

Edition 4 - Autumn 2016

# Focus

on Military

Always a little further  
**Pilgrim Bandits**

Headway Forces  
**Support Group**

**The Forces** help to  
buy scheme





# Welcome...

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

I'm delighted to bring you the latest news from the Military Injury Claims team after a busy summer.

As the Secretary of the Royal British Legion Solicitors Group, I was delighted to join Paul, Simon and other members of the Group to receive the award for Legal Services Team of the Year at the Claims Innovation Awards 2016 in Manchester.

Congratulations to Rob Cromey-Hawke, our colleague from Headway Forces Support Group, for his Soldiering On Working Together award. Rob also travelled to Orlando for the second Invictus Games and kept us going with wonderful pictures of the event.

This was closely followed by a programme of activities in support of Armed Forces Day, with a focus on mental health issues amongst service personnel. This included support for two charities – the FirstLight Trust and the Invicta Foundation. You can read more about FirstLight in this issue, and I am very pleased that we can highlight rehabilitation in a different form, following on from the work we have done on physical rehabilitation amongst military amputees in particular.

This focus links to the appointment of Amanda Marsh as a specialist in the Armed Forces Compensation Scheme. Amanda is a highly experienced, dedicated lawyer who is passionate about ensuring that service personnel are treated fairly within the Scheme and also campaigns for change as to how the compensation is awarded.

The busy summer also saw the unveiling of the report of Sir John Chilcot into the 2003 Invasion of Iraq. I was in London that day with Samantha Roberts, whose husband, Sergeant Steven Roberts, was the first soldier to die in Iraq. The inquest into his death in 2006 highlighted the lack of enhanced combat body armour and was the subject of a submission we made to the Chilcot Inquiry in February 2010. Sir John produced a section on this and other lack of equipment in his report. It was a very emotional day, and illustrated that our journey with our clients can go on for a very long time and take a variety of forms, including campaigning for change.

I hope that you enjoy reading our latest news and thank you always for your support.

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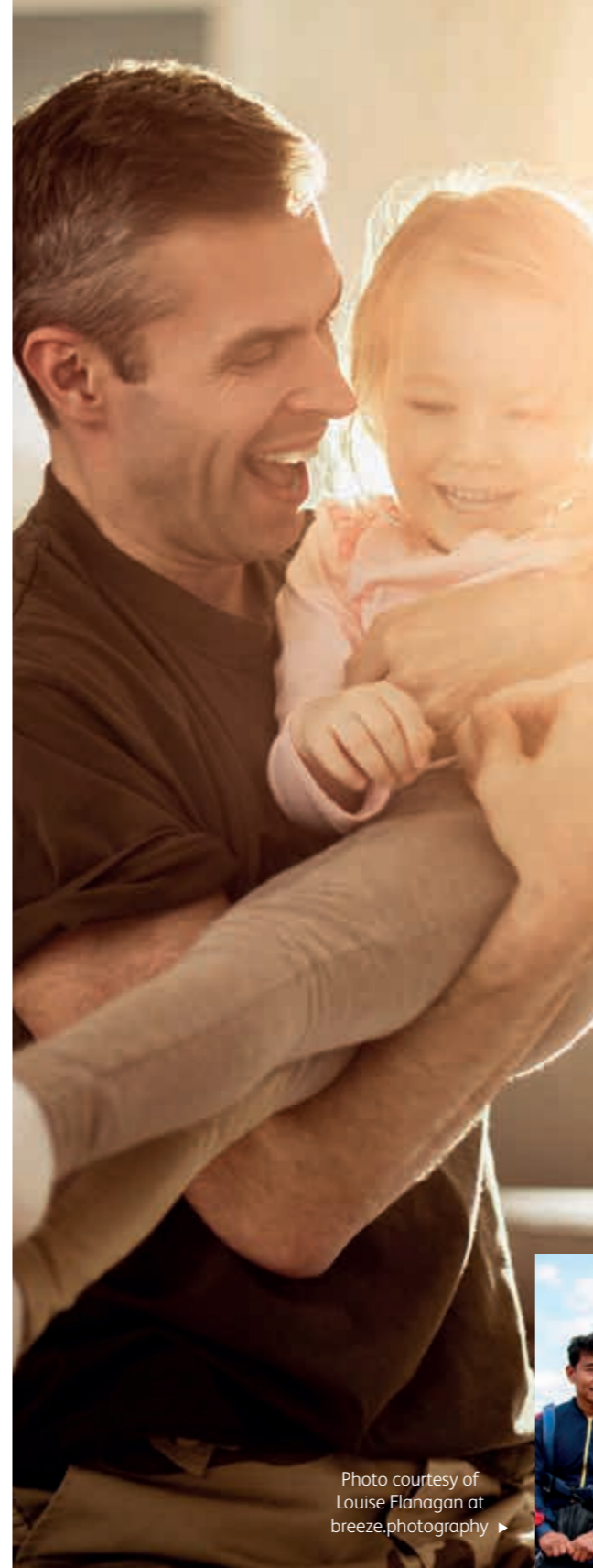


Photo courtesy of Louise Flanagan at breeze.photography ▶

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Photo: Ben Parkinson and Carol Horchuk



Last year, on 11 July 2015, the Irwin Mitchell Southampton Military Injury Claims team, together with a few extra recruits, descended upon APA Netheravon, Wiltshire, to take part in the Pilgrim Bandits event to raise funds for the charity through tandem skydiving. We raised over £4,000 for the charity and helped them to raise £12,000 in total.



