

MAKING THE BENEFITS SYSTEM FIT FOR SERVICE

EXECUTIVE SUMMARY



SURVEY DATA

Type of Compensation

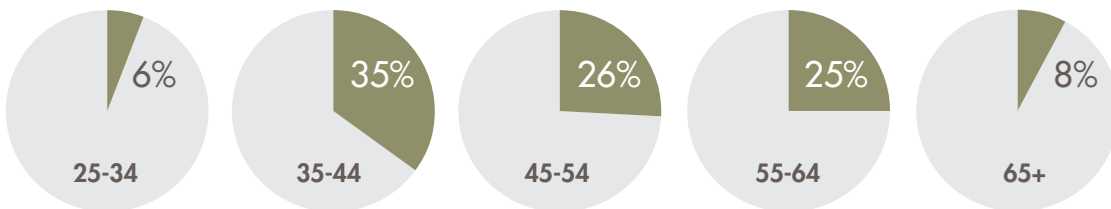
WAR DISABLEMENT
PENSION SCHEME

72%

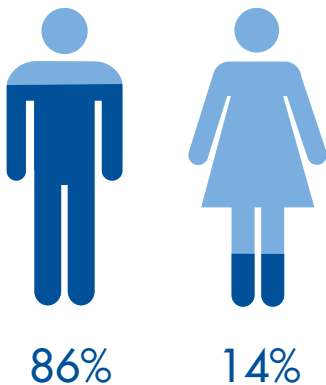
THE ARMED FORCES
COMPENSATION SCHEME

28%

Age Range



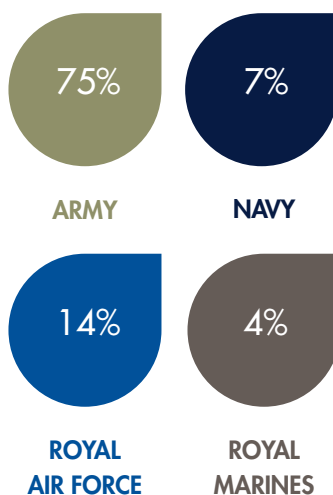
Gender



Service Length



Branch of Service



Primary Qualifying Condition for Compensation



BACKGROUND

For over a decade between 2001 and 2014 the British Armed Forces were involved in significant conflict in Iraq and Afghanistan. These conflicts led to the medical discharge of 21,756 servicemen and women from the Armed Forces for physical and mental health reasons.¹ Advances in medical technology allowed for unprecedented numbers of ill and disabled ex-Service personnel to survive and, with the correct support, live full and independent lives. Military compensation and the welfare state are crucial parts of this support for wounded, injured and sick veterans (WIS).

In addition, every year around 15,000 people leave the Armed Forces² after serving our country. The majority leave Service with important skills, experiences and in a good state of health, but due to the demands and rigours of Service on personnel some will inevitably leave with a lifelong, and in some cases, life changing injury or disability. For anyone with an attributable injury or disability due to their time in Service, financial recognition of their sacrifice is provided through two main compensation schemes; the War Pension Scheme for those injured before 6 April 2005 and the Armed Forces Compensation Scheme (AFCS) for those injured on or after 6 April 2005.

Both are designed to compensate for the pain and loss of amenity experienced as a result of a Service-related injury.³

For WIS veterans living with an injury or disability, further support to supplement their income and provide for increased living costs is available through the welfare benefits system. According to the latest Government figures, there are over 90 000 veterans of working age in receipt of military compensation^{4,5} who may be eligible for, or are accessing, further statutory support through welfare benefits. The last decade has seen a number of changes to the way that statutory support is accessed and this has posed both common and unique challenges for WIS veterans.

There is limited research on the impact of the changes introduced after 2012 to the benefits system on veterans in receipt of military compensation. Combined, the Legion and Poppyscotland are the largest providers of welfare advice within the veteran charity sector and as such, through collating the experiences of veterans and the people that support them, we have reviewed the interaction between military compensation and welfare benefits.



METHOD

A mixed-methods approach was undertaken for this research:

- **Desk-based Research** – This primarily consisted of a literature review that informed the development of the next phase of the research.
- **Semi-Structured Interviews** – These were carried out with veterans who had left Service, and spoke at length about their experience, providing valuable insights into how they perceived the welfare benefits for which they applied.
- **Focus Groups** – three focus groups were held around the country comprising of veterans and relevant practice stakeholders. The group discussions gave rise to a number of recommendations and highlighted the strengths and weaknesses of the benefits journey.
- **Online Survey** – This collected the experiences of those in receipt of military compensation whether WDP or AFCS, and at least one disability benefit.



