



# **How we decide who receives a War Disablement Pension**

**April 2008**

## About this leaflet

This leaflet explains how War Disablement Pension claims are considered. It tells you how we make our decisions.

**Pages 3 to 13** explain how we consider and decide on claims for a War Disablement Pension.

**Pages 14 to 18** tell you where you can get help and advice.

### What you should know

The Service Personnel and Veterans Agency runs various War Pension schemes. We have prepared this leaflet to give you general guidance, but it is not a complete statement of the law.

If you want any more advice about anything to do with war pensions, call the **Veterans Helpline (UK only)** on **0800 169 22 77**.

If you live overseas, phone **+ 44 1 253 866043**.

### If you don't live in the United Kingdom

The information in this leaflet applies to you even if you live abroad. However, you can only get Veterans Welfare Services in the United Kingdom and the Republic of Ireland.

## **How War Pension claims are considered and decided**

We decide on claims for the Secretary of State for the Ministry of Defence. We employ administrative and medical staff who play a part in deciding your claim.

We decide each case on its own particular facts.

### **Who can claim (eligibility)**

There are separate War Pensions schemes for the following.

- People who were injured, disabled or suffered an illness (physical or psychological) through service in HM Armed Forces, including the Ulster Defence Regiment now known as the Royal Irish Regiment, the Home Guard, or nursing and auxiliary services;
- Civil defence volunteers (CDV) who were disabled through serving as a CDV or civilians who were disabled as a result of enemy action in the 1939 - 1945 war.
- Merchant seamen, members of the Naval Auxiliary Services or coastguards who were disabled because of an injury they received or a disease they suffered because of conditions during a war, or because they were a prisoner of war.
- Members of the Polish Forces, under British Command, who served in the 1939 - 1945 war, or in the Polish Resettlement Corps and who were injured or disabled through this service.

The rules for who can claim are different for each scheme.

You are responsible for giving us enough information to confirm that you served in the Armed Forces, or that you were a merchant seaman or civil defence volunteer. If we can't confirm your service from the information you give us, we may not be able to consider your claim.

There are time limits for claiming under the scheme which applies to civilians and civil defence volunteers. These time limits are explained on the claim form. If you make a late claim under that scheme we will first of all decide whether to apply the time limit. If we do apply the time limit we cannot consider your claim any further.

Once we have confirmed that you can claim under the relevant War Pension scheme, we then have to decide if you qualify for a War Pension.

### **Who can qualify for a War Pension (entitlement)**

If you served in the Armed Forces we will accept your claim if the disablement which you are claiming for was caused or made worse by your military service.

If you are claiming as a civilian or a civil defence volunteer, your disablement must have been caused by a 'qualifying injury' or you being a prisoner of war.

If you are claiming as a member of the Naval Auxiliary Services, a coastguard, or a merchant seaman your disablement must have been caused by a 'qualifying injury' or you being a prisoner of war.

The meaning of a 'qualifying injury' is explained fully on the appropriate claim form.

### **How to support your claim**

You are responsible for showing that you were injured during your military service or wartime experience and you are disabled.

An 'injury' can also be:

- a wound; or
- a disease.

Your injury may have been caused by an accident or incident.

'Disablement' includes things like physical or mental injury or damage.

You should send us any evidence you have to support your claim and tell us where else we can get evidence. This could be in your service records, your GP's (doctor's) records or your hospital records.

## **Collecting the evidence**

Our administrative staff collect evidence about your military service or the wartime experience which you claim has caused your disablement.

They may need to contact you for more information if your records do not have enough evidence to support your claim.

When they have collected the evidence they pass your file to one of the doctors who works for us.

## **What our doctors do**

The law says that if your claim involves a medical question, a doctor appointed by the Secretary of State must decide that question.

Service Personnel and Veterans Agency doctors deal with the medical part of your claim.

The doctor looks at all the evidence in your file and decides if we need any more medical evidence.

If we need more medical evidence, we may do one or more of the following.

- Ask you to have a medical examination.
- Get a report from your doctor.
- Get information from hospitals where you have been a patient.
- Ask you to have a hearing test (an audiogram) if you are claiming for deafness.