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# Always A Little Further



Photo courtesy of Louise Flanagan at breeze.photography

Those who jumped at the skydive included (top left); Nigora Whitehorn (middle row, left to right); Hari Magar, Alex Lewis, Ben Parkinson and Tyler Christopher (front). Duncan Bannatyne, an ambassador for the charity, also attended the event.

Pilgrim Bandits Charity was established by a small group of Special Forces veterans in 2007 with the aim of using their unique training and experience to help and inspire wounded soldiers to live life to the full.

The mantra 'Always a Little Further' is core to the charity's attitude, whether working with amputee men and women from the services directly or by utilising their experiences to inspire and encourage young people and children.

The charity's patron, Lance Bombardier Ben Parkinson 7 (Para) RHA, lost both legs in Afghanistan following an IED blast in September 2006. Ben also sustained a number of other injuries, including a spinal injury, a pelvic injury and a brain injury; nonetheless, Ben has gone on to inspire others through his endeavours with Pilgrim Bandits and through having completed other feats, such as carrying the Olympic Torch through Doncaster, despite being told he would never walk again.

Irwin Mitchell have also supported Ben and his family in their campaign for an increase in the AFCS award for seriously injured soldiers.

A number of the charity's ambassadors were also involved on the day. Lance Corporal Tyler Christopher was injured by an IED in Afghanistan in 2009.

As a result of the blast he had to have both legs amputated above the knee, as well as nearly losing his arm and suffering abdominal injuries. However, he has reportedly joked that he was more bothered about losing his camera in the blast, as it had all of his tour photos on it.

Alex Lewis also took part. Alex is the charity's first civilian ambassador. He was asked to join the Pilgrim Bandits as a result of his remarkable attitude. In November 2013 Alex collapsed before being rushed to hospital. Within a few hours his vital organs were failing and he contracted Strep A, which quickly became Strep A Toxic Shock Syndrome.

This led to septicaemia and necrotizing fasciitis which resulted in quadruple amputation for Alex. He had to undergo extensive skin grafts and facial reconstruction as the infection ravaged his face and mouth as well as his limbs. He was 33 years old at the time, with a partner and a three year old son.

Ben, Alex and Tyler were also joined by Hari Budha Magar, a double amputee from the Royal Gurkha Rifles. Duncan Bannatyne, an ambassador for the charity also attended the event to show his ongoing support.



Helping the Pilgrim Bandits to go a little further, Ben and Co. were joined by members of the Military Injury Claims team from Southampton. In particular, Andrew Buckham and Emily Baker were on hand to complete jumps on behalf of the charity.



# Supporting Leavers And Veterans Who May Find The Transition To Civvy Street A Challenge



**Graham Brown**  
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Future for Heroes (F4H) offers free support to the minority of veterans and service leavers who may find the transition to civilian life difficult, daunting or distressing.

Some are referred to us from organisations that support the more vulnerable, where offending or destructive behaviour is a risk. Others may simply be anxious about their future and how they might manage. Where appropriate, partners or spouses of delegates may also attend a course. Since our launch 7 years ago, some 600 individuals have attended our courses.

Our personal change programme comprises a residential course running over 4 days held at Brathay in the Lake District. The course is a mixture of classroom-based discussions and gentle outdoors, experience-based activities.



We do not offer or provide clinical intervention. Our aim is to help individual veterans and leavers to become independent.

A course maxim is 'Challenge by Choice' – every aspect is voluntary – although rarely does an individual not take part in an activity. It is but a step, for many their first, on a journey that sees them advance positively into further training, employment or other post-military interests.

We have full access to qualified and experienced support technicians for those with disabilities, ensuring every delegate, including wounded, injured and sick (WIS) personnel, can partake in all activities and gain maximum benefit. When serving WIS undertaking their resettlement attend our course we provide MHFA-qualified individuals that are present for the duration of the 4 days.

The course focuses on recognising individual potential through building self-esteem, confidence and resilience in the face of major life changes: we help the delegates to achieve the emotional adjustments required for a successful transformation. Individuals are better able to identify their needs, meet them, and so enhance their ability to plan and take control of their lives to achieve their full potential. The course assists integration into civilian life, encourages delegates to consider their available options, and focuses them on achieving sustainable change.