THE DISABILITY BENEFITS JOURNEY

For the purposes of this report, there are three distinct stages of that veterans may go through when accessing welfare benefits. These are:



THE APPLICATION

To apply for Personal Independence Payment (PIP), Employment and Support Allowance (ESA) and Universal Credit (UC) detailed application forms must be completed. Yet nearly two thirds of ESA claimants in our survey, and three quarters of those who had claimed PIP, reported struggling to complete the form. The process itself presented barriers to injured veterans, from long, separate application forms to insufficient tailored guidance on exactly what was required. For veterans injured

in Service, there is a distinct need for benefit forms to 'ask the question' in order to identify their Service history and to encourage the sharing of Service Medical Records with the Department for Work and Pensions (DWP) when applying for disability benefits to make the application process smoother. There was also the need for more support when completing applications and guidance on how to complete them, as well as what information is required at different stages of the application process.

RECOMMENDATIONS FOR IMPROVING THE APPLICATION PROCESS

- **The DWP (and appropriate devolved administrations) redesign current benefit application forms to include a question to identify those who have served in HM Armed Forces.**
- **The MoD, DWP and Social Security Scotland (SSS), work together to extend and widely implement the data sharing already in place for veterans being medically discharged, to all veterans with compensation who make a claim or disability benefits.**
- **The MoD and DWP (and SSS) provide appropriate support with completing benefit application forms to all veterans with compensation through agencies such as Veterans UK and the wider veterans support network, such as the Legion's BDMA service and Poppyscotland's ASAP. Support should take on the form of guidance which should clearly detail what information or evidence is most appropriate to include at each stage of the application, and what to expect at the assessment.**

THE ASSESSMENT

Assessments are the foundation for determining eligibility for welfare benefits. For many of the veterans and benefit advisers who took part in the research for the report the assessment was the most important, yet most problematic stage of the benefits journey. When discussing assessments in focus groups and when asked in the survey, veterans contrasted their experiences of military compensation and disability benefit assessments. Compensation assessments which are tailored to the Armed Forces were considered a better experience and several areas where lessons could be learnt or

assessments could be improved were highlighted. Many of the improvements, such as better training for the assessors are general and can be applied to all those undergoing assessments. However there are some areas for improvement that are specific to veterans; these include an increased knowledge of military culture and common Service-related conditions, improving the use of Service-medical records to inform the report and reducing the number of assessments that veterans are subject to by using information already available through military compensation assessments.

RECOMMENDATIONS FOR IMPROVING THE EXPERIENCE OF ASSESSMENTS

- **Allow Health Care Professionals (HCPs) more time to explore conditions with claimants. When assessing former Service personnel with a mental health condition, assessors should be encouraged to use open questions to encourage discussion about functionality.**
- **HCP training should include education on military culture and common Service-related conditions that affect veterans and how these conditions are likely to impact on functionality and ability to work, enabling improved understanding of veterans and the Armed Forces.**
- **Assessment providers should consider appointing Armed Forces Champions based on the current DWP model as an internal point of reference to support assessors learning and knowledge of the Armed Forces and common Service-related conditions.**
- **The DWP and SSS should design clear guidance for assessors and Decision Makers on the use of Service Medical Records for disabled veterans who are making a claim for disability benefits based on Service-related conditions.**

- The DWP and SSS should produce clear guidance for veterans on how to present Service Medical Records and compensation claim information as medical evidence including on when to submit it in the benefit process and how it will be taken into account.
- The Ministry of Defence and the Department of Health and Social Care (along with devolved governments) should review the reasons for delays and publish a timetable for completion of Programme CORTISONE, with mechanisms for relevant public bodies to be held to account for meeting targets.
- DWP should use the most up to date military compensation assessment and report to inform disability benefit assessments, thus reducing the need for multiple and face-to-face assessments.
- SSS should use military compensation assessments and reports as the basis of paper-based assessments if the claimant is being assessed for a service-Related condition.
- Disabled veterans with compensation should be given the option on all benefit application forms to allow data sharing of their most up to date compensation assessments between Veterans UK and the DWP or SSS.



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APPEALS

The final possible stage in the benefits journey is the opportunity for claimants to appeal a decision that they feel is incorrect. It is important to note that not everyone who is unhappy with their benefit decision lodges an appeal. Some advisers who took part in the research for this report felt that claimants may incorrectly believe that they need legal representation to attend a tribunal or they felt that the process was undignified and burdensome.

However, focus group participants who had gone through an appeal had a more positive perception of

tribunals than the rest of the benefits journey.

The composition of the panel that hears appeals, the use of further evidence presented, and a greater understanding of Service-related conditions, were all highlighted as contributing to better experiences of this stage of the benefits journey.

Therefore, it was felt that there were several learning points from this stage of the journey that could improve the other stages and reduce the need for appeals.

RECOMMENDATIONS FROM THE APPEALS STAGE TO IMPROVE OTHER ASPECTS OF THE BENEFITS JOURNEY

- The DWP should undertake a study of the appeals process to find out why there is significant trust in the system and find out what learning points can be implemented at earlier stages of the learning process to ensure that there is trust throughout the system.
- The DWP should give consideration to the creation of specialist assessors, especially with knowledge of the Armed Forces and Service-Related Conditions.

