

A R M E D F O R C E S  
*Compensation*  
S C H E M E

# Your Compensation Scheme Explained



# INTRODUCTION BY DEPUTY CHIEF OF THE DEFENCE STAFF (PERSONNEL)

This booklet explains new arrangements introduced to compensate for injury, illness or death caused by service after 6 April 2005. The new Armed Forces Compensation Scheme (AFCS) replaces the War Pensions Scheme and attributable benefits paid under the current Armed Forces Pension Scheme. However, these will continue to be available where an injury, illness or death was caused by service before this date. The AFCS will provide for the first time a single compensation scheme covering all members, and former members of the Armed Forces, whether Regulars (including Gurkhas) or Reserves.

The AFCS 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 your service. For the first time it will make lump sum payments for pain and suffering, even where an injury or illness does not lead to your medical retirement. It will provide compensation where an injury can be expected to affect significantly your earnings capacity. And it will provide an income for your spouse, civil partner or partner and for your children in the event of your death. The AFCS does not seek to affect your right to make a civil claim if you think that the injury, illness or death was caused by the Department's negligence; if there has been negligence, a civil claim may lead to a higher award.

The level of benefits provided compare well with similar "no fault" schemes elsewhere. However, you should familiarise yourself with the arrangements so that you can decide whether you wish to make additional insurance provision to cover your dependants' needs in the event that you are killed or injured as a result of your service.

The booklet also provides guidance on how to make a claim and identifies those who can help you if you have problems. It is important that you understand that claims will be considered on the basis of evidence. You should therefore ensure that a record is made of the nature and circumstances of any incident in service that you think might give rise to a claim. You should do this through the normal health and safety reporting arrangements.

If you are in service on or after 6 April 2005 you should read this booklet carefully. You should also ensure that your spouse, civil partner or partner is aware of its key provisions. Once you have left service, this booklet will continue to be relevant and you should keep it in a safe place so that you and your dependants can refer to it again in the future.

# **FINDING YOUR WAY ABOUT THIS BOOKLET**

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# INTRODUCTION

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This is your guide to the benefits you or your dependants may be entitled to under the Armed Forces Compensation Scheme (**AFCS**), if you are injured, become ill or die and your injury, illness or death is caused by your service in the Armed Forces. The **AFCS** is run by the Veterans Agency (VA), which is part of the Ministry of Defence (MOD).

This booklet should be read by all those members of the Armed Forces who are in service on or after 6 April 2005. You should also ensure that your spouse, civil partner or partner is aware of its key provisions. The booklet also provides information for ex-Service personnel. The **AFCS** covers injury, illness and death caused by service on or after its introduction on 6 April 2005. For injuries, illness or death caused by service before 6 April 2005, benefits are provided under the Armed Forces Pension Scheme 1975 (**AFPS 75**) and the War Pensions Scheme (WPS).

Please read this booklet carefully and keep it in a safe place, so that you and your dependants can refer to it again in the future.

**IMPORTANT: This booklet provides only a summary of some of the rules of this scheme. It is not a full explanation of the rules and is not the legal basis for any entitlement under the Armed Forces Compensation Scheme. If there are any differences between the rules and an explanation in this booklet, the rules will be followed.**

**In addition, this booklet does not give you legal advice. If you require legal advice you should go to an independent adviser.**

# TERMS YOU NEED TO UNDERSTAND

Here is a list which explains the meaning of some special pension and compensation terms used in this booklet.

## Abatement

The lowering of a pension or compensation payment to take account of other payments.

## Adult Dependant

The spouse, civil partner or eligible partner of a member, or ex-member of the Armed Forces.

## AFCAA – Armed Forces Personnel Administration Agency

They are the Armed Forces pension schemes' administrators.

## AFPS 75 – Armed Forces Pension Scheme 1975

AFPS 75 is the pension scheme for Service personnel which was introduced in 1975 and was closed to new entrants from 6 April 2005. Personnel who were serving before 6 April 2005 and still serving on 6 April 2006, who were in AFPS 75, were given the opportunity to transfer to AFPS 05

## AFPS 75 – FTRS – Armed Forces Pension Scheme 1975 – Full Time Reserve Service

AFPS 75 – FTRS was incorporated into AFPS 75 in 1997 to cater for pensions in respect of FTRS personnel. Personnel who were serving before 6 April 2005 and still serving on 6 April 2006, who were in AFPS 75 – FTRS, were given the opportunity to transfer to AFPS 05.

## AFPS 05 – Armed Forces Pension Scheme 2005

This is the pension scheme for Regular Service personnel. It is effective for new entrants from 6 April 2005 and from 6 April 2006 for Service personnel who were in service on that date and who elected to transfer from AFPS 75 as a result of the Offer To Transfer.

## Benefits

Pensions, lump sums, compensation payments or allowances that you may be entitled to under one or more of the schemes referred to in this booklet.

## Burden and standard of proof

The requirement to prove any given facts to the standard set for each scheme. The party to which this burden falls varies depending on the scheme rules. For AFCS, the burden of proof will rest on the claimant to show on a balance of probability that the injury, illness or death was caused wholly or mainly by service. The MOD has a duty to provide relevant Service evidence and must decide the claim in the light of all the relevant evidence, including any provided by the claimant.

## CP – Child's Payment

A payment, which is a percentage of a Guaranteed Income Payment (GIP) calculation, payable to, or in respect of, an eligible child.

## Civil Partner

An individual who has formed a legally recognised partnership with another person of the same sex under the procedure provided by the Civil Partnership Act 2004. If the civil partnership is legally dissolved, the former civil partner is not entitled to benefits.

## Civil Partnership

An arrangement under which same sex couples can enter into a legally recognised partnership under the procedure set out in the Civil Partnership Act 2004.

## Compensation Benefits

These are benefits paid where a Service person is injured or ill and the main cause is service-related or where a condition, which may not be service-related, has been made significantly worse by service. These benefits include those paid to dependants where a death occurs. For injuries, illness or death caused by service before 6 April 2005, benefits due to service are paid under the WPS and AFPS 75. For injuries, illness or death caused on or after 6 April 2005, the AFCS will pay the benefits.

### Consequential Conditions

Medical disorders which occur after the Principal Invalidating Condition (PIC) and directly as a result of it.

### Dependants

The spouse, civil partner, eligible partner or eligible children of a member of the Armed Forces.

### EDP – Early Departure Payments

Payments to personnel who are not members of AFPS 75, AFPS 75 - FTRS or RFPS and who leave service before age 55, after a minimum of 18 years' service **AND** who are at least age 40 (the EDP 18/40 Point). Payments are made up of a tax-free lump sum equal to three times the value of the preserved annual pension and an income payment equal to at least 50% of the preserved pension.

### Eligible Child

An eligible child is a natural child and any other child financially dependant on a Service or former Service person at the date of their death. This includes children who are born to the spouse or partner no later than 12 months after the member's death. To qualify the child must be under 18 years or be in full-time education or vocational training and aged under 23 years. Additionally, children will be treated as eligible if they are unable to engage in gainful employment because of physical or mental disability suffered before the age of 23.

### Eligible Partner

Someone with whom a member is cohabiting, in an exclusive (ie neither partner is married or a civil partner to someone else) and substantial relationship with financial and wider inter-dependence (this is not the same as a civil partnership).

### GIP – Guaranteed Income Payment

A tax-free monthly payment that may be made after Service termination, to ex-Service personnel for injury or illness caused by Service.

### Ill-Health Pension

A pension awarded to an eligible scheme member who is medically discharged from the Armed Forces.

### IP – Immediate Pension

An AFPS 75 pension that is payable immediately on leaving service: after 16 years' reckonable service from age 21 as an officer or 22 years' reckonable service from age 18 as an other rank.

### Index-Linking

Annual increases to the GIP once in payment, in line with movements in the Retail Prices Index (RPI). Increases are made in April, using the previous September's annual headline rate of inflation.

### Lump sum payment

An award for pain and suffering made from the AFCS to Service personnel or ex-Service personnel, based on a tariff, for illness or injury caused mainly by service.

### Normal Retirement Age

Retirement ages will continue to be tied to Service career structures. For most (but not all) of the Regular Armed Forces this is age 55, and normally age 60 for FTRS.

### Pensionable Pay

Basic pay including any X factor applicable but excluding allowances, bonuses, financial retention incentives, loan service pay, bounties and any form of specialist pay. For the purposes of this booklet, the term "salary" has the same meaning.

### Preserved Pension

A pension which is kept for a member leaving the Armed Forces after a minimum of two years' service or a transfer in from another scheme but before becoming eligible to receive a pension immediately.

- For AFPS 75 members who have not reached the Immediate Pension Point and AFPS 75 – FTRS members - the preserved pension is payable from the age of 60 for service built up before 6 April 2006 and payable from the age of 65 for service built up after 6 April 2006.
- For AFPS 05 and RFPS members – the preserved pension is payable at the age of 65.

### PIC – Principal Invaliding Condition

The main injury or illness that led to you being invalided from the Armed Forces.

### RFPS – Reserve Forces Pension Scheme

Those who start or restart on Full Time Reserve Service (FTRS), including Additional Duties Commitment (ADC) terms on or after 6 April 2005 will automatically be members of RFPS. Personnel mobilised under Parts 4, 5 or 6 of the Reserve Forces Act 1996 (or corresponding provisions under the Reserve Forces Act 1980) from that date may choose to become members of RFPS. Those in service before that date and still in service on 6 April 2006, were given the opportunity to transfer to this scheme.

### Spouse

A legally married (including separated, but not divorced) husband or wife.