Where required, delegates are signposted and referred to follow-on life development, social support, training or employment organisations. These referrals begin during the application phase if immediate needs are identified. Mentor support begins from the time the delegate attends our course - our mentors attend the full course alongside their charges.



Photo courtesy of Headway

Alastair White with committee members Warren Maxwell, Alan Purdy, Rob Cromey-Hawke, Laura Gabbey-Cristofini and Johnny McConville

## Headway Forces Support Group Launch

Last September, we were proud to be involved in the launch of Headway Forces Support Group at Phoenix House Recovery Centre in Catterick.

The steering group, chaired by Rob Cromey-Hawke, a former Army Captain, had been meeting for a number of months prior to launching the group. The aim is to provide a service for brain injured service personnel, veterans and their families by providing information and peer support on a monthly basis. Rob sustained a brain injury in 2012 whilst serving in Afghanistan. He felt that support was needed for brain injured service personnel after they leave the military. He also felt that support was needed for his family.

Rob said, "the support my family and I have received from Headway Forces Support Group has made a big difference to us and we now understand and manage my brain injury better. It's a huge privilege to be able to lead this amazing group into the future and we aspire to support and educate many more service families and veterans affected by brain injury."

The group have met on a monthly basis since September with the usual format being a speaker followed by a discussion group and peer support. Phoenix House have very kindly allowed the group to use the centre and even arranged a relaxation and yoga session for one of the sessions!

The group celebrated their 1st anniversary on Thursday, 20th October 2016. For further information, please contact Laura Gabbey-Cristofini from our Military Injury Claims team who is Treasurer of the group.

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# Criminal Injuries Compensation (Overseas) Scheme



**Paul Weston**

“Despite the CICO scheme being in place since 1979, I often find that soldiers who call me are unaware it exists. This is especially worrying when you consider the two year time limit that applies”.

Since 1979 the Ministry of Defence has operated a compensation scheme for service personnel and their accompanying dependants which makes payments to innocent victims of crimes of violence.

The scheme covers those serving overseas and deliberately mirrors the scheme operated by the Ministry of Justice (MOJ) which compensates victims of crime in the UK. This ensures that they and their families do not suffer a disadvantage as a result of service compared to civilian victims of crime. For an application under the scheme to be considered, it must be submitted within two years of the incident.

The overseas scheme is known as the Criminal Injuries Compensation (Overseas) Scheme and is an evidence based scheme. Paul Weston from the Irwin Mitchell Military Injury

Claims team assists soldiers and their families to gather the necessary police evidence, medical evidence and witness statements to support the claim.

Irwin Mitchell provides this service on a Contingency Fee Agreement and has been very successful in ensuring that soldiers and their families receive the maximum amount of compensation available, which is currently in the region of £500,000.

In June 2013, a young soldier serving with the Royal Fusiliers was assaulted by a fellow soldier while off duty overseas. As a result of the assault, the soldier suffered a severe brain injury.

The soldier who committed the assault was arrested and, following a military court martial, was convicted of intentionally inflicting grievous bodily harm, sentenced to nine years imprisonment and discharged from the armed forces with disgrace.

The injured soldier was taken to a local hospital initially and treated in a critical care unit before being flown back to the United Kingdom. After further extensive treatment, he was eventually discharged to Headley Court where he continues to be treated. As a result of his injuries, the young soldier is to be medically discharged and will require care and support for the rest of his life.

Paul Weston was instructed by the soldier's mother because her son lacked the mental capacity to instruct us himself. To date Paul has been able to secure £175,000 for the soldier's injuries and is now gathering the necessary medical and non-medical evidence to ensure that he is awarded the maximum amount of compensation to cover his future loss of earnings as a result of being medically discharged from the armed forces.

**Paul Weston**

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# ‘Again Making Fit’



With  
Firstlight  
Trust

Photo courtesy  
of Howard Nicol

The noun ‘rehabilitation’ comes from the Latin prefix re meaning ‘again’ and habitare, ‘make fit’; a perfect description for what the charity FirstLight Trust does.

The media is full of pictures of the Invictus Games; of Armed Forces personnel undertaking extraordinary feats of physical prowess. The Armed Forces, after all, are renowned for their physical fitness, and for many of those who have lost limbs, part of their lives, the road to recovery is defined by physical fitness and success in that field. Hard fought and hard won.

But rehabilitation is not only about physical fitness. For many of the veterans that FirstLight supports, getting out of bed and facing the day is in itself a massive achievement. And the charity understands that, for veterans, ‘again make fit’ manifests itself in as many different ways as there are veterans.

