

**NOTES OF THE EAST MIDLANDS WAR PENSIONS EXTRAORDINARY  
COMMITTEE MEETING HELD ON THURSDAY 28 JUNE 2007  
AT RAFA CLUB, NEWARK, NOTTINGHAMSHIRE**

**Present:** Lt Col. P M Poole MBE - Chairman  
Mr R Boyfield  
Mr T Bryant  
Mr M Crew  
Major D Harding  
Mr C Harrison  
Mr D Heaps  
Mr C J Streater  
Mr R Whaley

**In Attendance** Mrs M Godfrey Clerk to the Committee

**1. Apologies**

Apologies for absence had been received from Mr Bill Dixon-Dodds, Mr Chris Fear, Mr G A Hibbert, Wing Cdr Gerry Matthews, Mr Keith Meakin and Mr Charley Streater

**2. Welcomes**

The Chairman thanked all for attending this extraordinary meeting called to hear a presentation by David Snape and Ed Fox, guest speakers from Norcross. David is based in the Policy Branch that deals with Procedural and Legislation Guidance relating to AFCS. Ed Fox is an Operational Team Leader.

As no laptop was available for David to give a Power Point presentation, he had copied the slides that would have been used and these handouts were available for each member.

The Armed Forces Compensation Scheme (AFCS) had been introduced as it was felt that the old WPS scheme did not relate to modern day situations. Army personnel tend to be fitter than their counterparts in years gone by and a more modern scheme was brought in for injuries, illnesses and death from 6 April 2005. It is a scheme based on the Industrial Injuries Compensation Scheme.

The main difference is that AFCS claims can be made in service; no one has to wait for discharge before applying. Spanning claims cover personnel whose conditions fall under both War Pension Scheme (WPS) and AFCS.

It is regarded as a modern, fair, consistent system, focused on the more severely disabled.

Modern based on a compensation scheme

Fair structured assessment not made doctors

Consistent awards based around a tariff

Focused small payments made for injuries and conditions from which personnel will recover. Higher payments are made for more serious injuries.

Money is paid up front as a lump sum for people to use as they wish.

David Harding questioned the methods used as WPS allows for financial help to be given to veterans to enable stair lifts etc. to be fitted. Under this scheme any lump sum awarded is treated as income, thereby denying help.

Ed Fox said that compensation can be put into trust for a period and will not then be treated as income.

David Harding responded that this could be so in some cases but generally this is a failing of the system

Mark Crew wondered if there is a clause that could be brought in allowing people to be helped with adaptations.

Terl Bryant asked for this scenario to be minuted and for David Snape to take the issue forward.

A discussion followed regarding treatment available to disabled service personnel.

Peter Poole suggested that AFCS staff should be able to put forward advice as to how to proceed, if a substantial lump sum is awarded. Advice is given to lottery winners, so should not SPVA be doing their best for service personnel?

David Snape said it was fair comment, but who would be responsible for the information as we are not financial advisors?

Terl Bryant voiced his concerns that exception cases are not listed, therefore it does not appear to be a transparent scheme. It is so complicated.

David Snape responded by saying that the SPVA needs discretion for conditions that may not be listed.

Chris Harrison added that conditions that automatically qualify for an award **should** be listed.

Ed Fox pointed out that 99% of injuries on claims on the Operational Teams fit into the tariff bandings. Temporary awards can be made, with medical input provided before the final award is given.

David Snape added that tariffs will be looked at annually and listings may change.

A discussion followed on how to get information, to the personnel leaving service, about claims under AFCS. It was suggested that the Agency should talk to the command structure to make them aware of procedures. It is hoped, that by having a representative from the armed forces on the AFCS Team at Policy Branch (SP POL) matters will move forward.

Terl Bryant asked if tariff levels could be challenged. David Snape answered that they could not as they were set by legislation from the Treasury. He also confirmed that the levels are not index linked.

The time limits for making a claim are:

Five years from the date of incident/injury

OR

Five years from the time medical advice was first sought

OR

Five years from termination of service.

This will take into account conditions that arise much later and medical advice is obtained at that time.

Conditions arising from the use of Agent Orange was mentioned but David Snape said that this is something that would be looked at under WPS regulations not AFCS.

Terl Bryant wondered to whom the setters of these time limits were answerable?

David Harding commented that there appears to be no provision for paired organs under AFCS.

Ed Fox said the Agency only looks at first three conditions **for each incident**.

David Harding pointed out that the compensation available under IIDB or AFCS is very low compared to negligence claims that go through the courts.

David Snape said that AFCS is still a relatively early scheme, and will evolve in time.

There are exceptions to the time limits either through late onset illnesses or inability to claim through incapacity. The WPCs can be involved in putting forward an Exceptional Review.

The AFCS does not cover for injuries sustained by someone travelling to duty.

David and Ed confirmed that medical doctors look at 'difficult' or 'unusual' cases and their advice is sought before any award is given.

Ed Fox said that a late onset illness could move a person up the tariff scale but the total awards cannot exceed the top rate.

David Harding thought that the old WPS was more favourable, long term, to veterans as supplements can be added to an award over 40% disablement.

David Snape replied that DWP benefits could be claimed; therefore anyone should not be worse off. The total payable should be comparable.

Finally Ed Fox gave some statistical information covering the period  
1/04/06 – 31/03/07

4806 Claims were received  
4550 claims cleared

640 awards made – 406 in service, 145-post discharge, 89 death in service.

£6.1 million paid.

The 4000 actions could include looking at WPS and AFCS entitlement.

Peter Poole asked if the East Midlands War Pensions Committee could be provided with up to date figures, for the committee meeting on 30 August 2007?

Ed Fox said that awarding figures are slowly increasing. There are 4 awarding teams at Norcross at present. There is a remit for an increase to 5 with a potential expansion to a 6<sup>th</sup> team.

Terl Bryant asked if cases would be looked at retrospectively should any regulations be changed?

David Snape answered that any retrospective impact on cases where an award had already been made would be looked at again, but as nothing has been through the High Court no precedence has yet been set.

Peter Poole ended the day by thanking David and Ed for making the journey to Newark to speak to the members of the East Midlands War Pensions Committee.

He pointed out that as a group the WPC are committed to ensuring that service and ex service personnel get what they deserve.