

A magazine from  
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solicitors

Edition 8 - Spring 2019

# Focus

on Military





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# Welcome...

to our spring edition of Focus on Military.

We're delighted to bring you a mixture of recent news, fundraising and expert legal commentary from our team.

There are so many fantastic military charities across the country who make a difference to current and ex-servicemen and women on a daily basis and we've used these pages to showcase how special they are.

Without the support and dedication of Pilgrim Bandits, Walking with the Wounded, Help for Heroes and the Royal British Legion many of our clients would have had even tougher struggles and we're proud to work in partnership with them and many others.

The challenges that service personnel face after making the transition to civilian life is brought into a sharp focus in our interview on page 24 with Graham Thomson, our Chief Information Security Officer and previously a member of the Intelligence Corps.

As ever, if you would like to see any particular topics covered in future editions or would like to discuss anything please get in touch.

Thank you for your continued support.



Geraldine McCool  
Head of Military Injury

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# Battle Back Golf

Bernie Broad

Our editor, Geraldine, recently picked up her clubs and headed onto the greens for a golfing trip with one of her heroes.

Fresh from a recent victory at Celtic Manor, Major Bernie Broad challenged me to a round of Battle Back Golf and a chat around the course. My golfing skills may not have been up to par but the conversation certainly was.

## What is Battle Back Golf?

Founded at the Defence Medical Rehabilitation Centre at Headley Court in 2009, the Battle Back Golf programme is a military initiative, designed to utilise the sport to support the wounded, injured and sick.

Over the years the programme has proved successful in supplementing the physical, psychological and cognitive rehabilitation of over 200 serving and veteran personnel.

## A major inspiration

Bernie Broad is a former Major in the Grenadier Guards, which he joined in 1982 when he was just 16 years old. The Falkland's conflict was ending and he spent time in Chelsea Barracks and in Northern Ireland. He climbed the ranks to Captain and it was on duty in Afghanistan in 2009 that he was caught up in a bomb blast.

After four years of surgery Bernie lost his left leg and was originally against the second 'elective' amputation. Both medics and his family were in no doubt that this was the way forward, but deciding to have the operation was a difficult decision for Bernie. This was an interesting discussion point during the day as it's something our military team have dealt with recently, with a number of our clients facing amputations many years after an injury.



Bernie Broad and Geraldine McCool

## A great sport

In-between the tee shots and short putts Bernie explained his passion for using golf to enhance the recovery of service personnel and the positive rehabilitative and social benefits it provides. As a double below knee amputee, Bernie uses sport as a key role in his rehabilitation and in 2017 he was selected as captain of Team UK at the Invictus Games in Toronto. Although he spoke about it in his own unassuming way the truth is he led the team by example. He won a silver medal in the wheelchair rugby and sitting volleyball and recorded a top five finish in the golf. He also competed in the pool, where he smashed his personal goal of swimming without his stumps sinking.

His philosophy of 'giving sport your best shot and enjoying every moment' chimes with our Don't Quit, Do It campaign, which aims to get more disabled people taking part in disability sport.

What struck me most from sharing the buggy with Bernie was the great role model he is, always finding time to speak to all sorts of different people about living with prosthetics, his passion for sport and of course life in the military.



## Why Battle Back Golf is great

### Physical benefits

The majority of Battle Back golfers have ambulatory problems and the uneven terrain of golf courses assists in developing strength, coordination and stamina.

### Psychological benefits

The cognitive requirements of keeping score and planning a route around the course along with the confidence and self-esteem benefits of achieving a goal related task are clear.

To find out more please visit [battlebackgolf.com](http://battlebackgolf.com)

# Fifty celebrations in the capital

Last summer will live long in the memory after England's heroics in an amazing World Cup and a heatwave that brightened British skies for what seemed like forever. Our favourite memory however, has to be the dinner at the Royal Regiment of Fusiliers Officers' Mess to celebrate their 50<sup>th</sup> anniversary at the Tower of London.

The picturesque backdrop set the tone for an inspirational speech from retired Colonel James Denny MBE MA, who talked about the Regiment's history and the plans for the anniversary year.

The Royal Regiment of Fusiliers formed on 23 April 1968, as one of the new 'large infantry regiments'. They are renowned for being tough partners in combat and are recognised by the distinctive red-over-white hackle, which is worn by everybody associated with the Regiment.

