



www.irwinmitchell.com

🥑 @irwinmitchell

For a list of our offices visit our website

Irwin Mitchell LLP is authorised and regulated by the Solicitors Regulation Authority.





>> Kajaki private screening BAFTA nominated film

A magazine from (IM) irwinmitchell

on Military

>> The Invictus Games London, September 2014 >> The real-life "Cooler King's" final great escape



Helping you to be there for life's big moments

Personal Injury - If you've suffered a personal injury or illness, you'll need a specialist team of solicitors on your side. At Irwin Mitchell, we're committed to helping our clients and their families get the best possible advice, rehabilitation and support. Because compensation is only part of the story. Call us to see how we can help you. Irwin Mitchell, standing by you.

Freephone: 08000 23 22 33

www.irwinmitchell.com For a list of our offices visit our website. Irwin Mitchell LLP is authorised and regulated by the Solicitors Regulation Authority



CONTENTS



4	Welcome to the second edition of Focus on Milit
6	Proud to support the private screening of Kajaki
8	The Invictus Games 2014
10	Moira Cameron: Keeper, Yeoman, Gentlewoman
12	Phoenix House presents: Help for Heroes fashion
13	£15,000 settlement for Marine discharged with
14	Help for Heroes winter ball
15	The real-life "Cooler King's" final great escape
16	Spotlight on: Southampton
17	Ray Lowrie - an inspirational client
18	The importance of recognising cold injury
19	Protecting your rights
20	Serving, surviving & recovery after Afghanistan
22	The Army Families Federation Big Debate 2014
22	Spotlight on: Family





itary

– a BAFTA nominated film about military heroes

and the poppies at the Tower of London

show

noise-induced hearing loss



Welcome...

to the second edition of **Focus** on Military

It has been a really busy time for the Military Injury Claims Team as you can see from the selection of events we feature in this edition.

Indeed the whole nation has been captivated by events such as the Invictus Games, the competitors of which won the Helen Rollason award at the BBC's Sports Personality of the Year.

We have also paused to remember service personnel past and present on Armistice Day and we proudly supported this through our Twitter campaign #HonourOurWounded.

We have been proud to be associated with the BAFTA nominated Kajaki – the movie and its real life heroes. Whilst these highlights are inspiring to the team and we value our work with military charities, we also do the day job as well as fighting for the legal rights of service personnel.

We are already planning future events for Armed Forces Day and are pursuing manifesto items which affect service personnal ahead of the General Election.

We hope that you enjoy the articles and wonderful images in this new look edition.



Thank you for your support

Geraldine McCool Head of Military Injury Claims

GERALDINE'S **PICKS**

The Invictus Games 2014

The inaugural Invictus Games took place in London in September 2014, and representatives from our Military Injury Claims Team were delighted to host guests (and be hosted themselves) at various events... p8

Moira Cameron: Keeper, Yeoman, Gentlewoman and the poppies at the Tower of London

Whilst at the inaugural Defence Medical Welfare Service Rugby match, I had the massive good fortune to meet the one and only lady Yeoman, Moira Cameron... p10

Spotlight On: Family

Whether we like it or not, separation and divorce are a part of modern life, as one in three marriages now end in divorce... p22

Follow us on Twitter @Military_IM

If you have any feedback on this edition, drop me an email at **geraldine.mccool@irwinmitchell.com**

PROUD TO SUPPORT THE **PRIVATE SCREENING OF**

KAJAKI

ark Wright GC sadly lost his life in an incluent whilst drying a save an injured colleague on a minefield close to the Kajaki ark Wright GC sadly lost his life in an incident whilst trying to Dam in Afghanistan. A number of his colleagues also lost limbs and suffered life-changing injuries as a result of the events that day.

MPH Solicitors, which merged with Irwin Mitchell's specialist Military Injury Claims Team last year, secured justice for Mark's family following his death, and also acted on behalf of Mark's colleagues; three of whom lost legs in the four different bomb blasts.

Two of Mark's colleagues', Stu Pearson and Andy Barlow, attended the screening along with other military personnel.