Quite simply, FirstLight Trust supports veterans from all over the UK to ‘again make fit’. In Scarborough the charity has become ‘point’ for veterans. The police, probation, local housing associations, councils, SSAFA, and RBL all refer into the charity. A comprehensive assessment is carried out, and then the next steps agreed with the veteran – whatever those are. It can be finding housing, solving debt issues, assisting in making GP appointments, CV writing, job hunting, or, and most importantly, empathetic support and a chat over a brew. The miracle of a chat over a large mug of tea should never be under-

estimated. In fact, so important is that ability to communicate over a brew, and offload concerns, or have a joke, that every drop in that FirstLight provides has a café – named Sharpes after the hero of FirstLight’s patron, Bernard Cornwell OBE. And whilst great coffee and good tea is not a panacea for all ills, the fact that there is a café/shop that is veteran friendly and open at least 6 days a week creates a bond of security and trust. Combine that with an emergency phone line manned 24/7 and veterans who contact FirstLight know that their concerns will be addressed.

FirstLight is currently Yorkshire-based, with a hub in Scarborough, and another being created in Redcar. The intent is to create a national network of support at grass-roots for those ‘hard to reach’ veterans who have often fallen through the charitable net. As the charity is needs based, the aim is to create hubs in places where there is little that is ‘joined up’ in the way of veteran services. Each hub will consist of a charity shop/café or coffee bar, and offices with workshop/support facilities. The charity aims to be as self-funding as possible – and the charity shop not only provides income and a vital, visible portal on the high street but also provides access into local communities. This local knowledge is vital to the charity’s work. Being based within a veteran’s community is vital

to supporting their rehabilitation and enabling them to become part of the life of that community by accessing its services, support and social life. All of this work would be impossible if it were not for all the other agencies and services that FirstLight works with to deliver the thousands of pounds worth of services it accesses on behalf of its veterans.

There is no point in re-inventing the wheel except where it is broken or there is a gap (and FirstLight does that by funding what is not available). The problem for many veterans is that they have no idea where to access these services. By creating an accessible, veteran friendly point on the street, on the web and by working with other agencies, FirstLight can facilitate that access and assistance. And, what is more, it then follows it up. Additionally, and somewhat unusually, FirstLight supports all veterans, including those from the Reservists as well as the Emergency Services, those who have signed up for one day, the dishonourably discharged and those who self-medicate on drugs and alcohol. FirstLight will work with rehabilitation centres, trauma centres, detox centres and the probation service. It will do whatever it takes to support those who simply don’t know where to go or what to do – for them FirstLight is the charity of last resort. Some veterans will be supported

by the charity for six weeks; some for the rest of their lives. It can be as simple as buying a bus ticket to enable a veteran to get home from his detox programme (AB, for example, had walked 26 miles to get there only to find that his support worker was away and they had not seen fit to inform him; luckily he then had his first appointment with us) or as complicated as case management for life.

But whatever it is that the charity does, and wherever it works (from Bangkok to Cornwall, with Scotland and Wales in there for good measure) it helps veterans ‘again make fit’.

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# Amputation Rehabilitation Research At Imperial College

As I listened to Dr. Emily Mayhew, Historian in Residence, Department of Bioengineering at Imperial College speaking on Front Row about the new Wounded Exhibition at the Science Museum, I was reminded that I first encountered Emily on BBC Radio 4 when she was talking about the research on the life-long cost and commitment to military amputees.



That led me to invite Emily to be the key note speaker at our Complex Trauma & Amputation Rehabilitation for Service Personnel Conference in March last year.

I am also a huge fan of Emily's book "Wounded – from Battlefield to Blighty 1914-18", which traces the journeys made by casualties of that war from battlefield to a hospital in Britain, something we all remembered recently in connection with the Centenary of the Somme.

I was therefore delighted when Emily invited me to a Rehabilitation Research Seminar at Imperial earlier this year. Emily started the day with a session on past and future histories of rehabilitation. Rehabilitation was originally called Orthopaedics and largely involved industrial accidents to children. Sir Robert Jones pioneered the specialism in the First World War, and following conscription in 1916, there was an acknowledgement by the medical profession that a large number of soldiers were going to be killed or injured. Massive bed capacity was needed for those who were injured and 20,000 specialist beds were established during 1917, including the Flagship Centre at Shepherd's Bush. We were shown wonderful cinematic pictures of the wounded, with soldiers helping to build their own prosthetics, but this speciality, which involved the



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Consultants for the first time taking part in the post-surgery phase, was not universally welcomed and was seen as encroaching on the role of the General Surgeon. Indeed it is a theme of Emily's key note speech to us that we lost much of the expertise from dealing with amputation in the First World War and must not do so again in connection with the recent conflict in Afghanistan.