### Substantial relationship

To establish whether a relationship is substantial, various factors are taken into consideration, such as: whether there are children of the relationship, financial dependence or interdependence, shared commitments such as a mortgage, whether or not one partner is the prime beneficiary of the other's will, shared accommodation, the length of the relationship and whether the relationship is exclusive, that is, there is no spouse or civil partner (on either side).

### SGIP – Survivor's Guaranteed Income Payment

A taxable GIP payable for life to a surviving adult dependant of a member of the Armed Forces where death was caused by service.

### Tariff

Tables of injuries and corresponding lump sum awards dependent on the severity of the condition.

### VA – Veterans Agency

The MOD Agency that administers the Armed Forces Compensation Scheme (AFCS) and the War Pensions Scheme (WPS), and authorises appropriate payments.

### WPS – War Pensions Scheme

Benefits paid by the WPS where the VA has accepted that the injury, illness or death has been caused or made worse by service in the Armed Forces before 6 April 2005. If you are not in service and have not been invalided out of service you may still receive WPS benefits. WPS benefits may also be paid to a former member of the Reserve Forces and the Gurkhas who was not a member of an Armed Forces pension scheme.

### Widow or Widower

The person to whom a Service person is legally married when he or she dies. An ex-wife or ex-husband is not eligible to receive a widow's or widower's pension or GIP. Civil partners and eligible partners are also eligible to receive a widow's, widower's pension or SGIP.

# ABBREVIATIONS

This is a list of the most commonly used abbreviations in this booklet:

AFCS	Armed Forces Compensation Scheme
AFPAA	Armed Forces Personnel Administration Agency
AFPS 75	Armed Forces Pension Scheme introduced in 1975
AFPS 05	Armed Forces Pension Scheme introduced in 2005
CP	Child's Payment
EDP	Early Departure Payments
GIP	Guaranteed Income Payment
IP	Immediate Pension within AFPS 75
MOD	Ministry of Defence
RFPS	Reserve Forces Pension Scheme
PAT	Pensions Appeal Tribunal
SGIP	Survivor's Guaranteed Income Payment
VA	Veterans Agency
WPS	War Pensions Scheme
WPWS	War Pensioners' Welfare Service

# BACKGROUND

## Contact Details

As a member or ex-member of the Regular Armed Forces (including Gurkhas) or Reserve Forces, you and your **dependants** may be entitled to compensation should you be injured, become ill or die because of your service.

The **AFCS** was introduced on 6 April 2005, replacing two separate compensation arrangements under the Armed Forces Pension Scheme 1975 (**AFPS 75**) and the War Pensions Scheme (**WPS**). The **AFCS** covers injury, illness and death that are caused on or after 6 April 2005, so if a condition was caused before this date, **AFPS 75** and **WPS** may provide benefits.

The **AFCS** is a **tariff**-based compensation scheme, which has been designed to be simple to understand and to produce quick, consistent and equitable decisions, using an evidence-based approach.

This booklet provides a straightforward guide to the main provisions of the **AFCS**. The booklet does not cover everything; more details are contained in Joint Service Publication (JSP) 765.

This booklet is produced by the Veterans Agency (**VA**). We would welcome any feedback on its contents and the **AFCS** generally. Please contact:

Veterans Agency  
Freeline (UK only): 0800 169 2277  
Free Minicom: 0800 169 3458  
Tel (Overseas): +44 1253 866043

Lines are open:  
Monday to Thursday: 0815 – 1715  
Friday: 0815 – 1630

Address:  
Veterans Agency  
Thornton-Cleveleys  
Lancs  
FY5 3WP

E-mail: [help@veteransagency.gsi.gov.uk](mailto:help@veteransagency.gsi.gov.uk)  
VA's Website: [www.veteransagency.mod.uk](http://www.veteransagency.mod.uk)

Information on pensions can be obtained from the Armed Forces Personnel Administration Agency (**AFPAA**):

AFPAA  
Joint Service Pensions  
Mail Point 480  
Kentigern House  
65 Brown Street  
Glasgow G2 8EX.

The civilian telephone number for the AFPAA Enquiry Service is 0141 224 3600.

Those using MOD network telephones can dial 94561 – 3600 to access the service.

E-mail address for the Enquiry Service is [afpaa-pensions-div@dial.pipex.com](mailto:afpaa-pensions-div@dial.pipex.com)

## Further Information:

For information on the compensation and pension benefits for injury, illness or death caused by service before 6 April 2005 paid under **AFPS 75** and the WPS see the following:

**Your Pension Scheme Explained – MMP/106**  
**Family Pension Benefits – MMP/114**  
**Invaliding – MMP/115**

There are also a range of booklets which cover **AFPS 05**:

**Your Pension Scheme Explained – MMP/124**  
**Family Pension Benefits – MMP/126**  
**Ill-health Benefits – MMP/127**

For the Reserves there is a booklet, **MMP/123**, which covers all pension and compensation benefits relevant to the Reserve Forces.

These booklets, and further information are also available on the Defence Intranet at:

[http://defenceintranet.diiweb.r.mil.uk/  
DefenceIntranet/Admin/FindOutAboutArmed  
ForcesPensions](http://defenceintranet.diiweb.r.mil.uk/DefenceIntranet/Admin/FindOutAboutArmedForcesPensions)

Or on the internet at:

[www.mod.uk/issues/pensions](http://www.mod.uk/issues/pensions)

# ENTITLEMENT

## Who can get Compensation?

If you are a member or former member of the Regular Armed Forces (including Gurkhas), or the Reserve Forces, or if you are a **dependant** of a Regular or Reserve, or a former member of the Armed Forces, you may qualify for compensation under this scheme. If your death is caused mainly by service, benefits will be payable to your **spouse, civil partner or eligible partner** and to your **eligible children**.

## What does the Scheme Cover?

### Injury, illness and death caused mainly by service

The **AFCS** provides compensation where service is the only or main cause of an injury, illness or death. Awards can be made for a variety of circumstances, such as the loss of an arm when on operational deployment, or a back injury when on duty driving a Service vehicle which was involved in an accident. Compensation could be paid in certain exceptional circumstances even when off-duty; for example, if you were the victim of a terrorist attack, targeted at you because you are a Service person. The **AFCS** does not provide compensation for illness, injury or death which has no service cause or where service was not the main cause – such as a car accident during off-duty hours, travelling home on weekend leave or while socialising after a Service sporting event.

The level of the awards is based on a **tariff** which lists the injuries for which compensation may be paid. The tariff does not provide for minor injuries or conditions which have only a short term effect.

### Sporting injuries

- The **AFCS** covers injuries caused by service-related physical development activities including Adventurous Training (AT), physical education and exercise and sport.
- These activities have to be approved by the relevant Service AT, physical training and sporting authorities, directly aimed and designed to maintain Service fitness standards.
- The activities include AT courses during training phases and in full service; plus authorised training for military physical fitness or swimming tests, and playing in mandated and recognised sports events.
- Officials and organisers are also covered.
- The **AFCS** does not include injury or death resulting from participation in equivalent civilian events or any activities outside of Service sponsored AT, sports and physical training events. Nor does it include injury or death occurring during free time and social activities.
- It is your responsibility to arrange insurance cover for any non-Service activities, eg playing football for a civilian club or recreationally with colleagues.
- You are recommended to check whether an activity is approved or not with your Unit Administration or Personnel Offices prior to undertaking any given activity. A Joint Service Publication (JSP) 765 contains guidance.

### Home to duty travel

The **AFCS** provides only limited cover for home to duty travel. This cover is for travel on detached duty from your normal place of work; travel to and from operations and exercises overseas and travel from home only when recalled to duty for emergency reasons. It will not cover travel in your own, public or official Service transport from home to your normal place of work. Additionally, cover will be provided if you are required (ie have no choice) to reside in Service Family Accommodation over 50 miles from your place of duty. Where the **AFCS** does not cover such travel, it is your responsibility to make your own insurance arrangements.

### Injuries or illnesses made worse by service

In certain circumstances, the **AFCS** will pay compensation for an injury made worse by service:

- a condition, which you had prior to entry into the Armed Forces, knowingly or not, and which you may have reported on entry or which was found at your medical examination on entry; or
- a condition which, though not caused by your service happened during your service.

The **AFCS** will **NOT** pay compensation for worsening of a condition which you knew about but did not disclose when you entered the Armed Forces, and which was not discovered in your medical examination on entry.

- For conditions which were present on entry, service has to be the predominant cause of worsening which must take place after 5 April 2005. The worsened condition has to result in medical downgrading for a period of at least 6 months within 5 years of entry into the service and the downgrading must remain until discharged.

- For conditions which arise in service and are not caused by service, again service has to be the predominant cause of worsening and this cause must take place after 5 April 2005. The worsening of the condition has to result in medical downgrading for a period of at least 6 months within 5 years of sustaining the condition and the downgrading remains until you are discharged.
- For conditions present on entry, compensation will not be paid for worsening which occurs within the first 6 months of service.

In all cases compensation will not be paid until you leave service.

If you qualify for compensation for an injury or illness made worse by service, the award will be paid in full – it will not be reduced because the original condition was not caused by service.

# THE AFCS EXPLAINED

## Evidence Based, Full and Final Award

The **AFCS** does not require you to show that there was any fault on the part of the MOD in order to receive compensation. It is only necessary to show that your injury, illness or death was caused mainly by service. The **AFCS** provides both ***lump sum payments*** and regular income payments. There are time limits for claiming compensation.

Accepting compensation under the **AFCS** does not disqualify you from making civil negligence claims against the MOD if you think the MOD was at fault.

Claims will be assessed on the basis of all the evidence available, detailing how your condition or death was caused. A claim will not succeed where there is no evidence.

An **AFCS** award to Service or ex-Service personnel can be made up of two parts – a lump sum payment from a ***tariff*** graduated according to the seriousness of the condition and, for more serious injuries or illnesses, a Guaranteed Income Payment (***GIP***).