Before the screening, guests were invited to attend a welcome drinks reception hosted at Frederick's restaurant in Angel; a number of military charities attended the event along with London-based Chambers and law firms. Irwin Mitchell Partner, Geraldine McCool, who has worked closely with the families involved in the incident, delivered a special welcome message from Irwin Mitchell and the parents of Mark Wright at the event. Bob and Jem Wright thanked David Elliot, the lead star, for the portrayal of their son in the film.

Following the exclusive screening, Kajaki's Director Paul Katis hosted an intimate Q&A session for 35 specially invited guests and employees of Irwin Mitchell. Paul was joined by Lucy Trendle, Associate Producer at Pukka Films and Phoebe Katis, who wrote and performed the music for the film.

Geraldine McCool, Head of our Military Injury Claims Team, said: "This was a fantastic evening to really highlight Kajaki's success and make sure Mark Wright's legacy lives on through the film. The incident was extremely tragic and so many people suffered lifechanging injuries, but we were very pleased to secure justice for them and, through events like this, we'll continue to remember the impact of the minefield incident."

She continued to say:

"It was really special to hear Paul say when he wanted to first move the project forward that he picked up the phone to the solicitors to ask them to talk to the lads and to Bob and Jem, because they were trusted. We are very fortunate to work with and keep links with such special people."









A BAFTA NOMINATED FILM **ABOUT MILITARY HEROES**

THENN TCTUS



he inaugural Invictus Games took place in London in September 2014, and representatives from our Military Injury Claims Team were delighted to host quests (and be hosted themselves) at various events.

Andrew Buckham, from the Military Injury Claims Team in Southampton and Ruth Moore, Senior Welfare Advisor in Sheffield, were hosted by Jaguar Land Rover for the opening and closing ceremony of the games and in turn hosted guests from the Defence Medical Welfare Service (DMWS), Pilgrim Bandits, Royal British Legion and SSAFA.



- Pilgrim Bandits volunteer Helen Jane & Michael Goody (British swimmer) 1
- Salome Gibson & Asha Gibson with John James Chalmers (British athlete) 2
- Roberta Winterton & Maj Shah Jahan (Afghani team hand bike competitor) 3
- Our guest Roberta Winterton pictured with HRH Prince Harry

The DMWS is the only civilian charity to be deployed alongside our Armed Forces while serving abroad. All of the injured, wounded and sick Armed service personal will have been in contact with welfare officers from the DMWS during their recovery, so Nicky Murdoch, Chief Executive, was a fitting guest. Nicky said: "Thank you so much for inviting us to the ceremony and for the hospitality. It was a great event."

The opening ceremony welcomed 400 competitors from 13 nations. In addition to the welcome parade, there was a fly-by conducted by the Red Arrows and Apache and Merlin helicopters – and a spectacular display by Kings Troop Royal Artillery.

On day two, Irwin Mitchell was delighted to host volunteers from Pilgrim Bandits - a charity who support injured veterans to achieve extraordinary things.

The Pilgrim Bandits also sponsored Gold medal winners Steve Gill, Carl Harding and Cpt Andy Phillips by supplying equipment enabling the veterans to participate in the games.

The Pilgrim volunteers had a great time meeting members of Team GB and one or two special guests!

None of us could guite believe it when HRH Prince William and HRH Prince Harry strolled around, chatting to people in such a relaxed manner. Prince Harry was particularly generous with his time and attention to all attendees.

On Sunday, we attended the closing ceremony with guests from SSAFA, The Royal British Legion and a veteran who had previously served with Prince Harry: Lieutenant Richard Cann. The closing concert included artists Bryan Adams, Ellie Goulding, James Blunt, Kaiser Chiefs and Foo Fighters to name but a few. The music was interspersed with medals, ceremonies and recognition to therapists from Headley Court, prosthetists and the Help for Heroes charity Battleback.

Prince Harry mixed with competitors and spectators and I was delighted to be able to introduce him to the teenage daughters of one of our quests. They were utterly star struck as he joked with them.

"This truly was a spectacular event and we were delighted to be invited to attend. We hope the games will continue in whatever format and know it will continue to inspire."