With more injured servicemen and women taking up disability sport to help with their rehabilitation, there was a timely and powerful speech from our ambassador Andy Barlow, who lost his leg after a minefield injury in Kajaki. He talked about the many positives of going from fighting for this country to representing them at para skiing. You can read more about Andy's journey on page 14.

Our final speaker was Dr Emily Mayhew, a military medical historian, specialising in the study of severe casualty; its infliction, treatment and long term outcomes in 20<sup>th</sup> and 21<sup>st</sup> century warfare. Emily, who is a great friend of the team, spoke passionately about the lifelong support required for amputees who served in Iraq and Afghanistan and the need for specialist medicine and the right level of funding.

We were delighted to be joined by distinguished military guests, including Lieutenant General Jonathon Riley CB DSO, a former Master of the Royal Armouries and visiting Professor in War Studies at King's College, London, Colonel Tim Collins OBE, former Commanding Officer of the 1st Battalion Royal Irish Regiment renowned for his inspirational eve of battle speech in Iraq and Major-General Ranald Munro CBE TD VR, Assistant Chief of Defence staff and General Counsel for Lombard International Insurance.

Here's to the next 50 years.



# Exemption to the rule

In 2017/18 HM Revenue and Customs collected £5.2 billion in Inheritance Tax, but did you know that ex-service personnel may be exempt from paying this? Our tax, trust and estate expert, Catherine Angel, takes a closer look.

The total number of estates liable to pay Inheritance Tax has increased every year since 2009 despite the introduction of new allowances such as the transferable nil rate band and the residence nil rate band.

Everyone has an Inheritance Tax personal allowance, meaning they can leave an estate up to the value of £325,000 before they pay any Inheritance Tax, which is then charged at a flat rate of 40%. Since 2007 spouses have been able to transfer any unused allowance from the estate of the first spouse who passes away to the estate of the second spouse.

Despite all these changes Inheritance Tax receipts have still increased. However, estates of ex-servicemen and women who have died from injuries sustained while on active service can qualify for exemption from Inheritance Tax.

## So how does it work?

The rules state that if a serviceman or woman dies while on active service their estate will be exempt from Inheritance Tax. This is also the case if they pass away many years later from an injury or illness they sustained while serving.

We were recently instructed by the family of an elderly man who had completed National Service back in 1948, having served aboard two minesweepers. After completing his National Service he had a very successful career in the City. Sadly, two years before his death in 2017, he underwent some medical investigations and was diagnosed with mesothelioma.

Mesothelioma is a fatal disease which develops after exposure to asbestos, yet it often doesn't present itself until many years later.

It was a known fact that asbestos-lagged pipes were present on the minesweepers and therefore it was highly likely our client was exposed to the dusts while on board. We established that our client was exposed to asbestos on active service some 69 years ago and that he subsequently contracted mesothelioma. Once our evidence was accepted by the Ministry of Defence they issued a certificate to confirm that the exemption to Inheritance Tax should apply, which led to a full refund by HMRC to the estate.

We have military and tax specialists on hand to help with issues like this. By being aware of this exemption, medical and other evidence can be collected and stored with a Will supporting any future claim, should it arise.



Catherine Angel  
Partner - Tax, Trust and Estate

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# The brilliant Pilgrim Bandits

The Pilgrim Bandits 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 injured personnel to live life to the full.

The charity's mantra is 'Always a Little Further' and their primary aim is to help those in need in a unique way. They do this by pushing injured men and women into physically and mentally demanding situations that they would not have dreamed possible, restoring self-confidence and self-belief along the way. These situations include kayaking extraordinary distances, mountain climbing, jumping from an aircraft, running races and trekking across inhospitable terrains.

Our work with people who have suffered life-changing injuries means that we witness first-hand the many benefits that physical activity and sport can have as part of a rehabilitation package. Our own Don't Quit, Do It campaign champions the use of sport to help people recover from serious injuries and other major traumas in their life.

As part of our ongoing pledge to help support disability sport we are honoured to have been part of the latest Pilgrim Bandits adventure by sponsoring operation R.I.D.E.

## R. I. D. E. of their life

Operation R.I.D.E saw injured soldiers and veterans make up three international teams from the UK, Canada and New Zealand, the host nation. Together they cycled over 1,500 miles from the most southern point to the most northern point of the country on specialist recumbent tandem cycles. Each five-man team consisted of two people with injuries or amputations, two able bodied members and a driver.