Major Peter Le Feuvre MBE then spoke about Rehabilitation, Innovation and Approaches at Headley Court during the conflict. Amputees could expect cycles of surgery; it was not a continuous seamless journey from surgery through rehabilitation. This speaker emphasised the importance of a multi-disciplinary approach and, in echoes of another theme of our conference, recognised that it is difficult to rehabilitate if the patient is in pain. DMRC Headley Court

has established groups in complex trauma, lower limbs, spines and other areas, and these help the individual to thrive.

This speaker addressed the inevitable tension between the Plastic Surgeons wanting to keep the stump still and the Physiotherapist wanting to move it about, and this was explored in issues of wound management.

In the audience we had Captain Dave Henson who graduated with merit in a Master's Degree in Biomedical Engineering at Imperial in 2014. Dave was Team Captain of the British Armed Forces Team at the Invictus Games in 2014 and continues his interest in prosthetic research. He spoke about the disconnect of leaving army life but feeling separate from civilian life and how he carved out a new path for himself. Dave as a double-amputee ran the best T42 200 metre time in the world this year on the second day of the Invictus Games in Orlando and he also went on to win a bronze medal at the Rio paralympics in the Men's 200 T24.

Gillian Conway, Senior Prosthetist at Blachfords, spoke of prosthetic challenges and common problems,

including the importance of continuity and knowing the patient and socket. Expectation of what could be achieved at Headley Court changed over time, and that experience has been shared with the NHS, although set up and resources would seem to me to be rather different.

Dr. Hannah Jarvis, the Higher Scientific Advisor at Headley Court, gave a fascinating talk on the Gait Laboratory, raising the importance of data, and exploding some myths about how amputees walk. There is a common perception that they walk more slowly with shorter stride length and asymmetry in step length and stance time.

Three groups of different types of amputees and a fourth control group took part in the studies, which showed that amputees walked faster and with a more even stride. This in turn fed back to the importance of rehabilitation and prosthetics in achieving a highly efficient gait pattern. Variation amongst the different types of amputation was small – the amputees were getting the same rehabilitation advice and working together.

Hannah told how, when at Salford University, she was informed that the most serious of the amputee groups would never walk and would be in wheelchairs. Someone then described a fire alarm at Headley Court during which they found themselves walking alongside these amputees, none of whom were in wheelchairs.

Matt Hopkins, a PhD student at the Centre, finished with a session on smart sockets for blast rehabilitation, showing us laser scanning and 3D printing, a socket filled with sensors and information coming to a smart phone.

I sat next to Vikki Hawkins of the Science Museum, who recommended a book on another important aspect of conflict – "Broken Men – Shell Shock, Treatment and Recovery in Britain 1914-30" by Fiona Reid. In turn, I would heartily recommend the Wounded Exhibition to all our readers.

Wounded: Conflict, Casualties and Care is on at the Science Museum, Exhibition Road, London, SW7 2DD until 1 January 2018.



**DON'T  
QUIT**

**THIS IS YOUR HOUR,  
SUMMON YOUR POWER**

Following a road traffic collision, our client Kieran Wood suffered a severe brain injury. He has on-going therapy and as part of this, has found a particular interest in rowing. Kieran was selected to be part of the British Armed Forces team at the Invictus Games in 2014 and won a bronze medal for his efforts.





## Royal British Legion Solicitors Group Legal Services Team Of The Year 2016

Geraldine, Paul and Simon attended the Claims Innovation Awards in June at the Midland Hotel in Manchester, as part of the Royal British Legion Solicitors Group, who picked up the award for Legal Services Team of the Year.

The Claims Innovation Awards celebrate how teams and individuals across the legal services landscape constantly find new ways of raising standards, growing business and improving access to justice.

Paul is a founder member of the group, formed in the latter part of 1987 following the removal of the MoD's immunity from civil claims.

A handful of likeminded lawyers, several of whom, like Paul, had had a previous career in the military, joined forces to assist beneficiaries of the Royal British Legion and to share information. Geraldine joined the Group in 1990 and is the current Secretary. Simon joined more recently, bringing his expertise in assisting Commonwealth Soldiers, particularly in the area of cold injury claims.



The award also recognised the work of the Group at military inquests, many of which have been undertaken on a pro-bono basis.

High profile Inquests have included the Brecon Beacon Inquest, the inquest into the death of Sgt Roberts, the first soldier to die in Iraq, the Inquest into the death of Corporal of the Horse Matty Hull, who died in an A10 "friendly fire" incident and the death of Mark Wright GC in a Kajaki minefield.

High profile litigation in the Group includes the Chinook Mull of Kintyre crash 1994, the MoD Borneo Jungle expedition of the same year, and the Nimrod crash, which raised issues in military aviation, leading to the Haddon-Cave review.

Geraldine, Paul and Simon joined Chairman Hilary Meredith and colleagues on the night for a ceremony hosted by Ralf Little and, although the history of the Group was looked at with great pride, there was a recognition that the need for this specialist representation remains as strong as ever.