For more on the Invictus Games, visit invictusgames.org

Moira Cameron: Keeper, Yeoman, Gentlewoman &

Tower of London

hilst at the inaugural Defence Medical Welfare Service Rugby match, I had the massive good fortune to meet the one and only lady Yeoman, Moira Cameron. That is not a typo - she is not a noble lady with the surname Yeoman, but the only female Yeoman at the Tower of London.

I had to admit that I didn't really know what a Yeoman did, but the delightful Moira was happy to enlighten me. She explained that Yeomen, also known as Beefeaters, were Warders in the Tower of London.

Originally prison guards, the Yeoman Warder's position dates back to 1485. They are keepers of tradition, protectors of the Tower of London and the community that reside there and, of course, the Crown Jewels.

What she didn't tell me, I later found out, was that to apply for the job of Yeoman, applicants had to be of a specific age, have completed at least 22 years' service in either the Army, Royal Air Force or Royal Marines reaching the rank of Warrant Officer or Senior Non-Commissioned Officer (NCO), and have been awarded the Long Service and Good Conduct Medal. This is a prestigious role and Moira is the first and only female to hold the post.

I explained that I had planned to visit the Tower of London the following day to see the amazing display of ceramic poppies, cascading down one of the Towers and filling the moat. Moira said she would be working and could meet me.

The ceramic poppies have been manufactured as part of the Blood Swept Lands and Seas of Red installation by artist Paul Cummins. They mark 100 years since the first full day of Britain's involvement in the First World War. 888.246 ceramic poppies have been planted in the moat of the Tower of London; one to represent each fallen British and Commonwealth solider lost in that war.

article by Ann Mullard.

As I came up out of the tube, I was surprised by the volume of people crushing up the stairs and down the subway, but I was unprepared for the crowds that were to greet us once we had cleared the subway. The footpaths all the way around the east and south of the Tower of London were packed; the crowd was gridlocked as people tried to make their way along.

I eventually made my way to the main gate to meet Moira. As we were talking about the stunning display, she mentioned a journalist had visited and written a really moving piece about the poppies. We walked down to the moat so I could take some pictures and Moira read the final paragraph of the Daily Telegraph She had written: "Somewhere in there is the special poppy I chose for Uncle George – a particularly neat flower of blazing uniform red, its central black stopper wiggled smartly into optimum position. I gave it a surreptitious kiss before easing it gently into the soft ground, wondering what he would say if he knew how well we still remember."

I was so moved that I couldn't help myself, but was comforted by the fact that Moira also had a lump in her throat and a tear in her eye. Seeing the sheer scale of this project, imagining that each poppy represents one lost British or Commonwealth solider was just overwhelming We shared a moment to recompose ourselves.

If you missed the Poppies at The Tower, you can still visit poppies.hrp.org.uk/buy-apoppy and make a donation to show you still remember.

And if you go by the Tower, look out for Moira - you'll know her if you see her. She is the only female Yeoman: tell her I said hello.



An account by Ruth Moore, Senior Welfare Advisor

Phoenix House presents: HELP for HEROES FASHION SHOV

hoenix House, the recovery centre at Catterick, hosted a fundraising fashion show in October 2014. The recovery centre provides support to the wounded injured and sick service personnel and veterans, some of whom were volunteer models for the night.

Martin 'Ed' Edwards was one of those veteran models. He was seriously injured during his third tour of Irag and sustained a severe brain injury when the Warrior vehicle he was driving hit a roadside bomb.

Ed had been a sniper with the 5th Battalion. The Rifles at the time of injury. He now lives in a brain injury unit and requires one-to-one care. Ed moved many of the audience to tears when he was helped from his wheelchair and assisted to walk down the catwalk by his carers and Sqt Mike 'Pouch' Artis – Ed's commander of the Warrior.

Ruth Moore, Senior Welfare Advisor, and Beth Perry from our Court of Protection department, were proud to show their support that evening. "With a couple of clients in the show, we were delighted to support the event and it was wonderful to see Ed enjoying himself," said Beth. "It was a great opportunity to support this and other charities", said Ruth. "We were really pleased to be able to donate a number of tickets to FANDF (Families with Additional Needs and Disabilities Forum) and to the SSAFA mentors."