**We do not need to ask everyone to have a medical examination. Sometimes, we can decide a claim using the evidence we have already collected.**

### **How we decide your claim**

When the doctor has all the relevant medical evidence they look at your file again.

The doctor must consider your claim under the laws governing War Pensions.

The doctor uses the medical evidence to diagnose the condition causing the disablement which you are claiming for.

The doctor must use all the evidence to decide whether this condition was caused or made worse by your military service or wartime experience, or is not related to it.

If the doctor decides that the condition was caused by your military service or wartime experience, they will write a certificate which says that the condition is **attributable** to your service or wartime experience.

If the doctor decides that the condition was not caused by your military service or wartime experience, but was made worse by it, they may write a certificate to say that it is **aggravated** by service. The doctor can't certify that a condition is aggravated by service unless your military service or wartime experience is still making the condition worse when you claim for a War Pension.

If the doctor decides that your condition is not related to your service we will tell you that we have not accepted your claim.

### **Assessing your disablement**

If the doctor certifies that you are entitled to receive a War Pension, they must then decide how disabled you are because of your service or wartime experience. This is called 'making an assessment'.

If we decide you are not entitled to receive a War Pension, we do not make an assessment.

**We will only assess the disablement which was caused by your service or wartime experience.**

**If you have a disablement which was not caused by your service or wartime experience, we can't include it in your assessment.**

The doctor looks very carefully at all the medical evidence before assessing your disablement. They must make your assessment under the laws governing War Pensions.

The doctor assesses your disablement by comparing you with an able-bodied healthy person of the same age and sex.

The doctor then gives you a 'percentage assessment'. This means that he or she gives you a percentage of up to 100% to show how disabled you are.

Up to 20%, there are three assessment bands:

- 1-5%
- 6-14%
- 15-19%.

There are also specific assessments for losing all or part of fingers and toes. These are known as 'specified minor injuries' and range from 1% to 14%.

From 20%, assessments increase in 10% steps up to 100%.

If your condition was caused by your military service or wartime experience (attributable), the doctor will include all the disablement from that condition in the assessment. (Except in some loss of hearing cases - see **Leaflet-10 Notes about War Pension claims for deafness**).

The doctor may decide from the medical evidence that although your condition was caused by your service or wartime experience, it is not causing you a problem at the moment. If the doctor decides this, the assessment will be 0%.

If your condition was made worse by your military service or wartime experience (aggravated), the law says that sometimes the doctor may include only part of the disablement arising from that condition in the assessment.

This may mean that your assessment is smaller than you expected, because it has been **'limited'**.

We use this term when the evidence shows that your service did not cause your condition and is responsible for only part of its effect on you.

Some assessments are laid down in law. These assessments are called scheduled assessments. If your disablement matches a scheduled assessment, the doctor will certify that assessment.

They include:

- some amputations of the limbs;
- some amputations of the fingers or toes;
- loss of sight; and
- very severe disfigurement on the face (for example, severe scarring).

The doctor has guidelines for other assessments. The doctor uses the guidelines to help decide the assessment which is appropriate in your case.

There are special tables, drawn up by independent experts, for assessing hearing conditions (see **Leaflet-10 Notes about War Pension claims for deafness**) and eye conditions.

## **If you have more than one disablement**

If you have more than one injury the doctor will make a combined assessment of how disabled you are from all those injuries (except in some loss of hearing cases - see **Leaflet-10 Notes about War Pension claims for deafness**). The combined assessment can never be more than 100%. We will tell you what the combined assessment is when we write to tell you what we have decided about your claim.

## **Deciding how long the assessment will last**

Once the doctor has certified that you are entitled to receive a War Pension and certified your assessment, they must decide for how long that assessment should last.

Assessments may be **interim** or **final**.