For death caused by service your dependants may qualify for an income based on the GIP.

An award made under the **AFCS** will normally be full and final. Any income is generally paid for life – so if your health improves your benefits will not be reduced.

The initial award will also take account of any expected future change in your condition or likely consequential condition – for example development of arthritis following some types of limb injury. So there will be no system of review to cover any normal deterioration.

If a condition has unexpected developments leading to significant deterioration, it may be possible to review the award later, but this will be rare and exceptional.

## The Tariff

### The lump sum

As compensation for pain and suffering, the **AFCS** makes a tax-free lump sum payment to you for significant qualifying injuries and illnesses caused mainly by service. The value of the lump sum payment is determined by a tariff which has 15 levels. Level 1 gives the highest payment, covering the most severe conditions, such as loss of sight **and** hearing, or severe spinal cord injury leading to total paralysis. Level 15 covers the least severe injuries for which compensation is paid, such as minor burns with an enduring effect or a dislocated knee. The tariff can be found in JSP 765, and on the internet and MOD intranet. The tariff and amounts to be awarded will be reviewed on a regular basis, and any necessary amendments made. These reviews will take account of any civil law or medical developments and ensure that the levels of awards are equitable.

### The Guaranteed Income Payment

For more serious illnesses and injuries – those in levels 1 to 11 of the tariff where a loss of earnings capacity may be expected – a GIP will be awarded. The value of this income payment is determined both by the Service person's earnings and the nature of the condition. The GIP is calculated by multiplying the ***pensionable pay*** of the Service person by a factor which depends on age at last birthday, the younger the person the higher the factor reflecting the fact that there will be more years to ***normal retirement age***. The sum arrived at is the maximum level of GIP and is paid in full for the most serious conditions. For less serious injuries, only a proportion of the full GIP is awarded.

The levels of **GIP** payable are determined by the level of the tariff, which is banded as follows:

Tariff 1-4 (Band A)	100% of the GIP calculation
Tariff 5-6 (Band B)	75% of the full GIP calculation
Tariff 7-8 (Band C)	50% of the full GIP calculation
Tariff 9-11 (Band D)	30% of the full GIP calculation
Tariff 12-15	No GIP is payable

The GIP is not payable immediately if personnel are able to remain in service as they will still be in receipt of their military salary. However, if an in-service award is made above tariff 12, a GIP will be awarded from the day after discharge. The GIP is normally paid monthly. This is a tax-free payment.

### Interim Awards

We anticipate that only on rare occasions it will not be possible to determine the level of award from the outset; the exception being where a condition is unstable. In cases where the condition is not stable an interim award will be made using the **tariff** best reflecting the condition at that point. An interim award will give a specified time for review; this can be extended for a period of up to 2 years, within which time a review of the condition will take place. This will depend on the clinical situation. Following review the level of the award may be confirmed, raised or lowered.

### Abatement

The GIP is reduced by 100% of any Armed Forces **ill-health pension** paid for the same injury or illness, but by 75% of an ill-health pension paid for a different injury. For any immediate pension (**IP**), **preserved pension**, full pension or any Early Departure Payments (**EDP**) as they come into payment, the GIP will be reduced by 75% of the value of that pension or EDP. For Reservists any employers' insurance scheme payments, personal or occupational pension for the same injury will reduce the GIP (see the section covering details for the Reserves at page 27). This is because the GIP is a loss of earnings capacity award, and the MOD in line with all Public Service schemes, has a policy of not compensating twice for the same disability.

Awards may also be abated for payments from criminal injuries compensation schemes, from civilian insurance claims (except personal insurance) or as a result of civil action to compensate for the death, illness or injury of a Service person.

**Example 1:**

A Service person who is aged 23 is invalided out of the Armed Forces after losing a foot as a result of service. He was receiving a salary of £20,000.

The relevant factor is applied for a person aged 23 (we consider their age at their last birthday). The factor is 0.878. The full annual GIP is calculated as:

Salary x GIP factor ie  $£20,000 \times 0.878 = £17,560$ .

As the injury is in tariff level 8 the person will receive 50% of the full GIP, so he will be entitled to £8,780 a year. This is tax-free. See page 21 for when GIP commences.

If the AFPS ill-health pension entitlement was £3,619, this would be deducted and he would get an annual top-up of £5,161 in addition to the pension. The total benefits of £8,780 (ie made up of £3,619 pension and £5,161 AFCS) would be paid monthly and increased in line with inflation each year. This would be paid until death.

**Example 2:**

A Service person who is aged 36 loses a leg as a result of service and is invalided out of the Armed Forces. She was receiving a salary of £35,000.

The relevant factor is applied for a person aged 36 (we consider their age at their last birthday). The factor is 0.799. The full annual GIP is calculated as:

Salary x GIP factor ie  $£35,000 \times 0.799 = £27,965$ .

As the injury is in tariff level 5, she will receive 75% of the full GIP, so she will be entitled to £20,973 a year. This is tax-free. See page 21 for when GIP commences.

If the AFPS ill-health pension entitlement was £15,000, this would be deducted and she would get an annual top-up of £5,973 in addition to the pension. The total benefits of £20,973 (ie made up of £15,000 pension and £5,973 AFCS) would be paid monthly and increased in line with inflation each year. This would be paid until death.

## Dependants' Benefits when a Service Person Dies

If you die, and your death is mainly caused by service, either while in service or after leaving service, the **AFCS** may pay benefits to a surviving **adult dependant** (known as the Survivor) and **eligible children**.

### Survivor

This may be the **widow** or **widower** or **civil partner** (that is the person to whom you were legally married or was your registered civil partner at the time of death). Alternatively this could be an **eligible partner** of the same or opposite sex provided they were in a **substantial relationship** with you at the time of death (unless there is also a legal spouse).

### Survivor's GIP

The main benefit paid to your widow, widower, civil partner or partner, is the Survivor's GIP (**SGIP**). This is calculated in the same way as the Service person's **GIP** – by multiplying your salary by a factor based on your age at the time of death. 60% of that figure will be paid for the surviving adult dependant. The SGIP is reduced by any benefit paid under the Armed and Reserve Forces pension schemes by 75%. It is taxable.

### Example:

A Service person aged 28 dies as a result of service with a current salary of £25,000.

The relevant GIP factor for that age is 0.853.

We can calculate the full annual GIP as:

Salary x GIP factor ie  $£25,000 \times 0.853 = £21,325$ .

As death was caused by service, 100% of the full GIP is used as the starting point for the SGIP calculation ie £21,325 a year.

As the benefit is being paid to the spouse, we must calculate the SGIP, which is set at 60%. So the dependant is entitled to  $0.6 \times £21,325$  ie £12,795 a year.

If the Survivor is entitled to a pension payment of £5,000 under AFPS, the AFCS makes a deduction of 75% of what the dependant would have got from this pension (it is set at 75% to take account of the taxable nature of normal pension benefits).

So the GIP is  $£12,795 - 0.75 \times £5,000$  ie £9,045 a year.

Therefore total entitlement is AFPS pension £5,000 plus GIP £9,045 = £14,045. This is taxable. See page 21 for when GIP payment commences.

### **Child's Payment – (CP)**

If you leave a surviving **spouse** or **adult dependant** and **eligible children**, the **CP** for the children is calculated as follows:

- If there are up to two children, 15% of the deceased's **GIP** will be awarded for each child.
- If there are three children, 15% of the deceased's **GIP** is awarded for each of the first two children and 10% for a third child.
- If there are four or more children, 40% of the deceased's **GIP** is shared equally among them (so the **SGIP** and **CP** together add up to 100% of the deceased **GIP**).

If you leave no spouse or adult dependant, but have eligible children:

- If there are up to four children, 25% of the deceased's **GIP** will be awarded for each child.
- If there are more than four children, 100% of the deceased's **GIP** will be divided equally.

The **CP** is also reduced in respect of any benefit paid under the Armed and Reserved Forces pension schemes by 75% of that benefit. This **GIP** is taxable.

Both Survivor's and Child's payments can also be abated for payments from criminal injuries compensation schemes, from civilian insurance claims (except personal insurance) or as a result of civil action to compensate for the death of a Service or former Service person.

### **Bereavement grant**

In addition to the adult **SGIP**, a **widow** or **widower**, **civil partner** or **eligible partner** may also get a tax-free bereavement grant of up to £20,000. Entitlement is determined by whether the death was caused mainly by service, whether the death occurred in service or after you left service and to which Armed Forces pension scheme you belonged. If the death occurred after you left service, the bereavement grant is payable in full regardless of your pension scheme. If you die in service, the following provisions apply, reflecting the different levels of death-in-service benefits paid under the two pension schemes. If you are a member of **AFPS 75**, then your **dependant** will receive the full grant of £20,000. If you die in service, and are a member of **AFPS 05** and your annual salary is less than £20,000, your dependant would receive the balance between that salary and £20,000. If your salary is more than £20,000, no bereavement grant is payable. The bereavement grant is not payable to eligible children.

See the table at page 30 detailing the full linkage between the benefits of **AFPS 75**, **AFPS 05** and the **AFCS**.

## **Multiple Injuries Caused by Service**

### **More than one injury from the same incident**

Where an award is made for more than one injury caused by service in the same incident, there are specific rules to calculate the value of benefits.

For the **lump sum payment**, the first injury, that is the most serious, will result in an award of 100% of that due by the **tariff**:

- For a second injury 30% of that due by the tariff will be awarded.

- For a third injury 15% of that due by the **tariff** will be awarded.
- No award will be made for a fourth or further injury caused by the same incident.

- Where the original injury attracts a GIP to be paid when service has terminated, and the second injury attracts a higher tariff band which would increase the GIP, it is the higher GIP that will come into payment at service termination.