The specialist tandems were adapted with a hand crank on the front, meaning that one of two amputees or injured members were riding at all times. Over the 26-day adventure the teams covered 1,522 miles in just 19 days. Their only break came when they attended Remembrance Day parades to honour friends and former colleagues.

Working in conjunction with the New Zealand Defence Force, operation R.I.D.E was the first distance event of its kind and after the success of this year's event it's hoped that it will become an annual challenge.

To find out more visit [pilgrimbandits.org](http://pilgrimbandits.org)





# A life less ordinary

Andy Barlow joined the British Army in 2003 and served with the 1<sup>st</sup> and 2<sup>nd</sup> Battalions and the Royal Regiment of Fusiliers. Three years later, aged just 19, Andy and his unit became trapped in a minefield in the Kajaki Dam area of Helmand Province. He was badly injured and ended up losing his left foot but was still able to help save his colleagues; incredible bravery that led to the George Medal for Gallantry.

The amazing account of what happened to Andy and the rest of his unit has been immortalised in the feature film, *Kajaki: The True Story*, but for our client this was the starting point of the rest of his life. When Andy was in a hospital bed, looking at a sheet covering his leg, he thought to himself “I am faced with a choice, I either pull the sheet back and deal with reality or hide from it”. Andy has never hidden from anything in his life.

## Adapting to change

Andy didn't find the transition into civilian life easy and is honest about the difficulties he faced, “the forces spend a lot to train you up, but they do not spend the same amount to transition you out”. Andy left the Military of Defence with no real qualifications and no sense of his own worth.

All soldiers come out of the military with an incredible skillset; from project management guiding a group of men on a patrol to negotiation and communication skills

utilised in the tensest of situations. The problem Andy found was that when someone leaves the army no one tells ex-personnel where to go next to make the most of these skills.

Andy looks back with pride at how far he has come but knows not everyone can say the same, which is why his latest project is a series of talks taking a look at mental health and the difficulties soldiers have after they can no longer serve. Shell shock, battle fatigue and combat stress have always highlighted that mental scars cause as much pain as the physical ones but Andy feels that “it's only in the last decade attitudes have changed and people are prepared to talk”.

## A sporting chance

“After my accident sport gave me an opportunity to challenge myself and to succeed, it gave me freedom and it allowed me to be active again”. Andy doesn't hold back when he talks about the impact disability sport has had on his rehabilitation and is proud of his accomplishments.

Andy has competed in sailing for the British Army Offshore Race Team but over the past few years it's his passion for skiing that has reached new heights. “I was part of the first disabled sports programme set up by the British Military, I skied for two weeks and attended for the following four years”.




Our editor Geraldine with Andy

From fighting for his country, to an uncertain future, to a brand new lease of life, it's always great to catch up with our client Andy Barlow.







In 2015 Andy started racing and is aiming to represent his country at the winter Paralympics in 2022. He is a keen supporter of our Don't Quit, Do It campaign and would encourage anyone to give sport a try after a serious injury as it helps you "achieve something which you never imagined you could".

Andy sums up his love for skiing perfectly, calling it "one of the few sports where disability is left at the bottom of the chair and success is made on the hill".

### **A new role to relish**

Recently Andy became the new Outreach Officer for the South for BLESMA, the military charity for limbless veterans and is relishing having the chance to support people who have gone through the same trauma as he did. "I want to create groups where veterans can talk to each other and vent with people who have the same experiences", says Andy, who knows plenty about transitioning back to a life you never plan for.

Andy is an inspiration to everyone he meets and will continue to excel in whatever he does, whether that is hosting a support group or skiing from the summit.

# Working progress



We act in several hundred civil claims against the Ministry of Defence. In the addition to allegations of negligence and systemic failings they have always been responsible for actions of those within their employment.

However, in recent cases, what does and does not fall 'within their employment' has widened to become much more of a legal grey area.

The cases have primarily revolved around assaults occurring away from the work place that can be linked back to the day job. As no one is employed to assault those they are working with, if someone is assaulted by a fellow employee out of work, then they are considering to not be 'acting within their employment'.

However, a case recently came to prominence involving a petrol attendant who assaulted a customer who had asked for assistance. The Courts decided that because the attendant was tasked with dealing with the public then he was acting within his employment and the supermarket was liable for his actions. This was helpful in a recent case against the MOD where a soldier was tied up in his sleeping bag and assaulted by two fellow soldiers 'to teach him a lesson'.

The MOD's vicarious liability for their employees is not limited to physical abuse but extends to psychological abuse and bullying.