"It was great for the volunteers of those charities to see Phoenix House and meet some of the amazing staff who work there."







substantial out-of-court settlement after he was medically discharged from the Armed Forces on account of his hearing injury. Jordan Roberts was represented by Irwin Mitchell and agreed the six-figure award after the MoD admitted breaching its duty of care.

In September 2010, at the age of 21, Jordan Roberts was on a training exercise with the rest of his company. Part way through that exercise, Marine Roberts was provided with a radio earpiece in place of the hearing protection he normally wore. That earpiece offered no protection to the noise he then came to be exposed to from his own SA80 rifle, or from the mortars and grenades used over the remainder of the day.

As a result, he suffered an immediate loss of hearing and a ringing in his ears which has never gone away. Twelve months after the incident following a medical review, he was deemed unfit for military service on account of his hearing and was medically discharged.

"The award should go some way in helping Mr Roberts put his life back on track, but it will never give him his hearing back. Injuries like this are entirely preventable. The award is significant, but fairly compensates Mr Roberts for the loss of the promising and satisfying career he had always wanted."



£150,000 settlement

for Marine discharged with noise-induced hearing loss

former Marine has accepted a 📫 The MoD has agreed to settle the claim for £150,000. The settlement dwarfs the compensation award previously paid to Mr Roberts under the Armed Forces Compensation Scheme 2005 in the sum of £6,000. It includes a modest sum to reflect the fact that Mr Roberts will never regain his hearing, together with a substantial sum to reflect the loss of the military career he had always wanted.

> Mr Roberts is now working with a local employer, but he still looks back upon his Armed Forces career with fondness: "All I ever wanted to do was to serve in the Marines. It was the only plan I ever had. If it wasn't for the hearing loss, I have no doubt I would still be serving today. I would gladly give up the settlement if I could have my hearing back and re-join the

David Johnston-Keay is the solicitor who represented Mr Roberts in his case. He said: "Sadly, Mr Roberts is not the only serviceman or woman to have their military career cut short following a failure to provide proper hearing protection."

HELP for HEROES WINTER BALL

pecialist solicitors from Irwin 1itchell's Military Injury and Court of Protection teams were guests at a winter ball in aid of the charity Help for Heroes.

The event, held at Tennants Auction House in Leyburn on 29 November 2014, was attended by over 400 people. Following a number of auctions and other fund raising activities on the night, just over £110,000 was raised on behalf of the charity.

Irwin Mitchell was invited to the event by Lawrence Mannion, a Support Hub Manager at Phoenix House Recovery Centre located on Catterick Garrison. The Centre, run by Help for Heroes and supported by the Royal British Legion, provides a number of services and activities that support injured servicemen and women.

Paul Weston, a specialist Military Injury Solicitor, attended the event. He said:

"As a former soldier, It felt such a privilege to be part of the event, knowing that the huge amount of money raised would help serving soldiers and veterans along the difficult road to recovery."

Guests of honour at the event were Bryn and Emma Parry, the founders of Help for Heroes who said: "We must never forget or fail those who return from conflicts in need of our support."

Tennants Auction House provided the perfect setting for what was a wonderful evening, and guests were greeted on their arrival to the wellknown Help for Heroes stretcher bearer logo carved out of ice.

> By Paul Weston, Solicitor, Military Injury Claims



THE REAL-LIFE "COOLER KING'S" FINAL GREAT ESCAPE

Imost everyone at some time has watched And been captivated by 'The Great Escape', and, in particular, its lead character Captain Virgil Hilts, portrayed by Steve McQueen.

It is well-known that this is based upon the escape of POWs from Stalag Luft III during WWII – with slight embellishment to some degree in the best Hollywood fashion, of course. However, what most people will not realise is that the inspiration behind Hilts' character, Wing Commander Ken Rees, sadly passed in late August 2014.