For the GIP where more than one injury is sustained in one incident:

- If the two most serious injuries are specified in the same band, the percentage to be used in the GIP calculation is the one in the band immediately above the band in which the injuries are specified.
- However, if the injuries fall in the highest band, 100% is to be used in the GIP calculation.
- If the two most serious injuries are not in the same band, then the injury which falls into the band attracting the highest lump sum will be used for the GIP calculation.

### More than one injury to the same part of the body

Where an award is made and later there is a further injury to the same part of the body caused by service:

- Any further **lump sum payment** will be reduced according to the number of years between the first and second injury.
- For a 9 year period from sustaining the first injury, any additional lump sum payment for the second injury will be calculated on an annual sliding scale basis.
- In the first year, only 10% of the lump sum will be awarded and payment will be increased each year until the 10th year, when 100% of the lump sum will be awarded. Similar adjustment will be made for a third or further injury to the same body part.

### Injuries to paired parts of the body

Rarely will there be a separate serious injury caused by service to one of a paired part of the body (eg an eye, arm, or leg), to be followed by an injury, also caused by service, to the other part.

Where an immediate lump sum and eventual GIP award may be applicable for the first of two paired body parts (eg eyes), the lump sum award for the second injury will be calculated by subtracting the amount paid for the injury to one body part from the amount for an injury to both body parts.

#### Example

A person loses one eye because of service and later loses the second eye because of service:

Lump sum paid for loss of one eye:	£28,750
Balance awarded for loss of second eye:	£172,500
Total payable for loss of two eyes:	£201,250

Additionally, if the injury to the first body part attracts a GIP and the injury to both parts would result in a higher GIP award, the GIP will be raised to that level and paid at service termination. For example, the loss of one eye qualifies for a 50% GIP; the loss of both eyes qualifies for a 100% GIP; so if the second eye is lost because of service, the GIP will be increased to 100% when it comes into payment.

### More than one claim

Where a Service person or a former Service person makes successful claims covering different injuries or separate medical conditions, a separate **lump sum payment** will be made for each injury or condition, subject to the rules on multiple injuries set out overleaf. However, when a **GIP** has been awarded for the first incident, and a further award is due for the second injury, only the higher GIP will be awarded.

## Time Limits for Claiming

### Service personnel

There is a time limit for claiming under the **AFCS**. You must normally claim by the earliest of the following dates:

- 5 years from the date of incident or event that caused an injury; or
- where you are suffering from an illness, 5 years from the date you first sought medical advice for that illness; or
- 5 years after leaving the service.

The **AFCS** will not generally allow claims outside these time limits.

The **AFCS** may allow late claims, only where supported by appropriate evidence, where a claimant has been too ill throughout the 5-year period to claim or to instruct someone else to claim on his behalf.

However, there are also exceptions for certain illnesses, to include some mental disorders, which are known to take longer to develop and where service is the main cause; these are called late onset conditions. This may cover, for example, occupational exposure to radiation

as a designated radiation worker, with links to cancer. If you have a condition which it is assessed may satisfy the late onset criteria and there is evidence that you suffered a relevant exposure in service, you will be able to claim beyond the normal 5-year time limit. In the case of a late onset condition, you have to claim within 1 year of the condition being diagnosed by a doctor.

### Dependants

**Dependants'** benefits are not normally awarded if the death occurs more than 5 years after leaving service:

- Where a Service person dies in service or within 5 years of leaving service, where death is thought to be mainly caused by service, the normal rule is that a claim must be made within 1 year of the death.
- For deaths in service, awards for dependants benefits will be considered automatically by the MOD, although for **eligible children** without a parent it will be necessary for a claim to be made by a third party.

However:

- If a former Service person was in receipt of an **AFCS** award between **tariffs** 1-9 and dies in retirement as a result of the related injury or illness, there is no time limit on how long after service the death occurs. In these cases the dependant must still claim within 1 year after death.
- The 5-year period also does not apply if the former Service person suffered from one of the late onset conditions but the dependant must still claim within 1 year of the death.

# HOW TO MAKE A CLAIM FOR COMPENSATION

## Automatic Consideration

### Death-in-service

If you die and leave **dependants**, details of your death are automatically forwarded to the Veterans Agency (VA) for them to determine whether death was caused by service. The VA will require further details from your dependants when considering your case and will contact them through their Welfare Service or by letter. This will be co-ordinated with the Services Visiting Officer, as controlled by the Joint Casualty and Compassionate Centre. It is fully understood that this will be a difficult time for your family and they will be dealt with sympathetically and kept informed of progress.

### Invaliding from the Armed Forces

If you are invalided out of the Armed Forces because you are no longer fit enough to continue your duties and you are awarded an **ill-health pension** benefit (or equivalent), your medical records will be automatically forwarded to the VA. The VA will then consider whether the main condition leading to your discharge, the “principal invaliding condition” (**PIC**) (and any associated conditions) was caused by service on or after 6 April 2005. If it is considered that the condition occurred before this date, entitlement will be considered under the **AFPS 75** and the **WPS** (see booklet – **Invaliding – MMP/115**).

The VA will not consider other conditions which you may have suffered during your Service career and which, although not contributing to invaliding, may have been identified as part of the invaliding out process. It will be your responsibility to claim for any of these other conditions within the time limits which apply to them.

## Cases Where a Claim is Needed

### Death-in-service

There may be rare circumstances, for example where there is no surviving **adult dependant**, where a claim for **eligible children** may have to be made on their behalf.

### In-service claims

The **AFCS** provides compensation to Service personnel for significant injuries or illness that arise during service, but which do not lead to invaliding out of the Armed Forces. In most cases, these are likely to be relatively minor conditions in the lower part of the **tariff** (probably below tariff 11) but this may not always be the case. You can get compensation for more serious injuries while still in service but no **GIP** will be paid until you leave. At the point of leaving service, the GIP will be calculated on your **pensionable pay** at the time you are discharged. The **AFCS** will only provide compensation for those conditions which appear on the tariff and does not cover minor injuries that are not considered serious enough to merit compensation. If you are uncertain about whether an illness or injury will qualify, you should refer to the tariff set out in JSP 765.

If you want to claim while still in-service, you must submit a claim form within the specified time limits. This is normally 5 years from the date of the incident that caused the injury, or 5 years from the date you first sought medical advice about an illness. Claim forms are available from the VA (or their website) and Unit Administration or Personnel offices. If you need help in completing the claim form you can request assistance from your Divisional Officer, Company Staff or Unit Administrative Officer or Flight Commander or alternatively contact the VA helpline – see page 8 for details.

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When claiming you will also be asked to provide comprehensive information about your injury or illness, including how it affects you, any treatment you were given, any diagnosis you were given, and when and where the injury occurred.

The **VA** will need to obtain evidence from your service records. You will be required to advise the VA who holds your service medical records (in most cases these will be at your Medical Centre) and, in the case of injury, who holds any incident reporting data (normally this will be the Unit Health and Safety Officer). **This will allow collection of evidence to support your claim. It is important to report any injury or incident at the time it happens through the normal health and safety incident reporting route and seek medical attention.**

If elements of the Defence Logistic Organisation, the RN or the RAF do not have access to an Incident Notification Cell system to report an incident due to service, you are to complete the locally held accident book (MOD Form 510) immediately after the incident. This should be passed to your line manager who should ensure that a MOD form 2000 is completed within 10 days of the incident, so the accident can be recorded on the MOD's central accident reporting database (CHASP). Where you can report an incident to a DLO, Army, RN or RAF Incident Notification Cell, this should be carried out immediately. It is accepted that, while on operations, the above actions may not be possible. You should however ensure that an entry of any incident that caused injury or illness is recorded in Unit records. Commanding Officers will be aware of this requirement and this will enable them to confirm any incident which may have caused your condition.

### **Claims after leaving service**

If you want to claim after leaving service, you must also complete and send a claim form, available from the VA, within relevant time limits as described overleaf. Again this is normally 5 years from the date of the incident that caused the injury, or 5 years from the date you first sought medical advice about an illness, and cannot be later than 5 years after leaving service. Additionally, you should provide any evidence you may have in support of the claim. Exceptionally, claims can be made for a limited number of late onset conditions outside this timeframe. You may ask the VA helpline to assist in the claims process and a VA Welfare Manager may also be able to visit you.

### **Evidence**

In all cases, although there is no obligation to do so, evidence above and beyond that requested by the VA, which may be considered relevant by the claimant, can be provided to the VA. This will be at the claimant's cost. The MOD will supply Service evidence as required.

## HOW IS YOUR CLAIM HANDLED AND DECIDED?

The VA is responsible for administering and deciding **AFCS** claims. To determine eligibility, the VA will review all relevant evidence to decide whether it is more likely than not that the injury, ill-health or death was caused by service on or after 6 April 2005.

The VA will take into account any evidence that you are able to provide, but will also have access to your Service and medical records. When necessary, they may also request further medical reports. If you have already left the Services, they may, with your permission, approach your civilian doctor or hospital consultant for further information on your condition or seek more specialist reports. You may also be asked to undergo medical examination.

It is important that you reply to the VA if it asks you for more information. You should attend any appointment for a medical examination unless your doctor confirms you are unable to make the journey. In this case special arrangements will be made. If you do not, your claim may be treated as withdrawn.

The VA will look at all the evidence and decide whether your illness or injury was caused by service. If no conclusive and reliable evidence exists to support your claim, for example there is no incident report or other evidence that your condition was caused by service, then it may fail. It is important that you remember to report any injury or incident at the time it happens, through the normal Health and Safety incident reporting route, and by seeking medical attention, which will be documented in your medical records.

