensation is paid.

The MOD publish statistics on claims brought against the MOD for compensation at common law:

<https://www.gov.uk/government/collections/mod-compensation-claims-statistics>

The latest update covering the period 2022/23 was published 26 February 2024.

Please note civilians are also entitled to claim compensation for NIHL, however, the request specified 'Service-attributable' and therefore, civilians have been excluded.

If you have any queries regarding the content of this letter, please contact this office in the first instance.

Would you like to be added to our contact list, so that we can inform you about updates to statistics and consult you if we are thinking of making changes? You can subscribe to updates by emailing Analysis-Health-PQ-FOI@mod.gov.uk .

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