MILITARY COMPENSATION AND MEANS TESTS

Once disabled veterans have been able to secure their entitlement to welfare benefits, there is another peculiarity in the design of the welfare benefits system that impacts directly on their finances and does not adhere to either principle of the Armed Forces Covenant – the variable treatment of their compensation.

As aforementioned, military compensation is awarded to serving personnel and veterans in recognition of their pain and loss of amenity brought about by an injury caused in Service. As a no-fault compensation scheme for injury,⁶ it is distinct from income replacement benefits, such as ESA. However, many injured veterans find either all or the majority of their compensation payments treated as if it were normal income in welfare means

tests, and can be left only able to hold onto the first £10 of it which is 'disregarded' from the income assessment. Furthermore, the treatment of the two compensation schemes within benefits legislation differs significantly. AFCS is widely disregarded entirely whereas a WDP only sees £10 disregarded when claiming benefits such as ESA or Job Seekers Allowance. Even those on Universal Credit, who have all their compensation disregarded still face the uncertainty of sacrificing their compensation payments when they reach State Pension Age and move to Pension Credit. For those in receipt of a Service Invaliding Pension, or Service Attributable Pension, the picture becomes more complex still. Creating a blanket disregard of compensation payments within means tests would provide clarity and fairness to any veteran injured in Service.

RECOMMENDATIONS

- All military compensation should be fully disregarded for state pension age benefit.
- Compensation and payments awarded for illness, injury as a result of Service should never be treated as normal income. The Government should ensure that no statutory means test treats compensation as normal income, and that injured veterans are not forced to give up compensation payments in order to pay for support their civilian counterparts can access.
- The DWP and local authorities should fully disregard all compensation from statutory means tests.
- DWP and local authorities should recognise SIPS and SAPS as military compensation and guidance should be issued to ensure that their treatment is consistent, throughout the benefits system.

DISABLED VETERANS AND JOBCENTRE PLUS

For some disabled veterans, employment related welfare benefits will be a temporary provision whilst they adjust to a disability or sudden medical discharge from the armed forces and find appropriate or supported employment.

It is important to understand the role of work in Armed Forces culture. Being self-reliant and strong are two key values of Service, and those who can, will want to do some work. However, for disabled veterans on benefits there are challenges to taking up employment. The civilian workplace may be unfamiliar and difficult to navigate and there is also the challenge of finding employment that is both fulfilling and flexible enough for them to be able to manage their health.⁷ Work is also an integral part of the design of the welfare benefits system (reflected through features such as the WCA and conditionality).

In 2016, the Government set out to reduce the Disability Employment Gap through measures which included encouraging disabled people (including disabled veterans) to look for work where possible.

Views on the support offered by Job Centre Pluses, such as work coaches and Armed Forces champions, were mixed. Survey and focus group participants reported a lack of knowledge of the Armed Forces culture, experience, or compensation amongst some work coaches, and variable experiences of working with Armed Forces champions. Our research found a desire for stronger understanding of the unique experience and needs of disabled ex-Service personnel and the remit of the Champions to be clearly defined, with the type of support they provide clearly explained to veterans and those who support them.



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RECOMMENDATIONS

- Work coaches should ask whether a claimant is a veteran at their initial interview with a work coach and this should be recorded on the veteran's record to facilitate signposting to appropriate services if needed.
- The DWP work coaches should be 'veteran friendly', meaning they are sufficiently trained to understand the impact of military life on their fitness for work, and have a strong understanding of the interaction between Armed Forces compensation schemes and welfare benefits.
- The DWP should consult on the remit and job descriptions of Armed Forces Champions with key stakeholders including (veterans, veterans' charities and the wider Armed Forces community) to ensure that the support offered to WIS veterans is tailored to their needs.
- Armed Forces Champions training should be standardised and develop strong understanding of both military culture and the barriers to employment faced by disabled veterans of working age.
- Access to Work should be widely promoted to WIS veterans by Veterans UK during a claim for compensation. For those who are in the transition phase of their medical discharge, information should be included in discharge literature.

ENDNOTES

¹ Reynolds et al (2015) Under-Served p.15

² Ministry of Defence (2019) UK Armed Forces Quarterly Service Personnel Statistics 1 January 2019 p.1

³ For the purpose of brevity, the term 'compensation' will be used to refer to these schemes throughout the report.

⁴ Ministry of Defence (2019) War Pension Scheme Annual Statistics 1 April 2009 to 31 March 2019

⁵ Ministry of Defence (2019) UK Armed Forces Compensation Scheme Annual Statistics 6 April 2005 to 31 March 2019

⁶ www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2014-07-15/206085/

⁷ The Royal British Legion (2016) Deployment to Employment, Exploring the Veteran Employment Gap in the UK p.15



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