Once the VA has considered your claim, it will write to notify you of its decision. If no award is made, the Agency will give their reasons for the decision.

Guides to the in-service and after-service claims procedures follow on pages 22 and 23.

### When will the Award be Paid?

#### In-Service awards:

- The **lump sum payment** will be paid as soon as it is awarded.

#### Death-in-service awards:

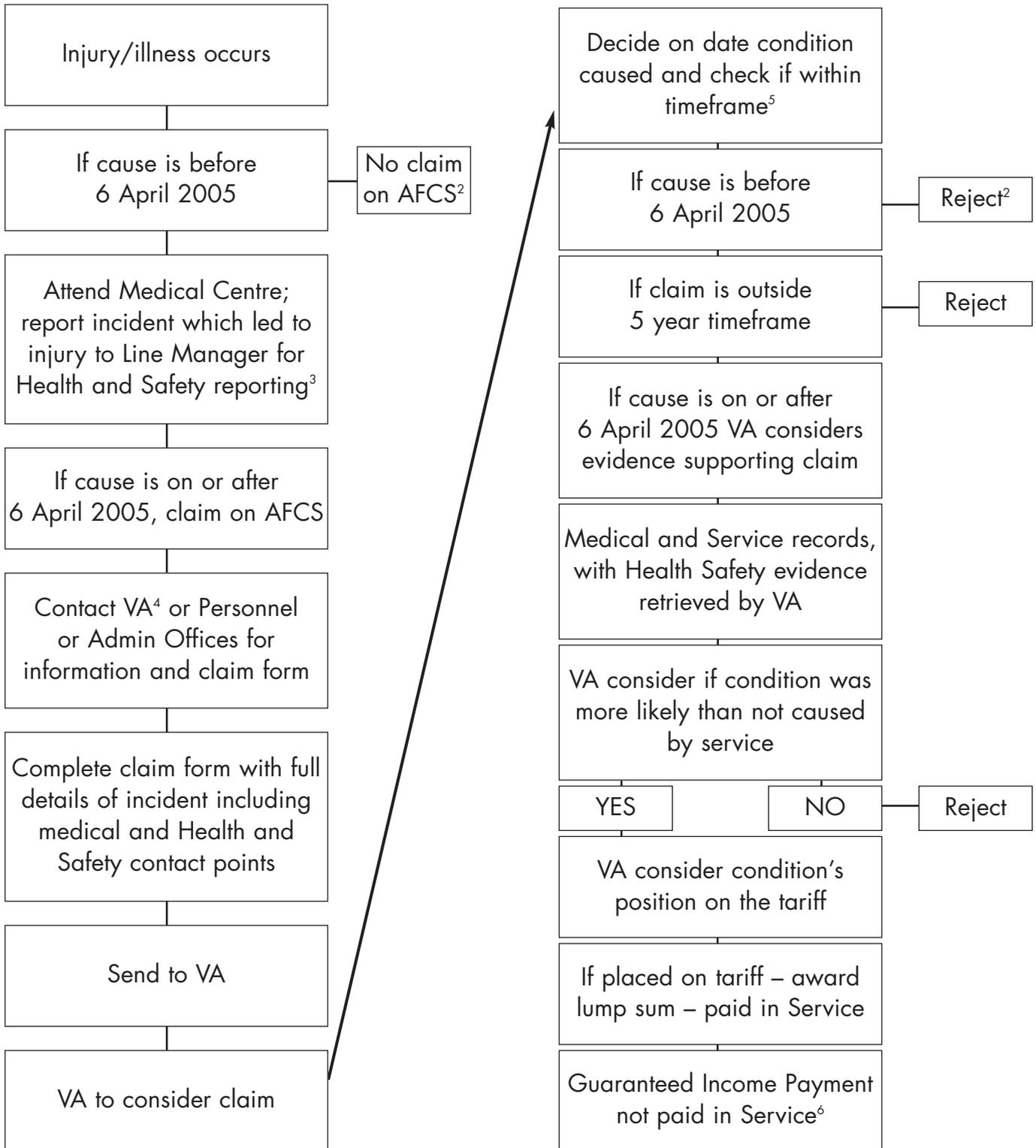
- The **SGIP** and **CP** will be backdated to the day after the death of the Service person.
- The bereavement grant will be paid as soon as entitlement is decided.

#### Awards after service:

- Paid from the day after discharge if you are invalided out of the Armed Forces.
- Paid from the day after discharge, if you were awarded an injury benefit, which included **GIP**, whilst you were still in service.
- If you have left the Services and made a successful claim for which an award of GIP is granted, the GIP awarded will be payable from the date the claim was received in the VA. A lump sum will be paid as soon as it is awarded.

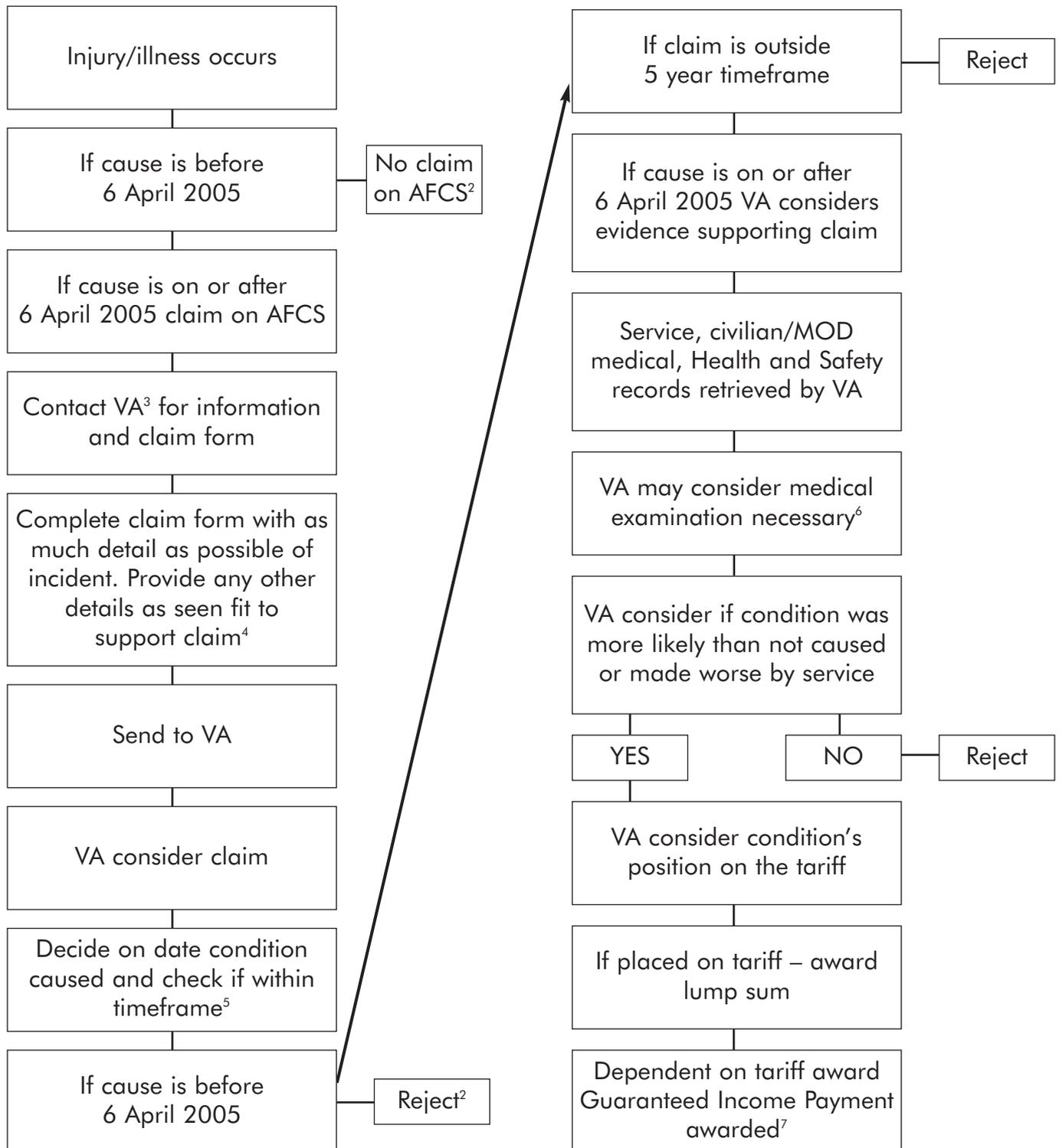
There are also specific rules on the payment of claims which have been reconsidered or reviewed. More details are set out in JSP 765.

# AFCS INJURY AND ILLNESS CLAIMS<sup>1</sup> (IN SERVICE)



- 1 There is a comprehensive Reconsideration and Appeals process. The VA will inform claimants of their rights.
- 2 If injury or illness remains at discharge, could be considered on discharge under WPS for ill-health benefits.
- 3 If not possible when on Operations, incident to be noted in Unit records.
- 4 The date of contacting will be deemed the date if claim form returned within 3 months.
- 5 Claim to be made within 5 years of date injury occurred or medical advice first sought for illness.
- 6 If placed within Tariff levels 1-11, a GIP will be calculated on discharge from the Service, based on age and pensionable pay at that point, and paid for life.

# AFCS INJURY AND ILLNESS CLAIMS<sup>1</sup> (AFTER SERVICE)



1 Comprehensive system of Reconsideration or Appeal available. The VA will inform claimants of all decisions and of their rights.  
 2 If injury or illness occurs before 6 April 2005, could be considered under WPS for ill-health benefits.  
 3 The date of contacting will be deemed the date if claim form returned within 3 months.  
 4 Not obligatory.  
 5 Claim to be made within 5 years of date injury occurred or medical advice first sought for illness or 5 years after leaving the Service, whichever is the earliest.  
 6 At least 10 days notice of attendance given; examination by appropriate medical expert.  
 7 If placed within Tariff levels 1-11, a GIP will be calculated on pensionable pay on discharge uprated by RPI since that point. Will be paid from the date of the claim, and paid for life.

