

ARMED FORCES COMPENSATION SCHEME (AFCS) FREQUENTLY ASKED QUESTIONS

What is the purpose of the Armed Forces Compensation Scheme (AFCS)?

AFCS replaced arrangements for attributable benefits under the War Pensions Scheme (WPS) and Armed Forces Pension Scheme 1975 (AFPS 75) for those injuries, illnesses or deaths caused by Service after 6 Apr 05. It gives modern, fair and simpler arrangements, which focuses help better on the more severely disabled.

Who runs the AFCS? The Service Personnel and Veterans Agency are responsible for administration of the AFCS. Claim forms are available from their Internet site or by contacting them direct, either by ringing their Helpline or writing to them.

SCHEME DESIGN

What is payable? Benefits consist of a lump sum payable to the Service person for injury, based on a 15 level tariff graduated according to the seriousness of the condition. For those with more serious injury, there is an additional payment in the form of a regular, tax-free, index-linked Guaranteed Income Payment (GIP), payable for life. Dependents benefits are also payable where death is due to service.

Are awards tax-free? Yes - for Service personnel - lump sums and GIPs are paid tax-free. Dependents' benefits are taxable depending on individual circumstances.

How does the tariff work? The value of the lump sum award is determined by a tariff which has 15 levels and covers all the injuries and conditions for which an award can be made. Level 1 gives the highest payment, covering the most severe conditions such as loss of both sight and hearing or spinal cord injury leading to total paralysis. Level 15 covers the least severe injuries for which compensation is paid, such as minor burns or 2 fractured fingers on one hand. The tariff can be found on the MOD Internet and the Service Personnel Veterans Agency Internet.

What do dependents get? Where death is due to Service, benefits are payable to Surviving adult dependants (widows and partners from a substantial and exclusive relationship) in the form of a Survivor's Guaranteed Income Payment, paid for life (taxable). There is also a bereavement grant of up to £20K.

Are injuries while travelling covered? AFCS provides limited cover for home to duty travel. Injuries sustained while travelling to a new place or work or to and from a place of detached duty are covered, as is travel to and from operations and exercises (in the UK and overseas). Normal home to duty travel is not covered, unless recalled to duty for emergency reasons or if you are required (i.e have no choice) to live in Service Accommodation over 50 miles from your place of duty.

What about State Benefits? AFCS awards do not include provision for future care, treatment or housing costs. These should be claimed via the relevant other publicly funded Schemes. Some AFCS benefits may affect the amount of State Benefits payable.

Are payments under the AFCS affected by payments from other sources?

AFCS payments will not be reduced if someone is getting DWP benefits. If compensation for the incident is being claimed either through the courts or through the Criminal Injuries Compensation Authority then these payments may affect the AFCS award or the other way around. Pension benefits payable from the AFPS or RFPS will also impact on the AFCS GIP payments.

What if I want to make a claim for negligence? AFCS is a no-fault scheme, this means that it is not necessary to prove negligence in order to receive an award. However an award under AFCS does not prevent a Service person or former Service person or their dependents also from making a civil claim for damages where negligence is an issue. These claims are separate from the AFCS and are not handled by the Service Personnel Veterans Agency. Claims should be made via the MOD Claims and Legal Department.

ELIGIBILITY

Are Reserves covered? Yes, all Service personnel in the British Forces and Reserve Forces are covered by the Scheme. This includes Sponsored Reserves and full or part-time Reserves, whether deployed or not.

My injury was caused before 6 April 2005, can I get benefits under AFCS?

No. All those who are injured or suffer ill-health caused by Service before 6 April 2005 are covered by the previous arrangements; the War Pension Scheme and the attributable elements of the Armed Forces Pension Scheme 1975.

I have Service both before and after April 2005 and am not sure when my injury was caused? There is no need to decide which Scheme you want to claim under. Simply complete a claim form and send it in with as much information as you can, the Service Personnel Veterans Agency will do the rest. Claims where there is Service both before and after the start date of the new Scheme are considered first under AFCS to check for entitlement, then if none exists, they are referred to the War Pension Scheme to check for entitlement.

When should I claim? Claims can be made as soon as possible, although it is sensible to wait until the injury or illness is in a steady state. There is normally a 5 year time limit in which to make a claim, this is from the date of injury or illness or date of discharge, whichever is the earliest. There are some exceptions to these time-limits. However there is no need to wait until discharge to make a claim, claims can be made while still in-service. Lump sums are payable immediately while GIPs are payable on discharge.

I have a medical board soon, can I still make a claim? Yes – there is no need to wait until a medical discharge to make a claim. If you receive an AFCS award while in-service and are later medically discharged for the same injury, the Service Personnel Veterans Agency will automatically look at your award again to ensure you are receiving the correct amount. If you are medically discharged and have not already made a claim for the injury for which you were discharged that injury will be automatically considered by the Agency if you are awarded an **ill-health pension** benefit (or equivalent). Only the injury which led to discharge will be considered automatically, you will need to make a claim for any other injuries you wish to have considered. If you have not been awarded an ill-health pension then you will need to make a claim in the normal way (for the injury that led to discharge and any other injuries).

What if my condition is not stable? You can still make a claim. In cases where the long-term prognosis is not known an interim award will be made using the tariff that best reflects the condition at that point. An interim award will give a specified time for review, up to 2 years, within which a review of the condition will take place and a final decision made. Following review the level of award may remain the same or increase or (exceptionally) decrease.

REVIEW AND APPEAL

I have had an award - What if my condition gets worse? There is no routine review process – most awards are meant to be full and final. The level of the tariff takes into account the normal expected deterioration of a condition and the likely consequential condition. However, in cases of exceptional deterioration, significantly beyond that normally to be expected of a condition, the scheme provides for the case to be reviewed. You will need to submit a request in writing.

What if I am unhappy with my decision? You can write and ask the Agency to look again at their decision. This is called "reconsideration" and is separate from the appeals process. It allows an informal look again at the decision and means that someone other than the original decision maker will look again at the case. It is conducted by the Service Personnel Veterans Agency and does not involve a hearing. Applications must be in writing and within 3 months of the date of the decision.

Is there an appeals process? Yes. An alternative to the Reconsideration process is the independent appeals process. This is an appeal to have the decision looked at by the Pensions Appeal Tribunal (PAT). If someone wants to appeal he merely contacts the VA and they will provide the appeals claims form. Appeals must be submitted within 6 months of the date of the decision.