I had the pleasure of knowing Ken Rees, and I attended his funeral and heard about his escapades; covered fantastically in his book "Lie in the Dark and Listen" – a must read for everyone.

Ken was lying at the bottom of the tunnel shaft, set to be the next out, when it was discovered by the Germans. Upon its discovery, Ken was once again sent to the Cooler where he learnt the horrific news that his good friends Johnny Bull and Roger "Big X" Bushell had been shot by the Gestapo.

country.

In later life. Ken remarked:

"Had I got out, I would have ended up like the 50 who went before me... it was a certainty, with my record of stays in the cooler and annoying the Germans generally."





Ken was the last surviving member of those involved in The Great Escape, and his passing at the age of 93 is an incredibly sad loss from a generation who so bravely defended our

After the war, he initially left the RAF before re-joining a short while later. He became a flying instructor and later commanded a Valiant "V" Bomber Squadron. Ken will be sadly missed but his memory will forever be immortalised and he will be remembered fondly by those who knew him.



By Alexander Davenport, Solicitor, Military Injury Claims

SPOTLIGHT ON: SOUTHAMPTON

CLIENT FEATURE

RAY LOWRIE AN INSPIRATIONAL CLIENT

Ray Lowrie at the Invictus Games 2014

rwin Mitchell opened its ninth office in Southampton in June 2014, which included a Military Injury Claims Team who offer help and advice to the Service Community along the South Coast and the South East of England.



Andrew Buckham, a former Army officer who specialises in Armed Forces claims and heads up the team. He said: "Irwin Mitchell has a long tradition of helping Armed Forces clients in this part of country, and the South East has important military centres based around Salisbury, Aldershot and Portsmouth.

"The new office will mean that we can be even more accessible to our clients on a wide range of legal services and offer that specialist advice that they need."



R oyal Marine and Irwin Mitchell client Ray Lowrie badly fractured his ankle in three places on a military exercise in Norway six years ago. He then endured a gruelling succession of operations, eventually culminating with the amputation of his left leg.

But that didn't stop Ray from successfully pursuing his interest and passion for rowing, and last year he was part of the British Armed Forces Team that took part in the Invictus Games.

The Games, championed by Prince Harry, featured over 400 competitors from 14 nations competing in an international sporting event for wounded, injured and sick servicemen and women. The event highlighted the power of sport to inspire recovery, support rehabilitation, and generate a wider understanding and respect for those who serve their country.

Ray, who won three medals at the Games, said:

"Being involved in the Invictus Games was important; not just for the competition, but to also raise awareness of the injuries and illnesses that servicemen and women have to overcome."

Andrew Buckham, a specialist Armed Forces injury solicitor at Irwin Mitchell's Southampton office, represented Ray. He said: "The nature of Armed Forces injuries means that they are often extremely serious and usually life-changing, leaving the victims permanently disabled. But our clients are determined not to let this defeat them and the Invictus Games was a fantastic opportunity for them to show their spirit and compete once again.

"With the help of specialist support, care and rehabilitation, many injured servicemen and women are able to live independent lives and come to terms with their condition. Ray has shown incredible determination and is an inspiration to all of us. We are proud to be able to support him and all the competitors as they seek to get their lives back on track."

THE IMPORTANCE OF RECOGNISING COLD INJURY



Service Personnel face an additional risk when undertaking field-based training exercises in cold weather. Whilst awareness

inter may be over, but

of non-freezing cold injury (NFCI) has increased significantly over the last few years, there still remains a significant amount of ignorance about the condition and, in particular, its early signs.

There is no doubt that cold weather kit and good personal administration will help reduce the risk of cold injury. However, they will not, in isolation, be guaranteed to keep you safe.

It is therefore important that you, as an individual, are aware of the risks you face. The degree of risk will be influenced by a number of factors.

The main ones are:

1 The temperature – the colder it is the greater the risk

- 2 The duration of the exposure the longer the exercise, the greater the risk
- 3 Whether your kit is wet or dry wet kit drastically increases risk
- 4 The nature of your training long, static duties such as stag, manning an observation post (OP) or setting an ambush can significantly increase risk as your body is less active and therefore generating less heat.