# RECONSIDERATION AND APPEALS

## What can you do if you are Unhappy with the Decision on your Claim?

When the **VA** writes to advise you of the outcome of your claim, they will inform you of your rights of reconsideration and appeal. If you are unhappy with the decisions taken – the level of your award or the decision not to award – you can:

- Ask the VA to look at the decision again – this is called reconsideration, or
- Appeal to the Pensions Appeal Tribunal (PAT), which is independent of the MOD.

You should consider whether you want to ask for reconsideration. Reconsideration will be the easiest way of correcting any mistakes on your claim or taking account of any evidence that was not considered when making the first decision. You may want to ask for a reconsideration first. You can still appeal to the PAT after a reconsideration.

### Reconsideration

If you do not agree with the VA's decision, you may decide to ask for it to be reconsidered by the Agency. This means that someone in the VA who was not involved in the original decision will look at your claim again.

You will need to request a reconsideration in writing to the VA within a period of 3 months from the date of the notification of the original decision, giving reasons why you consider the original decision was wrong. You can include information which you did not provide at the time of claim, relating to your condition or the events surrounding an injury or illness. If you ask for a decision to be reconsidered, the VA will review your claim and do one of the following:

- Reconsider the claim, and uphold the original decision.

- Reconsider the claim, and change the original decision.

The VA will notify you of the outcome of the reconsideration, and how it reached its decision. Should you still not agree with the VA's decision, you will be reminded that you can appeal to the PAT, if you have not already done so. You have to make an appeal to the PAT within 6 months of a decision on reconsideration.

### Pensions Appeal Tribunal

You have the right of appeal to the PAT. If you decide not to apply for a reconsideration, you normally have 6 months to make an appeal to the PAT from the date you were notified of the decision on your claim.

If you appeal direct to the PAT without asking for a reconsideration, the VA will automatically reconsider its decision, as this is the quickest way of putting right any error that has been made.

Provided your appeal is within the specific time limits, the PAT will have the power to consider the VA's decision and decide from the evidence presented to it if this was in accordance with the terms of the Scheme. The PAT will consider your claim afresh, but it can look only at the evidence which was available at the time the VA decided or reconsidered your claim. The PAT will explore the reliability and relevance of all the evidence to determine whether the decision on your claim was reasonable in relation to the scheme eligibility rules.

The PAT normally consists of 3 members with expertise in legal, medical and Service matters. You will be allowed to attend the hearing at a convenient venue and you can be represented, for example by someone from an ex-Service organisation such as the Royal British Legion. The hearing works by the Tribunal asking questions to establish the facts, and the PAT has the authority to revise the VA's decision if there has been an error.

Further details on the possible routes for appeal and the procedures involved can be obtained from the **VA**.

### **Social Security Commissioner**

If you are not satisfied with the decision of the PAT, you can appeal to the Office of the Social Security Commissioner (OSSC) but only on a point of law. The VA can also appeal if it believes the PAT has made an error in law in arriving at its decision. Social Security Commissioners, under the title Pensions Appeal Commissioners, are experienced specialist judges and will usually consider a case on paper. There is no obligation on the person making the appeal to attend, but you are able to request a hearing if you wish. These hearings are not as formal as a court of law. The claimant-friendly, non-adversarial nature of the OSSC system means that legal representation is not normally necessary.

### **Further levels of independent appeal**

Beyond the OSSC, there is a right of appeal on a point of law to the Court of Appeal (or Court of Session in Scotland), and after that, to the House of Lords.

# TAXATION OF BENEFITS

Taxation of benefits is determined by Inland Revenue legislation.

## AFCS

Lump Sums	GIP
<ul style="list-style-type: none"><li>• Tariff – tax-free</li></ul>	<ul style="list-style-type: none"><li>• GIP for injured/ill ex-Service person – tax-free</li></ul>
<ul style="list-style-type: none"><li>• Bereavement grant – tax-free</li></ul>	<ul style="list-style-type: none"><li>• SGIP for adult dependants of deceased Service persons and CP for children – taxable</li></ul>

## AFPS 75, AFPS 05 or RFPS

Lump Sums	Pension
<ul style="list-style-type: none"><li>• Lump sums are tax-free</li></ul>	<ul style="list-style-type: none"><li>• Ill-health pension paid for same condition as GIP award – tax-free</li></ul>
	<ul style="list-style-type: none"><li>• Normal retirement pension and normal ill-health pension for different condition to the GIP – taxable</li></ul>

# RESERVE FORCES

The Reserve Forces are covered by the **AFCS**. The rules for Reservists are generally the same as set out in the remainder of this booklet, but with some adjustments detailed below to take account of the fact that they do not serve under the same terms and conditions as Regular Service personnel.

## Guaranteed Income Payments (GIP)

The calculation process for Reserve personnel is essentially the same as for the Regular Armed Forces (see page 12).

If you are mobilised and in permanent service, your basic military salary will be used for the **GIP** calculation. In addition, if you are in receipt of a Reservist's financial award in accordance with regulations made under Section 83 of the Reserve Forces Act 1996, the payments made to you will be taken into account when calculating the GIP.

If you are not mobilised but are undertaking military training or other duties under Sections 22, 25 and 27 of the Reserve Forces Act 1996, the basic military salary you would have received had you been mobilised will be used for the GIP calculation. In addition, if your civilian earnings are greater than your military salary, GIP may be calculated by including an amount equal to an award which you might have received under the financial assistance regulations had you been called out into permanent service. The VA will liaise with Service Adjudication Officers for an assessment of a notional financial package.

If you are on Full Time Reserve Service the GIP calculation will be based on your basic military salary.

For Sponsored Reserves, qualification for GIP and a **lump sum payment** will be dependent on whether you have been mobilised for permanent service or are undergoing military training and are in receipt of a military salary.

For **dependants**, GIP calculations are the same as for the Regular Forces (see page 15).

## Abatement

Any **AFCS** benefits will be reduced to take account of the following:

- benefits from the Armed Forces and the Reserve Forces pension schemes;
- payments from employer insurance provision;
- personal and occupational pensions;
- any award in the civil courts or third party compensation.

This approach ensures Reservists receive a minimum level of compensation to the value of that payable to a Regular of the same rank and level of pay.

More details regarding the **RFPS** and the **AFCS** can be found in JSP 765 and booklet **MMP/123** available from your unit supplied from DSDC Llangennech. See page 9 for MOD intranet and internet details.

# GURKHA SERVICEMEN EMPLOYED IN THE BRITISH ARMY

The Scheme rules will apply to all Gurkha Servicemen broadly as set out in the main body of this booklet, but with some adjustments (detailed below) to take account of the Gurkha Servicemen's unique terms and conditions of service as compared with their British Army counterparts.

## Guaranteed Income Payment (GIP)

Any **GIP** will be calculated using factors designed to take account of Gurkha pay (the combination of Indian Army Pay and the Universal Addition) and Gurkha pension entitlements. As for British Regular Service personnel, these factors assume that, but for your illness, injury or death, you would serve to age 55. The Gurkha factors will be applied for all awards made to Gurkhas discharged into Nepal, but there are separate arrangements for Gurkhas who are discharged into the UK for medical reasons. For further details see JSP 765.

### Example of GIP for a Gurkha Serviceman

A Gurkha who is aged 29 is invalided out of the Armed Forces after losing a foot as a result of service. He was receiving a salary of £13,753.

The relevant factor is applied for a Gurkha aged 29 (age is considered as at their last birthday). The factor is 0.978. The full annual GIP is calculated as:

Salary x GIP factor ie  $£13,753 \times 0.978 = £13,450$ .

As the injury is in tariff level 8 the person will receive 50% of the full GIP, so he will be entitled to £6,725 a year. This is tax-free.

The Gurkha invaliding pension entitlement is £1,352; this would be deducted and he would get an annual top-up of £5,373 per year in addition to the pension. The total benefits of £6,725 (ie made up of £1,352 pension and £5,373 AFCS) would be paid monthly and increased in line with inflation each year. This would be paid until death.

### Example of SGIP for a Gurkha widow

A married Gurkha Sergeant aged 33 dies as a result of service with a current salary of £19,563.

The relevant GIP factor for that age is 0.913. The full annual GIP is calculated as:

Salary x GIP factor ie  $£19,563 \times 0.913 = £17,861$ .

As death was caused by service, 100% of the full GIP is used in the calculation, ie £17,861 a year.

As the benefit is being paid to the spouse, the SGIP is calculated in this case at 60% of the GIP. The dependant is entitled to  $0.6 \times £17,861$ , ie £10,716 a year.

If the Survivor is entitled to a family pension payment of £1,711 under the Gurkha Pension Scheme, the AFCS is to make a deduction of 100% of what the dependant would have got from this pension.

The Gurkha Family Pension entitlement is £1,711; this would be deducted and the widow would get an annual top-up of £9,005 per year in addition to the pension. The total benefits of £10,716 (ie made up of £1,711 pension and £9,005 AFCS) would be paid monthly and increased in line with inflation each year. This would be paid until death.

## Dependants

As with other British Army Regulars, the key benefit paid to your **widow** will be the **SGIP** and **CP**, with the same calculation proportions applied for Gurkha widows and dependants.

## Abatement

All GIP, SGIP and CP for Gurkhas will be lowered by any Gurkha pensions that come into payment. **Lump sum payments** are also subject to abatement for any award for the same condition from UK civil courts and for third party compensation.