"This small number of dedicated solicitors have over the years shared the same passion: to represent members of Her Majesty's Armed Forces and their families by providing the best legal advice and to assist injured service personnel regain their quality of life post-injury."

**Geraldine McCool**



# Armed Forces Compensation Scheme: Q&A



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In May Amanda Marsh joined the Military Injury Claims team as a Specialist in Armed Forces Compensation Scheme (AFCS) cases. Here, Amanda explains how she can help service personnel bringing claims under the Scheme

### The AFCS Scheme is a very specialised area-how did you first get involved?

My background is in more complex personal injury cases but I have for many years had a special interest in high value Criminal Injuries Compensation Scheme cases. The CICA Scheme is very similar to the AFCS and as such it was a natural progression to deal with claims under both schemes.

### Why is a solicitor sometimes needed in these claims?

The AFCS is supposed to be a fair and easily accessible process by which injured military personnel are awarded the correct award for the injury suffered. However, in some cases where an injured person acts alone, the outcome is very different. This is because the scheme is in fact a complex document which does not provide for independent medical evidence to be obtained. It is not always clear what information has been obtained by Veterans UK in support of a claim or whether it is accurate and complete. In such cases a solicitor has an understanding of the evidence gathering process, can obtain that evidence and often turn the case around.

### How long have you been working in this area and how many service personnel have you helped?

I have been representing clients under the CICA scheme for over 16 years and under the AFCS for the last 3 years and have helped over 250 service personnel, either by taking the case on or, on occasion, by giving advice where it is clear that legal representation will add no value to the claim.

### What are the greatest challenges you have faced when dealing with claims under the scheme?

The biggest single challenge is in obtaining the correct medical evidence to establish the nature and severity of the injury. The scheme does not allow for independent evidence and without it, it can sometimes be difficult to gather all the information together, as it can be held in a number of different places.

### When is a lawyer not likely to be needed?

There are some injuries where there is a single tariff under the scheme such as, for example, compartment syndrome. All that is required is a diagnosis and then the standard tariff is paid so there are rarely complications. Another example would be a torn cartilage and in such cases an injured person can successfully achieve the right outcome without legal help.

### What's been a highlight for you in terms of result?

Every case where we succeed in getting the right award is a highlight but one that stands out is a young Fusilier who had PTSD and had been awarded just £10,000 for symptoms lasting 5 years. After instructing an independent psychiatrist he was awarded £140,000 plus GIP amounting to 75% of his final salary which he will receive for life. It was a life changing result.

### If you were in government what would you change about the scheme?

I would make it a requirement under the scheme that independent medical evidence be obtained and that it is paid for by Veterans UK, just like the CICA scheme pays for independent reports to be obtained. This is essential in order to be able to accurately assess an injury, give a fair prognosis and so ensure that it attracts the right award.

"You've been so positive for my mental health as you have dealt entirely with the claim which was proving incredibly stressful. As soon as you took over a weight was lifted off me as I knew it was being handled but I was removed from the stress and was able to focus on my recovery rather than try and battle through the claim process."

# The Forces Help To Buy Scheme



## Helen Hutchison

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Buying a property can be a complicated and stressful experience, especially if you're making the transition from military life to civvy street.

Whether you're moving into civilian life or just looking to leave married quarters, regular armed forces personnel can benefit from a £200 million scheme to help them get on the property ladder.

The Forces Help to Buy scheme enables servicemen and servicewomen to borrow up to 50 per cent of their annual salary – interest free – to buy their first home.

High mobility and regular deployments mean that many personnel have delayed buying a home – and some experience difficulty when accessing credit. The pilot scheme was launched in June 2014 and is scheduled to run until 2017, with the aim of addressing the low rate of home ownership within the military.

It's not about forcing servicemen and women out of military property though – single persons accommodation and married quarters are still an option for military personnel who want to continue to use them.

**Mortgages are personal to the buyer, taking into account your circumstances, your lifestyle and – most importantly – your budget.**

The amount you can borrow is based on what you can afford to pay each month taking into account many different factors. Irwin Mitchell is fully conversant with help to buy schemes and is a market leader on conveyancing.

All regular personnel who have completed the pre-requisite length of service, have more than six months left to serve at the time they apply and meet the right medical categories, can use the Help To Buy scheme, although there may be instances where exceptions can be made where there are extenuating medical and personal circumstances.

A recent poll saw buying or selling a property listed as the most stressful life experience a person can go through – more stressful than relationship break-up/divorce or being made redundant.

The scheme won't do all the work for you, but it does allow service personnel to borrow up to 50 per cent of their annual salary, to a maximum of £25,000 which can then be used towards a deposit and other costs such as solicitor's fees.

This coupled with an experienced and expert team of property lawyers on your side to exchange contracts, advise on mortgage offers and handle everything on the day of completion will help make the process a smooth one.

