

From: Kim Humberstone, BA, ACA, FCIPD, Head of Corporate Services



Service Personnel and Veterans Agency

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Our Reference:

SPVA/Sec/6/2/63
FOI/049/10

1st October 2010

Dear Mr Mead,

Thank you for your emails of 2 September to Kathy Barnes and Alison Sansome and to the Ministry of Defence on 5 September, requesting information of how veterans claim a War Disablement Pension (WDP). Your request has been considered in accordance with the Freedom of Information Act (FOIA) 2000.

The Service Personnel and Veterans Agency (SPVA) considers claims for War Disablement Pensions (WDP) under The Naval, Military and Air Forces (Disablement and Death) Service Pensions Order 1983 which covers former members of the British Armed Forces whose units were based in the United Kingdom or the Isle of Man.

In order for a veteran to claim a WDP there must be a link between the claimed disablement and service in the Armed Forces; a WDP will only be awarded for disablement which is due to or worsened by service.

If an award is made that is assessed as under 20% disabled, a gratuity is paid. The amount payable depends on the level of assessment with £2,459 for a 1-5%, £5,468 for 6-14% and £9,564 for 15-19%. There is also a range of payments for specified minor injuries ranging from £985 to £7,356. The amounts quoted are for the 2010 Financial Year. Those with a disability of 20% or over receive a graduated pension and can claim additional supplements.

SPVA also deals with claims for the Armed Forces Compensation Scheme (AFCS) which is designed to provide compensation, irrespective of fault, across the full range of circumstances in which illness, injury or death may arise as a result of service. The Scheme provides a modern, fair and simple arrangement with more generous benefits for the more severely disabled in line with the original intent of focussing resources on the most seriously injured. Under the terms of the Scheme a lump sum is payable based on a 15 level tariff which is graduated according to the seriousness

of the condition. For those with more serious injury, an additional payment is made in the form of a tax-free inflation linked Guaranteed Income Payment (payable at varying levels for awards made between tariff levels 1 – 11).

Information about the WPS and AFCS can be found by visiting the website:
<http://www.veterans-uk.info/pensionscompensation.htm>

If a WDP or AFCS claim proceeds to appeal it is heard in England & Wales at the First Tier Tribunal (FTT). The SPVA is normally represented by a lay officer of junior management level. The majority of appellants elect to be represented by officers from ex-Service organisations like the Royal British Legion, Combat Stress, RAFA or BLESMA. Some may be represented by the Citizens Advice Bureau, the Free Representations Unit or other organisations. Others choose to represent themselves or have help from a friend or a family member. They can of course instruct a solicitor but fees for this are not covered by the Tribunal rules. I can confirm that the MOD does not directly fund the Royal British Legion (RBL) representatives.

The FTT is part of the Ministry of Justice and is completely independent of the SPVA and the wider MOD. This arrangement is to ensure independence and fairness in the interests of individuals and the SPVA is unable to influence Tribunal decisions or arrangements for hearings. However, Tribunal Service decisions are legally binding on both the Agency and the appellant.

If the appellant is granted leave to appeal to the Upper Tribunal (UTT), the SPVA may again be represented by a lay officer or may instruct the Treasury Solicitor to provide Counsel. The appellant is also usually represented by Counsel, which may be on a pro-bono basis or occasionally may be unrepresented. The UTT will seek representation for unrepresented appellants or will assist the appellant as appropriate. More information about the Tribunal Service can be found at <http://www.pensionsappealtribunals.gov.uk/formsguidance.htm>.

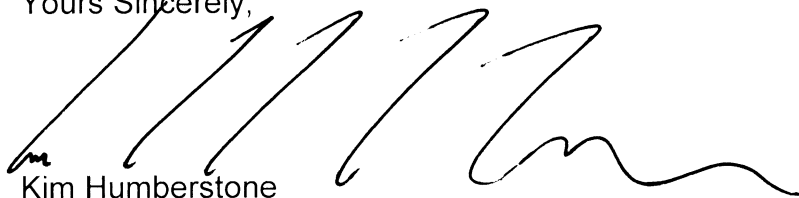
The policy on the grant of Legal Aid in the criminal and civil courts, as well as for the tribunals, rests with the Ministry of Justice.

If you are unhappy with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible, and you are still dissatisfied, then you may apply for an independent internal review by contacting the Head of Corporate Information, 2nd Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you are still unhappy following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.gov.uk>.

I hope this reply is helpful and explains the position.

Yours Sincerely,

A handwritten signature in black ink, consisting of several large, sweeping, and somewhat abstract strokes. The signature is positioned above the printed name and title.

Kim Humberstone
Head of Corporate Services