## COMPARISON OF BENEFITS PAYABLE ON INJURY OR ILLNESS

### DUE TO SERVICE (NOT APPLICABLE TO RESERVES OR GURKHAS)

	Attributable Benefits under <b>AFPS 75</b> and WPS  (a)	<b>AFCS</b> Attributable Benefits Payable with either Column (c) or (d)  (b)	<b>AFPS 75</b> or <b>AFPS 05</b> Non-Attributable <sup>1</sup> Benefits Payable with the <b>AFCS</b>	
			Benefits payable if member of <b>AFPS 05</b>  (c)	Benefits payable if member of <b>AFPS 75</b>  (d)
Remaining In Service	None	<ul style="list-style-type: none"> <li>• Tax-free lump sum</li> <li>• Normally no GIP appropriate as still in employment</li> </ul>	None	None
Medically Discharged	<ul style="list-style-type: none"> <li>• Tax-free War Pension</li> <li>• Tax-free <b>AFPS 75</b> Service Attributable Pension<sup>3</sup></li> <li>• Tax-free lump sum of approx 1 year's full career pension</li> <li>• Attributable tax-free ill-health gratuity</li> </ul>	<ul style="list-style-type: none"> <li>• Tax-free lump sum</li> <li>• For tariff levels 1-11 a tax-free GIP<sup>2</sup> will be payable to compensate for loss of earnings capacity but abated by benefits payable under AFPS, EDP and equivalent benefits</li> </ul>	Ill-health award dependent on severity of condition based on 3 tiers. At highest 2 tiers enhanced ill-health pension and tax-free lump sum; at the lowest tier a lump sum or EDP <sup>4</sup> if served long enough.	<ul style="list-style-type: none"> <li>• Service Non-Attributable Invaliding Pension</li> <li>• Tax-free lump sum equivalent to 3 years' pension</li> </ul>

<sup>1</sup> Where an injury is due to service and leads to medical discharge, non-attributable benefits are also payable.

<sup>2</sup> Guaranteed Income Payment paid to compensate for loss of earnings capacity. Becomes payable on discharge.

<sup>3</sup> Except where Service Invaliding Pension is of greater value, but would become tax-free.

<sup>4</sup> EDP replaces AFPS 75 Immediate Pension (IP) in AFPS 05.

# COMPARISON OF BENEFITS PAYABLE ON

## DEATH DUE TO SERVICE (NOT APPLICABLE TO RESERVES OR GURKHAS)

	Attributable Benefits under AFPS 75 and WPS	AFCS Attributable Benefits Payable with either Column (c) or (d)	AFPS 75 or AFPS 05 Non-Attributable <sup>5</sup> Benefits Payable with the AFCS	
	(a)	(b)	Benefits payable if member of AFPS 05 (c)	Benefits payable if member of AFPS 75 (d)
Attributable death-in-service	<ul style="list-style-type: none"> <li>Death-in-Service sum of 3 times pensionable pay</li> <li>Short term family pension paid to dependants for 6 months</li> <li>Where spouse or partner – 90% of member’s full career AFPS 75 pension<sup>7</sup></li> <li>Children’s enhanced AFPS 75 pension</li> <li>War Widows’ Pension from WPS for spouse</li> <li>War Widows’ Children’s pension</li> </ul>	<ul style="list-style-type: none"> <li>Widow’s GIP<sup>8</sup></li> <li>Partners covered as well as spouses</li> <li>Children’s Payment</li> <li>£20,000 Bereavement Grant for AFPS 75 to adult dependant. For AFPS 05 will be difference between £20,000 and salary if below £20,000</li> </ul>	<ul style="list-style-type: none"> <li>Non-attributable Widow’s Pension at 62.5% of member’s pension based on highest tier ill-health</li> <li>Death-in-Service lump sum of 4 times pensionable pay</li> <li>Children’s pension</li> <li>Benefits payable to adult dependant</li> </ul>	<ul style="list-style-type: none"> <li>Short term family pension paid to dependants for up to 9 months</li> <li>Non-attributable Widow’s pension based on ½ of member’s pension</li> <li>Death-in-Service sum of 3 times pensionable pay</li> <li>Children’s enhanced AFPS 75 pension</li> </ul>
Attributable death in retirement	<ul style="list-style-type: none"> <li>Short term family pension paid to dependants for 6 months</li> <li>90% of spouse’s full career AFPS 75 pension<sup>7</sup></li> <li>Children’s enhanced AFPS 75 pension</li> <li>War Widows’ Pension from WPS for spouse</li> <li>War Widows’ Children’s pension</li> <li>Discretion to pay gratuity where death occurs less than 1 year after retirement</li> </ul>	<ul style="list-style-type: none"> <li>Spouse’s GIP</li> <li>£20,000 Bereavement Grant</li> <li>Children’s Payment</li> </ul>	<ul style="list-style-type: none"> <li>Non-attributable Spouse’s Pension at 62.5% of the member’s pension at the date of death</li> <li>Children’s pension</li> <li>Benefits payable to adult dependant</li> <li>5 year guarantee<sup>9</sup></li> </ul>	<ul style="list-style-type: none"> <li>Non-attributable Widow’s pension based on ½ of member’s pension</li> <li>Children’s enhanced AFPS 75 pension</li> </ul>

<sup>5</sup> Where a death is due to service, non-attributable benefits are also payable.

<sup>6</sup> Less the amount by which the War Widows’ Pension exceeds the basic State Widow’s Pension.

<sup>7</sup> Designed to give income at 60% of the GIP the member would have received at highest tariff level but is abated by the pension to avoid double compensating – takes into account 75% of spouse’s AFPS 75 or AFPS 05 pension.

<sup>8</sup> Early death in retirement means that the widow(er) would be guaranteed payment worth the pension their spouse would have received during the first 5 years of retirement, but abated by the pension lump sum and pension already received.

# USEFUL CONTACTS

## Service Welfare Organisations

### Naval Personal Family Service (NPFS)/Royal Marines (RM) Welfare

NPFS/RM Welfare offers help to Royal Navy (RN) and RM personnel and their families in personal difficulty, especially those which arise as part of Service life. The services it provides include advice, counselling, support (practical or emotional) and representation. A quick call to one of the offices below will confirm if NPFS or RM Welfare can help.

For more details, see the RN/RM website:

[www.royalnavy-mod.uk/rn/families](http://www.royalnavy-mod.uk/rn/families)

Enquiries should be directed to the NPFS Area Officer that covers the address of your next of kin.

#### Area Officer NPFS Eastern

Swiftsure Block  
 HMS Nelson  
 HM Naval Base  
 Portsmouth  
 Hampshire  
 PO1 3HH

Tel: 02392 722712 (working hours)

Out-of-hours emergencies: 023 9272 6159 (contact the Officer of the Watch, HMS Nelson)

**Areas:** Bedfordshire, Berkshire, Buckinghamshire, Cambridgeshire, Derbyshire, East Sussex, Essex, Greater London, Hampshire, Hertfordshire, Isle of Wight, Kent, Leicestershire, Lincolnshire, Norfolk, Northamptonshire, Nottinghamshire, Oxfordshire, Suffolk, Surrey, West Sussex and countries abroad (not including Eire).

#### Area Officer NPFS Northern

Churchill Square  
 Churchill Estate  
 Helensburgh  
 Argyll & Bute  
 G84 9HL

Tel: 01436 672798 (working hours)

Our-of-hours emergencies: 01436 674321 Ext 4005 (contact the Duty Naval Base Officer)

**Areas:** Cheshire, Cleveland, Cumbria, Durham, Greater Manchester, Isle of Man, Lancashire, Merseyside, Northern Ireland, North and North East Lincolnshire, Northumberland, Scotland, Tyne & Wear, Yorkshire.

#### Area Officer NPFS Western

Fenner Block  
 HMS Drake  
 HM Naval Base  
 Devonport  
 Plymouth  
 PL2 2BG

Tel: 01752 555041 (working hours)

Out-of-hours emergencies: 01752 555220 (contact the Officer of the Watch)

**Areas:** Bristol, Channel Islands, Cornwall, Devonshire, Dorset, Eire, Gloucestershire, Herefordshire, Scilly Isles, Shropshire, Somerset, Staffordshire, Wales, Warwickshire, West Midlands, Wiltshire, Worcestershire.

**RM Welfare.** RM Welfare is a unit-based organisation with Welfare Officers at all main RM units. (For contact details see the appropriate Area Officer NPFS.)

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### **Army Families Advice Bureau (AFAB)**

AFAB exists to give information and advice to Army Families and single Service men and women. The Bureau is staffed by trained personnel who are experienced in most of the problems encountered by Army Families. AFAB staff are in touch with the military and civilian agencies that can provide assistance and advice on almost any subject. AFAB can be contacted through your Army Welfare Service (AWS) staff or your Unit Welfare Officer, or you can contact the Bureau direct.

#### **Army Families Advice Bureau**

HQ LAND  
Erskine Barracks  
Salisbury  
SP2 0AG

Tel: 01722 436569 or 436461  
Email: [afab@hqland.army.mod.uk](mailto:afab@hqland.army.mod.uk)

### **RAF Families Advice Network**

The RAF Community Support website is available to provide information on a wide variety of community and welfare issues relevant to RAF families, and includes easy-to use links to other relevant Service, Civilian and Government web pages. It can be found at: [www.rafcom.co.uk](http://www.rafcom.co.uk).

If your family requires specific welfare advice or assistance, contact your Station Personnel staffs (Officer Commanding Personnel Management Squadron) or local SSAFA Forces Help Personal and Family Worker.

If an emergency arises out of hours, contact the Station Guardroom who will put you in touch with the Duty Officer.