The loan is available regardless of marital status; both single and married personnel have access to the same level of loan, which will be repaid monthly through your salary over 10 years.

You will be expected to live in your new home whenever service needs allow, although if you are posted away then Service Family Accommodation will be available at the normal rates.

You can apply online through the Joint Personnel Administration system and can seek advice on your application through your chain of command and personnel agency.

## Tax Guide For The Armed Forces

The tax affairs of Armed Forces Personnel are not always straightforward as there are a variety of awards and allowances available which are paid in addition to basic salary. Some of these payments are taxable and others are not. The Armed Forces Pension also has taxable and non-taxable elements.

In addition, as referred to in our article last time, there is a full exemption from inheritance tax for military personnel who die either on active service or later as a direct result of their injuries. This relief is not well-known and often overlooked. We can advise both clients and probate specialists of the availability of this relief and how to claim it.

Below is a link to a guide to taxes for the Armed Forces produced by the Low Incomes Tax Reform Group and specifically covers the special taxation regime for Armed Forces personnel.

The guide can be found online at: [www.litrg.org.uk/sites/default/files/files/armed\\_forces\\_april\\_2016\\_proof3\\_0.pdf](http://www.litrg.org.uk/sites/default/files/files/armed_forces_april_2016_proof3_0.pdf)



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# Walk Of Britain



Used with permission from Walking With The Wounded.

Walk of Britain team at the top of Ben Nevis on day 3 of the Walk

On 22 August 2015 six injured veterans began their 1,000 mile journey across mainland Britain, starting in Scotland to finish at Buckingham Palace on 1 November 2015.



On 9 October I had the opportunity to join the veterans for a portion of their incredible journey, together with Emily Baker and Emma Wager from the Military Injury Claims team in Southampton. We met the veterans at Southampton FC's St Mary's Stadium, before embarking upon a 10.5 mile walk towards Gosport.

At this point, the veterans were already 49 days into their 72 day journey and were in high spirits. Their journey around Britain included a variety of on and off-road terrain, including reaching the summits of Ben Nevis, Scafell Pike, Snowdon and Pen Y Fan. We learned about the highlights of their journey so far, including the incredible amount of support which the team got along the way. Passers-by would regularly stop to donate, every penny of which goes toward supporting veterans back into employment.

A particular highlight for the team was meeting Prince Harry, their patron, who joined them in September for a 17 mile portion of their walk through Shropshire. Alec Robotham said how he had enjoyed having "everyday chat" with Prince Harry about military life. Prince Harry was also at Buckingham Palace to meet them at the end of their 1,000 mile challenge.

The journey inspired a great deal of support for veterans and the charity. The event was covered by the national press and had a large social media following @supportthewalk. We were honoured to be involved in a small part of their journey. It was humbling, albeit slightly embarrassing to admit, to find that we were quite worn out after the day, despite having walked for just one day out of the 72!



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## Alec Robotham, Royal Marines

Severe right leg trauma as a result of shrapnel damage from a suicide bomb incident whilst on foot patrol in Afghanistan. After multiple surgeries, Alec will always suffer from swelling and poor flexibility in his right leg, but he sees this as a small price to pay given there was a 90% chance he was going to lose it above the knee.



## Scott Ransley, Royal Marines

Scott was involved in an incident whilst dismantling an IED making facility. He was close to an IED which detonated and lost sight in his right eye. Scott found it hard to fill the void in his life after leaving the Royal Marines – the camaraderie, the constant focus and the daily challenges – and therefore enjoyed being involved with the expedition.



## Stewart Hill, The Royal Welsh

Stewart suffered a Traumatic Brain Injury whilst serving as a British Army Officer in Afghanistan. To help deal with his post injury depression, Stewart began painting a couple of years ago, and now adores painting, finding it exciting and therapeutic. You can visit Stuart's website at [www.stewarthill.co.uk](http://www.stewarthill.co.uk).



## Matt Fisher, 3 Rifles

Gun shot wound to left foot whilst on foot patrol in Afghanistan. Matt underwent rehab sessions at Headley Court, but after a year of having difficulty walking he made the decision to have his left leg amputated.



## Andrew Bement, US Marine Corps

Andrew was medically retired from service in 2015 for Post Traumatic Stress Disorder and a Traumatic Brain Injury.



## Kirstie Ennis, US Marine Corps

Kirstie was involved in a helicopter crash whilst deployed in Afghanistan, in which she sustained injuries including full thickness facial trauma, damage to her cervical and lumbar spine, hearing impairment, bilateral shoulder trauma, traumatic brain injury and left foot limb salvage. She has undergone 40 surgeries and has been through speech therapy, physical therapy, vestibular therapy and cognitive therapy over the past three years.