## **Interim assessments**

If the doctor thinks that your condition may get worse or better in the near future, they will ask to see your case again at the end of a specific period of time, for example, one year. At the end of that period, the doctor will look at the case again, and get up-to-date medical evidence to decide if the assessment is still correct. **We will collect new medical evidence in the way described on page 6.**

If the doctor thinks that your condition may change at some time, but not in the near future, they will make an interim assessment. This interim assessment will stay the same until there is a reason for us to look at it again, for example if you want us to review your case because you think that your disablement has got worse. The doctor will look at the case and get up-to-date medical evidence, to decide if the assessment is still correct. **We will collect new medical evidence in the way described on page 6.**

After the review the assessment may be:

- increased if your disablement has got worse;
- reduced if your disablement has improved; or
- kept the same if your disablement has not changed.

### **Final assessments**

If the doctor thinks that your condition is unlikely to change, the assessment will be made 'final'. We will only review it if you ask us to.

## **How much you will get**

Once the doctor has decided whether you are entitled to receive a War Pension and assessed your disablement, we will tell you what we have decided about your claim and whether or not you will get any money. If you qualify to receive a War Pension, our administrative staff will work out how much you will get. The higher your assessment, the more money you will receive (see **Leaflet-9 Rates of War Pensions and allowances**).

## Where to get help and advice

### Veterans Welfare Service

Veterans Welfare Service provide professional advice, guidance and support to Veterans and their families.

Our network covers the whole of the UK, and the Irish Republic.

Simply call 0800 169 22 77 to get details of your nearest Veterans Welfare Service contact, or look in the local telephone directory under "Veterans agency" or "Service Personnel and Veterans Agency" or log on to **[www.veterans-uk.info](http://www.veterans-uk.info)**, click 'Welfare Services' click 'How to contact the Veterans Welfare Service' and enter postcode.

### Veterans Helpline

The Veterans Helpline number (UK only) is 0800 169 22 77.

If you live overseas, phone + 44 1 253 866043

The Helpline is open:

8.15am to 5.15pm Monday to Thursday; and

8.15am to 4.30 Friday.

Our staff can give you general advice and can also help you fill in your claim form.

If you have problems with your hearing and you have a Textphone, you can phone the Helpline (UK only) on 0800 169 34 58.

We may monitor your phone calls to us to make sure we maintain our high standards of customer service, and to train our staff.

You can write to us at:

**Service Personnel and Veterans Agency**

Norcross

Thornton-Cleveleys

FY5 3WP.

**You can contact us by E-mail at:**

[veterans.help@spva.gsi.gov.uk](mailto:veterans.help@spva.gsi.gov.uk)

**You can find us on the Internet at:**

[www.veterans-uk.info](http://www.veterans-uk.info)

## **Our service**

We aim to provide a quality service and to treat everyone equally.

We are always trying to improve the service that we give you. So that we can give you a better service, we have a Customer Service Manager.

If you want to tell us anything about our service, you can get in touch with our Customer Service Manager.

Please contact:

### **Customer Service Manager**

Service Personnel and Veterans Agency

Norcross

Thornton-Cleveleys

FY5 3WP.

### **You can contact us by E-mail at:**

[veterans.help@spva.gsi.gov.uk](mailto:veterans.help@spva.gsi.gov.uk)

Or, you can phone our Helpline (UK only) on 0800 169 22 77 and ask for the Customer Service Manager.

If you live overseas, phone + 44 1 253 866043

## Open government

In 1994 the Government published a **Code of Practice on Access to Government Information**. The Code has now been revised and there will be a copy in your local library.

A separate leaflet called **Open Government: Explaining the Code of Practice on Access to Government Information** tells you more about the code and how to ask for information. You can get a copy of this leaflet from your local library.

We are committed to the code of practice and will be happy to answer your questions and give you any information you need.

If you want any more information, please write to:

### **Service Personnel and Veterans Agency Policy Team**

Norcross

Thornton-Cleveleys

FY53WP.

When you write to or phone us you need to explain the information you want and give your name, address and National Insurance number (if you know it).

## **Leaflets and where to get them**

You can get these leaflets by writing to us at the address shown on page 15.

Leaflet-1	Notes about War Disablement Pension and War Widows or Widowers Pension
Leaflet-9	Rates of War Pensions and allowances
Leaflet-10	Notes about War Pension claims for deafness