### **HIVE Information Centres**

The HIVE organisation is a Tri-Service information network available to all members of the Service community – serving personnel, their families and civilians employed by the Services. Your local HIVE also provides a wide range of information for families, through leaflets and booklets, or through use of their internet facilities. They can also provide contact details and advice on many other specialist welfare organisations. You should contact your local HIVE centre.

Details of these can be obtained from the following:

Tel: 01722 436499 (HIVE Support Team)

Websites RN/RM:

[www.royalnavy.mod.uk/rn/families.html](http://www.royalnavy.mod.uk/rn/families.html)  
(click on community)

Army: [www.army.mod.uk/soldierwelfare/  
supportagencies/aws/hive](http://www.army.mod.uk/soldierwelfare/supportagencies/aws/hive)

RAF: [www.rafcom.co.uk/hive/index\\_hive.cfm](http://www.rafcom.co.uk/hive/index_hive.cfm)

## Veterans' Organisations and Charities

There are many Veterans' organisations and charities that can give you help and advice on compensation, War Pensions and allowances.

If you want to appeal against a decision on your claim, the following organisations may be able to help you and represent you at an appeal if you fall within their particular membership criteria. This advice and support is free. You do not need to be a member of these organisations to get free general advice.

### **The White Ensign Association**

HMS BELFAST  
Tooley Street  
London SE1 2JH

Tel: 0207 407 8658  
Email: [office@whiteensign.co.uk](mailto:office@whiteensign.co.uk)  
Website: [www.whiteensign.co.uk](http://www.whiteensign.co.uk)

The association is a charitable organisation that is a source of free help to current and former RN and RM personnel on all matters of personal finance, including pensions.

### **The Royal Alfred Seafarers' Society**

SBC House  
Restmor Way  
Wallington  
Surrey  
SM6 2AH

Tel: 0208 401 2889

The society provides accommodation for former seafarers and their dependants.

### **The Royal Naval Association (RNA)**

62 Chelsea Manor Street  
London  
SW3 5GJ

Tel: 0207 352 6764

The association offers friendship and personal support to its members and has limited welfare funds.

### **The Royal Naval Benevolent Trust (RNBT)**

Castaway House  
311 Twyfold Avenue  
Portsmouth  
PO2 8RN

Tel: 02392 690112 (Administration)  
02392 660296 (Grants)

E-mail: [rnbtc@rnbtc.org.uk](mailto:rnbtc@rnbtc.org.uk)  
Website: [www.rnbtc.org.uk](http://www.rnbtc.org.uk)

All other ranks of the Royal Navy or Royal Marines are part of the RNBT family; as are their dependants. The trust provides financial grants to meet a wide range of individual needs. They also provide regular payments to supplement the income of older people, care homes for older people and advice on welfare matters.

### **The Army Benevolent Fund (ABF)**

Army Benevolent Fund  
41 Queen's Gate  
London  
SW7 5HR

Tel: 0207 591 2000  
Fax: 0207 584 0889

Email: [mmickleburgh@armybenevolentfund.com](mailto:mmickleburgh@armybenevolentfund.com)  
Website: [www.armybenfund.org](http://www.armybenfund.org)

The Army Benevolent Fund (ABF) is the Army's national charity and is committed to the welfare of Army and

ex-Army personnel and their dependants. It primarily gives financial support to those in “real need”.

**The Royal Air Force Association (RAFA)**

117½ Loughborough Road  
Leicester  
LE4 5ND

Tel: 0116 266 5224  
Email: [welfare@rafa.org.uk](mailto:welfare@rafa.org.uk)  
Website: [www.rafa.org.uk](http://www.rafa.org.uk)

The Association gives help and advice to ex-RAF and Commonwealth Air Forces personnel.

**RAF Benevolent Fund (RAFBF)**

67 Portland Place  
London  
W1N 4AR

Tel: 0207 580 8343 Ext 204 (office hours)  
Email: [info@rbf.org.uk](mailto:info@rbf.org.uk)  
Website: [www.raf.benfund.org.uk](http://www.raf.benfund.org.uk)

The RAFBF exists to help past and present members of the RAF, children and their dependants.

**British Limbless Ex-Servicemen’s Association**

Frankland Moore House  
185-187 High Road  
Chadwell Heath  
Essex  
RM6 6NA

Tel: 0208 590 1124  
Email: [blesma185@btconnect.com](mailto:blesma185@btconnect.com)  
Website: [www.blesma.org](http://www.blesma.org)

The Association aims to promote the welfare of all those who have lost a limb or limbs, or one or both eyes, or the use of limbs as a result of their service in any

branch of the Armed Forces or auxiliary forces. It also aims to help dependants of these people.

**Burma Star Association**

4 Lower Belgrave Street  
London  
SW1W 0LA

Tel: 0207 823 4273

The association provides a welfare service and gives free and confidential advice to all holders of the Burma Star.

**Forces Pension Society**

68 South Lambeth Road  
London  
SW8 1RL

Tel: 0207 820 9988  
Website: [www.forpen.co.uk](http://www.forpen.co.uk)

The Society protects the pension interests of ex-Service personnel of all ranks and their dependants.

**St Dunstan’s**

12-14 Harcourt Street  
London  
W1H 4HD

Tel: 0207 723 5021  
E-mail: [caroline/payne@st-dunstan’s.co.uk](mailto:caroline/payne@st-dunstan’s.co.uk)

St Dunstan’s cares for blind ex-Servicemen and women no matter how they lost their sight. You must be ex-Service and have a significant sight loss in both eyes.

**The Ex-Service Mental Welfare Society/Combat Stress**

Tyrwhitt House  
Oaklawn Road  
Leatherhead  
Surrey  
KT22 0BX

Tel: 01372 841600  
E-mail: [contactus@combatstress.org.uk](mailto:contactus@combatstress.org.uk)  
Website: [www.combatstress.com](http://www.combatstress.com)

The Society cares for ex-members of the Armed Forces who have psychiatric disabilities. The Society provides a network of regional welfare officers throughout the United Kingdom. There are also three short-term treatment centres.

**The Joint Committee of the Order of St John and the British Red Cross Society**

44 Morfields  
London  
EX2Y 9AL

Tel: 0207 787 7000

The Joint Committee provides financial assistance to needy ex-Service personnel and their widows or widowers, disabled in the Wars of 1914 to 1918 and 1939 to 1945.

**The “Not Forgotten” Association**

4th floor  
2 Grosvenor Gardens  
SW1W 0DH

Tel: 0207 730 2400/3660  
E-mail: [director@nfassociation.org](mailto:director@nfassociation.org)  
Website: [www.nfassociation.org](http://www.nfassociation.org)

The Association helps disabled ex-Service personnel.

They provide televisions and holidays for severely disabled people, and outings, concerts and gifts for people in hospitals and homes.

**The Officers’ Association**

48 Pall Mall  
London  
SW1Y 5JY

Tel: 0207 930 0125  
E-mail: [postmaster@oaed.org.uk](mailto:postmaster@oaed.org.uk)

The Association gives advice and help to ex-officers and their dependants.

**The Royal British Legion**

48 Pall Mall  
London  
SW1Y 5JY

Tel: 08457 725725  
E-mail: [pensions@britishlegion.org.uk](mailto:pensions@britishlegion.org.uk)  
Website: [www.britishlegion.org.uk](http://www.britishlegion.org.uk)

The Legion is Britain’s main organisation for the welfare of ex-Service personnel and their dependants. It provides advice on pensions and welfare matters, and can provide contact details for a panel of solicitors, experienced in dealing with cases involving injury, illness or death of Service personnel, who can provide advice on, for example, whether you might consider a negligence claim against the Department. It also offers social focus for ex-Service personnel through branches and clubs in England, Wales and Ireland.

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### **The Royal British Legion Scotland**

The Earl Haig Fund  
Scotland and the Officers'  
Association Scotland  
New Haig House  
Logie Green Road  
Edinburgh  
EH7 4HR

Tel: 0131 557 2782  
E-mail: [info@rblscotland.org.uk](mailto:info@rblscotland.org.uk)  
Website: [www.rblscotland.org.uk](http://www.rblscotland.org.uk)

The Legion Scotland helps all ex-Service personnel, and their dependants living in Scotland. It also provides help with pensions and welfare advice.

### **The Royal Hospital**

Chelsea  
London  
SW3 4SR

Tel: 0207 881 5204 (office hours)  
0207 730 0161 (out of office hours)  
E-mail: [info@chelsea-pensioners.org.uk](mailto:info@chelsea-pensioners.org.uk)  
Website: [www.chelsea-pensioners.org.uk](http://www.chelsea-pensioners.org.uk)

The Hospital provides a home for old soldiers who are getting an army long-service pension or a War Pension. It is not a medical hospital.

### **The Royal Patriotic Fund Corporation**

40 Queen Anne's Gate  
London  
SW1H 9AP

Tel: 0207 233 1894

The Corporation gives financial help to widows and widowers, orphans and dependants of Service personnel.

### **The Soldiers, Sailors, Airmen and Families Association – Forces Help (SSAFA)**

Queen Elizabeth the Queen  
Mother House  
19 Queen Elizabeth Street  
London  
SE1 2LP

Tel: 0207 403 8783  
E-mail: [info@ssafa.org.uk](mailto:info@ssafa.org.uk)  
Website: [www.ssafa.org.uk](http://www.ssafa.org.uk)

The Association helps Service and ex-Service personnel and their dependants to get the practical and financial help they are entitled to from statutory sources. It also offers accommodation for disabled people and residential care for the elderly.

### **War Widows' Association of Great Britain**

c/o 48 Pall Mall  
London  
SW1Y 5JY

Tel: 0870 2411 305

The Association exists to improve the conditions of widows and widowers in receipt of a War Pension and their dependants in Great Britain.