Where these risk factors arise, it is essential that you appreciate the risk and are mindful of the clues your body will give you that you are beginning to suffer a cold injury. The first sign is numbness. This is not "normal" or "a sign of weakness"; it is the early stage of a cold injury.

The very early stages may be manageable. You should change your socks and powder your feet. If the situation allows, you should have a brew and eat something hot. It could help to also jog on the spot or perform some other physical exercise to raise your core temperature. However, if none of these measures see your hands or feet rewarm and feeling returns, you must report your condition immediately. If you report these symptoms at an early stage and rewarming takes place, the chances of you avoiding injury are dramatically higher.

At this early stage, you may not need to be Returned to Unit (RTU'd). A few hours in the warm is often enough and, as long as the medic is happy you have rewarmed properly, there is no reason why you cannot be returned to the field and continue with the training. Over the years, many soldiers have ignored these early warning signs. Many do not appreciate their significance but some decide to deliberately conceal them for fear of failure – this is a very short-sighted view. Even if the decision is taken to withdraw you completely from the training and this sees you fail a course or cadre, the consequences of that failure on your career will be far less costly than a lengthy period of downgrade during which you are unable to work outdoors.

The long-term restrictions on your employability caused by an established cold injury will often result in PAP10 discharge. Being withdrawn from a course never ended anybody's career.



By Simon Harrington, Partner, Military Injury Claims



PROTECTING YOUR RIGHTS

At Irwin Mitchell we have lawyers who specialise in protecting the rights of individuals in various areas of life. This often involves mounting legal challenges to decisions made by public bodies.

Our experienced solicitors specialise in:

Social and healthcare law – we can help with access to treatment, NHS assessments, social care assessments and many other social and health issues.

Education – we can fight for your rights when access to education has been denied or restricted. Particular issues may arise out of moving due to postings.

Many of these rights are enforced by the legal process known as Judicial Review and we have experts based in offices across the country who can assist you through this process.

Talk to one of our specialist advisors on **0800 028 1943** You can also follow our team on Twitter **@IMPublicLaw**



SERVING, SURVIVIN & RECOVER



After Afghanistan



erviceman Stu Pearson, whose story was told in Kajaki the movie, features in our new video miniseries

Our inspirational client, Stu Pearson was helped by our Military Injury Claims Team after he suffered life-changing injuries when he stepped on a landmine while serving in Afghanistan, which saw him need his left leg amputated.

Stu tells the story of what happened on that lifechanging day in the online mini-series and the impact that has had on him and his parents, as he settles back into life post-Afghanistan.

The short videos set out to inspire other injury victims in their recovery as we follow his story and on-going rehab to help support his recovery. Geraldine McCool, Head of our Military Injury Claims Team, said:

"Stu is a truly inspirational person and we're very pleased he's decided to support us in raising awareness of the importance of rehabilitation. The video mini-series provides a great insight into the vital role good rehab plays in people's recovery, particularly after complex trauma or amputation."

You can watch the series at

www.irwinmitchell.com and simply search for Serving, Surviving and Recovery After Afahanistan.

Follow Stu's recovery online: @irwinmitchell #servingsurviving

Like Stu, we aim to help all of our clients get their life back on track after serious injury and provide support through every stage of the recovery process.

One of Stu's colleagues and friends, Mark Wright, was sadly killed, and two of his other colleagues also lost limbs. The story of that day was the basis for BAFTA-nominated film Kajaki, as featured on pages 6-7.



HELPING OUR INJURED FORCES GO A LITTLE FURTHER







Go as a pilgrim and seek out danger, and seek stimulation in the company of the Brave

www.pilgrimbandits.org



The Army Families Federation Big Debate 2014

The Military Injury Claims Team were proud to support the Army Families Federation (AFF) Big Debate in October 2014 - a conference exploring work and vocation for military families and veterans.

The event, held at the Institute of Education in London, was very well attended by delegates and well supported with local and national businesses, charities and advocacy services. Our team were delighted to sponsor the AFF's Community Award 2014, which was presented in recognition of the Armed Forces dependants business start-up programme: 'Supporting the Unsung Hero.'

