

Military Injuries

A guide to compensation

Expert advice

When someone suffers an accident causing them injury, the impact can dramatically change their life and affect their family. Having specialised in cases of injuries caused whilst in the military for many years, Slater and Gordon understand just how much life can change, and it's our aim to make the claims process as easy as possible for everyone concerned and to ensure you get the best possible outcome.



What are military injury claims?

If you're injured during the course of your employment, either accidentally or deliberately, you may be entitled to compensation. Not every claim arising from a military injury would be made against the Ministry of Defence (MOD). However, the MOD is the employer for the vast majority of service personnel. In order to bring a claim against the MOD it would usually be necessary to show that the incident was caused, or was partly caused, by their negligence or the negligence of someone employed by them.

Does the MOD have immunity from certain claims?

There are certain cases where the MOD would be immune from having a claim brought against them:

Crown immunity: If the incident caused by their negligence took place before 15 May 1987 you can't make a claim. Even if the injury was caused before 1987 but wasn't apparent until after that date e.g. asbestos related illnesses, you can't make a claim.

Combat immunity: If the incident took place during the the course of combat you can't make a claim. However, the MOD have sometimes been known to make ex-gratia payments in certain situations, so you should always seek legal advice.

Can you make a claim for injuries caused by defective equipment?

If an injury was caused as a result of defective equipment, a claim can made, even if the fault couldn't have been detected.

Can you make a claim for psychological injuries?

It's possible to make a claim in relation to the worsening of PTSD against the MOD. If the onset of the PTSD has been caused by exposure to trauma in a war/conflict situation then the MOD cannot be liable because of Combat Immunity. In order to win a case involving PTSD it must be proved that the MOD negligently failed to diagnose, detect or treat this condition once symptoms were apparent and that their failings caused the condition to become worse.

Can you make a claim for injuries caused by an assault?

It may be possible to make a claim when a service man or woman is assaulted by a fellow military colleague, as the employer can be liable for the acts of its employees in certain circumstances. If the assault took place outside of the services, whilst in the UK or in its territorial waters, a claim known as a CICA Claim may be brought under the Criminal Injuries Compensation Scheme. If it happened whilst overseas, a claim may be brought under the MOD (Overseas) Criminal Injuries Compensation Scheme, which is specifically for service personnel.

What is the Armed Forces Compensation Scheme (AFCS)?

The AFCS provides compensation for any injury, illness or death which was caused by service on or after 6 April 2005. It's available to all current and former members of the UK Armed Forces, including reservists.

Our military injuries team can provide a full explanation of the AFCS and can provide advice in respect of making AFCS applications.

Advice on making a claim for compensation

For those who don't have experience of the legal process, contacting a lawyer and making a claim for compensation can be a daunting prospect. However, we're with our clients every step of the way, ensuring they understand the claims process, and relieving the burden of having to deal with a variety of practical issues, at what can be a difficult time.



What should you do if you think you have a claim?

Contact us. Our team of specialists have a vast amount of experience of dealing with military claims.

Once we've taken details, we'll tell you whether or not you have a claim. If you are entitled to compensation, we can start work on your case straightaway and begin gathering evidence. There are time limits which apply when making a claim for compensation, so don't delay in contacting us.

What is the cost of making a claim?

We understand that the cost of legal advice can be a worry, but there are options available to fund personal injury cases.

You may have legal expenses insurance under an existing insurance policy which entitles you to free representation. If legal expenses insurance is not in place, we can conduct your case under a Conditional Fee Agreement, also known as a 'No Win, No Fee' Agreement. This means if the case fails, no payment is due.

If a claim is brought under the CICA Scheme, it can be funded under a Contingency Fee Agreement.

Once we know the circumstances of your case, we'll be able to discuss your funding options in more detail.

What is the amount of compensation likely to be?

Compensation will be based on the severity of the injury, and also on the personal circumstances of the injured person. For example, if they've been unable to work as a result of their injury, loss of earnings may be accounted for. If the injured person requires rehabilitation, treatment, aids, equipment or adaptations, we'll also seek to recover these costs.

If the injured person passed away and had dependents who relied on them for income and/or services such as household tasks or caring for a relative, this will also be taken into consideration.

How long is the case likely to take?

Every case is different so it's difficult to estimate how long a case is likely to take without first reviewing the circumstances. However, the case will be dealt with by an expert from our military claims team who will deal with the case as quickly and efficiently as possible.

Frequently asked questions

Will I have to go to court?

A large majority of cases settle before a trial takes place. However, if the case doesn't settle before trial, attendance at court may be necessary.

What if the injury requires rehabilitation or treatment?

As we've many years' experience working on behalf of people who have suffered serious injuries, we see it as an important part of our role to make sure that clients get the best quality support to maximise the chances of recovery and future independence.

We work closely with case managers, medical experts and approved rehabilitation providers to ensure that a tailored programme is put in place as soon as possible so rehabilitation can begin without delay.

Where we've proved that the other side was fully or partly to blame, we can obtain interim payments to pay for treatment and other costs before the case reaches settlement.

What if I need assistance in other areas?

We have experts in many areas of law such as employment, family, welfare benefits, trusts, Court of Protection and disability rights and work closely with those departments to ensure that you get the best possible outcome.