If you would like some legal advice on an issue affecting you then please contact us today.

# Marking **100** years since the end of **WWI**

On Sunday 4 November 2018 our Military team in Southampton participated in the Royal British Legion's 5k Poppy Run to mark 100 years since the First World War.

The Royal British Legion (RBL) provides lifelong support to the armed forces community, including servicemen and women, veterans and their families. It was formed in 1921 to bring together four community organisations that had established themselves after WWI and their main purpose was to care for those who had suffered as a result of the conflict.

Over 600 runners came to show their support and all gathered together for a two minute silence to remember those who lost their lives 100 years ago. Our 15-strong team was joined by people of all ages and abilities, from a four-week-old being pushed in a buggy to those in wheelchairs who were desperate to take part despite losing mobility in their legs.

One of our trainees, James Mapley, completed the course in 18 minutes 43 seconds. He was the first to cross the finish line and received a gold medallion for his achievement.

Poppy Runs took place in cities across the country and in total a fantastic £91,000 was raised.

You can find out more about their work at [britishlegion.org.uk](http://britishlegion.org.uk)



# A rock when you're in a hard place

The military mental health organisation, Rock2Recovery, treat some of our clients suffering with Post Traumatic Stress Disorder (PTSD) and mental health difficulties. We asked their co-founder Jamie Sanderson to tell us his story.

There I was in Afghanistan, for the second time, a rough and tough Yorkshire man in the Royal Marines and I was finding it hard. I was a sergeant, a leader, a sniper and one of the people others looked up to as an example of how to behave in difficult conditions.

This wasn't just the strain from being in a combat zone where every day could be your last, I was starting to suffer mentally and didn't feel like myself anymore. At first, I tried to hide it but eventually I was diagnosed with PTSD and sent to Plymouth, where wounded Royal Marines go for rehabilitation.

I was put on a course of Eye Movement Desensitisation and Reprogramming, which does a lot of good to many but not me. I spent a week getting over the experience as it made me feel worse and then a week worrying about my next appointment. When I told my therapist this, she responded by shutting her book and saying that there was nothing more she could do.

## Reaching my lowest ebb and responding

My abandonment felt complete and very shortly afterwards my wife had to stop me from taking my own life.

Thankfully with the help of a life coach and together with my close friend Jason Fox, from SAS: Who Dares Wins fame, we started using non-clinical techniques to retrain the brain into accepting the past and concentrating on how to refocus on the future.

After some time Jason and I realised how specialist change management coaching, combined with creative, sporting or therapeutic activities, can motivate people to move forward in their lives. So we got together and merged these strands into Rock2Recovery, the organisation which offers one-to-one coaching to help clients refocus and find the activity, or 'rock' that will help them on the road to recovery.



Jason Fox



Jamie Sanderson



**Our mission statement:** To save and change the lives of those in our Armed Forces, our veteran community and their families who are affected by stress.

Our approach is to inspire, coach and motivate clients towards a more positive future. We find that this works for many and, in particular, for those that have tried the established therapies.

There are two key parts to the work we do. The first phase is that clients reach out for help and we provide one-to-one coaching that is specific to their requirements. The second phase puts the onus on the clients helping themselves. This is the rock in their lives that will motivate, inspire and encourage them to positively re-focus.

So far we have helped over 350 individuals but we have no magic wand, just a caring team and some outstanding coaches who strive to help people emerge from their shadows.

If you want to know more then visit our website [rock2recovery.co.uk](http://rock2recovery.co.uk)



Jason and Jamie with Amanda Marsh



In December, we were delighted when Jamie Sanderson and Jason Fox came in to our Manchester office to talk more about Rock2Recovery and the release of Jason's new book 'Battle Scars'.

The event coincided with our firm wide mental health and well-being initiative which has included a new training programme for all of our leaders.

Their message was clear - there isn't a single solution that can fit every mental health problem but asking for help is the first place to start.

In their talk to a packed room both Jamie and Jason emphasised the importance of changing perceptions on mental health and promoting creativity, activity and therapy as techniques to help manage people's needs.

### A must read book

Jason's book is brutally honest and has a strong focus on mental health, reinforcing the messages delivered by Rock2Recovery. Battle Scars takes the reader on Jason's journey and shares his personal battles through diagnosis, medical discharge and then his road to recovery. It provides the reader with a personal insight into something we sadly hear on a regular basis from our clients.