## More about the Charity

Walking with the Wounded supports veterans with physical, mental or social injuries on their journey to long-term security, independence and employment outside the military. The charity's mission is "to fund the re-training and re-education of our servicemen and women, both veterans and those leaving the Armed Forces today". This involves financing new qualifications, education and training programmes for those who are injured, to help with their career transition. Their work enables veterans to rebuild their lives after injury and to return to the workplace.

Follow the Walking with the Wounded on Twitter @supportthewalk

# When AFCS Is Not Enough – Think About A Civil Claim

Many service personnel are unaware that they can bring a civil claim in negligence as well as an Armed Forces Compensation Scheme (AFCS) claim. Simon Harrington, a Partner in our Cambridge office, highlights classes of injury which commonly result in significantly higher civil awards that would be paid under the AFCS

The AFCS will provide of a lump sum award to reflect pain and suffering. The lump sum will be taken from a tariff and will not necessarily consider the impact that injury has on the specific individual. However in most cases the tariff award is broadly comparable to the lump sum a Court may award for the same injury in a civil action.

Where an injury meets the criteria of an award at tariff of 11 or above, the claimant will receive a Guaranteed Income Payment (GIP) in addition to the lump sum. Put simply, the GIP is a further annual payment (a bit like a pension) which is intended to reflect the impact those injuries are likely to have on your future earning capacity.

Injuries which result in awards of tariff 12 or below do not attract a GIP. As such, injuries at this level will only result in a one off lump sum award under the AFCS.

Since the introduction of PAP10 your Chain of Command have been able to use the RECU process to apply for your Medical Discharge if you are permanently downgraded. In this context a “permanent” downgrade is awarded for a condition which persists in restricting your employment for more than 12 months. Where that injury results in major restrictions on your employability, the grading will be P7 and your Chain of Command will almost certainly instigate the RECU process, resulting in your Medical Discharge.

Many of the injuries which end up with Medical Discharge under the RECU Process are found at tariff levels 15-12. Common examples are:

1. **Lower back pain**
2. **Noise induced hearing loss**
3. **Non-Freezing Cold Injury (NFCI)**

A Medical Discharge will usually result in a significant loss of earnings, pension and in service benefits. Whilst soldiers discharged under the RECU Process will almost always be able to find work as civilians, such work rarely comes with comparable promotion prospects, service benefits or pension entitlement to that which they enjoyed in service. In most cases the losses stemming from RECU Discharge will usually be in the region of £100,000. The AFCS does not recognise this loss in such cases.

Unlike the AFCS, the courts in England and Wales will consider each and every case on its own facts. That means that, if an injury results in financial loss, the court will recognise that loss when calculating damages, regardless of the severity of the initial injury. As a result, civil claims for damages will often vastly exceed awards made under the AFCS.

Irwin Mitchell Solicitors deal with these claims on a day to day basis. They have specialist teams dedicated to both NFCI and noise induced hearing loss claims. Their experience in such matters is unparalleled.

By way of example, the following is a typical, but fictional, comparison of AFCS awards and Civil Damages in NFCI cases.

Lance Corporal ‘A’ was graded P7 Medically Non-Deployable for an NFCI sustained to his feet and discharged in accordance with the RECU process. He had served for six years and upon discharge found work as a lorry driver. Uninjured, he had intended to complete a full 24-year engagement.

AFCS	
Lump sum	£6,000
Civil Claim	
Pain and Suffering	£15,000
Handicap on labour market	£30,000
Loss of congenial employment	£5,000
Loss of earnings	£50,000
Loss of pension	£50,000
Loss of Service benefits	£20,000
Cost of heating, clothing etc	£10,000
<b>Total</b>	<b>£180,000</b>

In cases where an injury results in medical discharge but no GIP is awarded under the AFCS, there is likely to be a huge difference between the award made by the AFCS and that you would reasonably expect by way of civil claim. In such cases, it is vital that you seek help from the solicitors who specialise in this area and who are able to advise you as to the respective merits of the various options available to you.

Irwin Mitchell have specialised in this type of claim since the abolition of Crown Immunity in the 1980s and, with specialist teams in four separate offices, are able to provide specialist advice and assistance from whichever office is most geographically convenient to you. Initial consultation and advice is free of charge.



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We are holding two AFCS workshops for non-solicitors helping service personnel with the Scheme.

Tuesday 8 November (930am-2pm) Fusilier Museum Moss Street Bury, BL9 0DF	Wednesday 16 November (930am-2pm) Victory Services Club 63-79 Seymour Street London, W2 2HF
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If you would like to contact one of our solicitors please call 0333 305 3685.

# Being able to look to the future

Everyone needs a solicitor at some time in their lives and when that time comes, it's important to ensure you are dealing with real experts who will work quickly and efficiently to help you. So whether you need help writing a Will, you've suffered an injury following an accident, or you're considering divorce or separation, we can offer clear guidance to get the right result for you.

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