The unique 10-month programme was introduced last year, and has been increasingly popular with around 170 spouses and dependants utilising the scheme. The scheme is free and open to families of veterans, reservists and those serving in the Armed Forces. The award was presented at the conference by AFF Chair of Trustees Caroline Buchanan, and received by the University's Armed Forces Co-ordinator, Lianne Bradbury, an army veteran herself.

Lianne stated: "We were absolutely delighted and honoured to be the recipient of the AFF Community Award for our work in delivering a programme that helps service families set up their own business. This award is particularly important to the University as the AFF is the voice of Army families and therefore represents the programmes success in meeting a real need within the forces community."

Ruth Moore, Senior Welfare Advisor said:

"We are really pleased to sponsor the Community Award. The University of Wolverhampton are worthy winners – their work is outstanding and it's a great opportunity for many Army families."

Following the success of the AFF conference, the team look forward to supporting the next conference which will explore issues around building resilience.

SPOTLIGHT ON: FAMILY



hether we like it or not, separation and divorce are a part of modern life, as one in three marriages now end in divorce.

Military families are not immune to relationship breakdown. Indeed, military relationships can often face greater pressures due to regular relocations and families spending long periods apart due to operational postings. Although a military divorce is procedurally the same as a civilian divorce, any solicitor acting will need to understand the issues that military personnel and their families may face.

Here are some key areas which may be particularly relevant to a military family:

Pensions

The courts have the power to take account of pension assets in divorce. It is required that the value of any pension held by the parties upon divorce is taken into account, and this includes any Armed Forces pensions built up by serving personnel.

There are different ways of dealing with pensions on divorce:

- Offsetting the court can decide to allow one partner to keep their pension or a greater share of pension in return for the other partner getting a areater share of other assets
- Attachment the court can decide to keep the pension in the name of one party, but the other party will receive payments from the pension by lump sum and/or periodical payments
- **Pension sharing** the court can divide to transfer a share of it to the other party, who then becomes a member of the scheme in their own right.

Relocation

Military families are known to move regularly, often with little notice given. A new posting within England and Wales may not seem too much of a big deal, but if you are separated from the child's mother or father, issues may arise.

For example, you may need to consider whether the children should move with you and what arrangements should be made for on-going contact with the other parent. Distance, cost and time can lead to dispute and, in the absence of an agreement, the court can make a Child Arrangements Order, setting out times that the children will spend with each parent.

Removal from the Jurisdiction

It is not unusual for military families to receive a posting abroad. If you are posted abroad and have children from a previous relationship, or are considering separation and the children are to live with you, the other parent will need to give permission for you to take the children abroad to live.

In the absence of agreement, it will be necessary to make an application to the court for a specific issue order to allow the removal of the children to another country. In considering any such application, the court will look at all the circumstances of the case with the children's welfare always being of paramount importance.

It is also important to consider under which legal jurisdiction a divorce will take place, as different rules and, most importantly, different financial solutions might apply. If stationed abroad, it is important for service personnel to be aware that there might be the possibility of a divorce in a jurisdiction other than England and Wales, and, as such, we would suggest taking immediate legal advice about the most advantageous jurisdiction for the divorce and financial settlement to be resolved in.



Jane Lonaworth ssociate Solicitor



You can't change what's happened but let us help you with your future

Divorce and relationship breakdown can happen to anyone, at any age and from any walk of life. Everyone's experience of divorce is different. Maybe you don't know what the options are yet, but they are out there. It's important to understand all the options available to you so that you can make the right choices for you, your family and your future. We'll help you establish your priorities and figure out what's important to you. At Irwin Mitchell we have a wealth of experience in guiding people through divorce, offering a sensitive but no nonsense approach to help you achieve what's important to you. Irwin Mitchell, standing by you.

Contact: Jane Longworth 0238 093 0712

www.irwinmitchell.com

For a list of our offices visit our website. Irwin Mitchell LLP is authorised and regulated by the Solicitors Regulation Authority.