It is summed up best by a line Jason refers to time and again – "positive change is always possible, so rethink your thinking."

Jason's book 'Battle Scars: A Story of War and All That Follows' is out now.

# In the hot seat



Name: **Graham Thomson**  
Regiment: **Intelligence Corps**  
Final rank: **Lance Corporal**  
Time served: **Almost 5 years**  
The military in one word: **Teamwork**

Graham's varied career has taken him from Lance Corporal to Chief Information Security Officer at Irwin Mitchell. We sat down with him to talk about why he chose a career in the military and how he's found the transition from the Intelligence Corps to IT.

## Q What attracted you to the military?

A "I'd always been interested in the army and navy; exposure to the forces is something I grew up with. I had been a Sea Cadet and spent a lot of time on Royal Fleet Auxiliary ships, mingling with military personnel from a very young age. Several of my family members had served including my great uncle who worked undercover with the French Resistance during WWII and managed to escape from a Prisoner of War camp twice.

"I was particularly interested in intelligence work and when I learned that it was now possible to join the Intelligence Corps directly, I applied after leaving university."

## Q What did you enjoy about military life?

A "Many ex-military people will talk about the camaraderie, and I am no exception. There was a huge sense of purpose and teamwork, and I had the opportunity to work with all sorts of people from many of the armed services, as well as civilian law enforcement and intelligence agencies.

"The training and operational experience was second to none, it was immensely varied and the word challenging doesn't explain the half of it. I still can't believe the things I was involved in, and at such a young age too."

## Q What skills did you take from your career?

A "It is a pretty exhaustive list. There is self-discipline, confidence, leadership and the ability to motivate others and working under pressure. Then there are the investigative and analytical skills and security and intelligence training that have served me so well in civilian life. Finally, there is the ability to think like the bad guys, which is crucial when you're working in security."

## Q How did you find the move into civilian employment?

A "It was a huge unknown, even just knowing what jobs to look for was a challenge and I continually questioned what skills I had. Corporate behaviours are very different from the military ones and I had to learn and adapt quickly."

## Q What strategies did you use to help you?

A "I used the 'Intelligence Corps Resettlement Cell' when I was leaving to help seek guidance from those who had served with me previously. I went to their meetings, and later phoned up a few people from the list of volunteers who were really helpful in showing me around an office, giving me an insight into what work was like. By sheer chance I also bumped into the Director of Intelligence himself in Kosovo, who said he'd give me a reference, which was a massive help."

## Q What do you enjoy about your role now?

A "The work is always challenging, there is never a quiet moment and I constantly have to learn and keep up with the industry trends to try and stay ahead of the curve. It feels like now I am in the virtual trenches, constantly being cyber attacked and having to ensure my defences are as strong as they can be to prevent the next wave of attacks. It is a never-ending battle, but it keeps me on my toes."

# A cold walk to warm hearts

Each year volunteers from our offices up and down the country come together to raise awareness and vital funds for veterans and their families by walking home for Christmas.

To find out more about the two fantastic charities visit [walkingwiththewounded.org.uk](http://walkingwiththewounded.org.uk) and [helpforheroes.org.uk](http://helpforheroes.org.uk)

The annual event is run by two incredible charities; Walking with the Wounded and Help for Heroes and aims to help veterans who are at risk at what can be a difficult time of year. Whether it's people who are socially isolated, unemployed or struggling with mental health issues, it's a chance to show Christmas spirit and support for others who are struggling.

## Walking in a winter wonderland

On a chilly December evening in Cambridge our winter walkers wrapped up warm and walked over four miles around the city and colleges that were draped in Christmas lights.

Over in Southampton we joined forces with College Chambers to walk to the recently opened Veterans Drop-In Clinic in Woolston to deliver mince pies and to spread a bit of festive cheer.

The drop-in centre is run solely by volunteers and aims to meet the needs of all veterans who may require accommodation or shelter, access to health care, a chance to reunite with their family or need assistance to find employment, therapy and counselling.

Everyone relished a chance to meet the volunteers who provide such valuable support to the military community and hear stories from people who have benefitted from the service. Together we raised a total of £1,070.86 which will be donated to the two incredible charities.



# I am able to be confident

Our client, Andrea

Irwin Mitchell Solicitors understand the impact of a personal injury. That's why we'll help you receive the best possible financial settlement, medical care, rehabilitation and support, whatever your illness or injury. **So you are able to get the most out of life.**

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