



ROYAL BRITISH LEGION SCOTLAND

“SERVICE NOT SELF”

Who We Are

The Pensions and Welfare Department consists of:

Pensions, Welfare & Appeals Officer

Administrator

Telephone: 0131 557 2782

Email: pensec@rblscotland.org

What We Do

We advise/update area pensions and welfare representatives and assist veterans, service personnel and dependants resident in Scotland with the processing of claims and appeals through provision of advice and representation as applicable in respect of:

What We Do

- War Disablement Pensions (WDP)
- War Widows Pension (WWP)
- Supplementary Allowances (SA)
- Armed Forces Compensation Scheme (AFCS)
- Service/Preserved Pensions
- Welfare

SERVICE PERSONNEL & VETERANS AGENCY (SPVA)

Administer the following schemes:

•War Pensions Scheme

The [War Pensions Scheme](#) is for ex-Service personnel whose injuries, wounds and illnesses arose prior to 6 April 2005.

This scheme also covers War Widows and Widowers Pensions.

Armed Forces Compensation Scheme

The [Armed Forces Compensation Scheme](#) is for Serving personnel and ex-Service personnel whose injuries, wounds and illnesses arose on or after 6 April 2005

Please note that in some cases, claims may be considered under both schemes due to injuries, wounds and illnesses arising both before and after 6 April 2005.

Claim Procedures

- Initial WDP/WWP/AFCS Contact
- Advice
- Provide Forms
- Chase Forms
- Receive Forms
- Check Forms
- Forward to SPVA
- SPVA Acknowledge
- SPVA Award
- Contact Claimant to advise options which may lead to an appeal.

SPVA WEBSITE

•Further information on other aspects of claims such as supplementary allowances, medals and publications can be obtained by logging on to the SPVA website at:

- <http://www.veterans-uk.info/>

WAR DISABLEMENT PENSION

POINTS TO NOTE

War Disablement Pension:

You can claim a War Disablement Pension under the War Pensions Scheme if you are no longer serving in HM Armed Forces and your claimed disablement arose before 6 April 2005 and you were:

- Injured or disabled through serving in HM Armed Forces, including The Ulster Defence Regiment, now known as the Royal Irish Regiment, the Home Guard and nursing and auxiliary services.
- A civil Defence volunteers (CDV) disabled through serving as a CDV.
- A civilian disabled as a result of enemy action in the 1939 to 1945 war.
- A merchant seaman, a member of the naval auxiliary services or a coastguard and you were disabled because of an injury you received or a disease suffered because of conditions during a war or because you were a prisoner of war.
- A member of the Polish Forces under British Command who served in the 1939 to 1945 war, or in the Polish Resettlement Forces and you were injured or disabled through this service.

WDP Points to Note

A War Pension cannot be paid until service in the UK Armed Forces has ended.

- A claim for war disablement pension will succeed if disablement is due to an injury or disease, which is attributable to or aggravated by service.
- An **ATTRIBUTABLE** condition is one that is due to service.
- An **AGGRAVATED** condition is one that existed before service and was made worse by factors of service, **OR** arose during service, was not caused by factors of service but was made worse by them.

WAR WIDOW(ER)S PENSION POINTS TO NOTE

- A person may be entitled to a war widow(er)s pension if their spouse or civil partner's death was due to or hastened by service in the UK Armed Forces prior to 6th April 2005.
- Their spouse or civil partner was a CDV whose death was due to or hastened by their service in the 1939 to 1945 war.
- Their spouse or civil partner was a coastguard, a merchant seaman or a member of the naval auxiliary services whose death was due to or hastened by an injury or disease they sustained during a war or because they were a prisoner of war.
- Their spouse or civil partner's death was due to or hastened by service as a member of the Polish Forces under British Command who served in the 1939 – 45 war, or in the Polish Resettlement Forces.
- At the time of their death their spouse or civil partner was in receipt of Constant Attendance Allowance with their War Pension, or would have been if they had not been in hospital (NOTE: Civilian Attendance Allowance does not count.)

WWP Points to Note

- At the time of death their spouse or civil partner was in receipt of a war pension at the 80% rate or higher **AND** Unemployability Supplement.

•Dependent on the above eligibility, the SPVA may pay a war widow(er)s pension to someone who lived with a partner as husband and wife provided they had lived together for six months or more prior to the start of their service and were still living with them at the time of their death **AND** war pension child allowance is being paid for the children of the relationship. Children's Allowances may be paid for the child dependants of a serviceperson.

•**Note that a war widow(er)s pension cannot be paid in addition to bereavement benefit . If a payment of bereavement benefit has been received this will be recovered from any war widow(er)s pension paid.**

•**Subsequent relationships** A war widow(er)s whose late spouse left service before 31 March 1973 can keep their war widow(er)s pension if they remarry or live with another person as their spouse or form a civil partnership or live with another person as their civil partner after 6 April 2005.

•A War widow(er)s pension whose late spouse or civil partner left service after 31 March 1973 will cease upon remarriage, forming a civil partnership or living with someone, but any children's allowances may remain in payment. A claim can be made for the pension to be reinstated upon the death of their spouse or civil partner, if they cease to live with a partner, the marriage ends in divorce or judicial separation or the civil partnership is dissolved.

WWP Points to Note

•**Temporary Allowance for Widow(er)s (TAW).** A TAW may be paid if their late spouse or civil partner was in receipt of Constant Attendance Allowance or Unemployability Supplement at the date of their death. This allowance is paid for 26 weeks following the date of death and is based on the rate of the late spouse's or civil partner's war pension. After the 26 weeks a war widow(er)s pension, Bereavement Benefit or Retirement Pension may be payable, but cannot be paid at the same time as TAW.

•**Funeral Expenses.** Funeral expenses **up to a maximum of £1400.00** may be paid to a widow(er)s, next of kin or someone else responsible for paying for the funeral if death was due to service prior to 6 April 2005.

•At the time of their death their spouse or civil partner was in receipt of Constant Attendance Allowance with their war pension, or would have been if they had not been in hospital at the time of their death their spouse or civil partner was in receipt of a war pension at the 80% rate or higher **AND** Unemployability Supplement.

•The person died whilst they were in hospital having treatment for a disablement for which they received a war pension.

•**A claim for funeral expenses must be made within 3 months of the funeral.**

SUPPLEMENTARY ALLOWANCES

There are a number of supplementary allowances

UNEMPLOYABILITY SUPPLEMENT

To qualify for Unemployability Supplement:

•A war pension at 60% rate or higher must be in payment for a condition or conditions that are so serious the war pensioner cannot work.

- The person claiming must be under 65 years of age at the date of claim.

Extra allowances may be payable for:

- A wife/husband dependant on how much they earn or what other benefits they receive.
- Children – allowances may be paid in addition to any Child benefit received.
- Invalidity Allowance may be paid in addition to Unemployability Supplement provided the first claim to Unemployability Supplement has been made before the claimant has reached the age of 60.

UNEMPLOYMENT SUPPLEMENT

- Unemployability Supplement attracts an automatic entitlement to Comforts Allowance at the lower rate.
- Basic Retirement Pension and Unemployability Supplement cannot be paid together.
- When they reach age 65 War Pensioners in receipt of Unemployability Supplement have to decide whether to receive Retirement Pension or continue receiving Unemployability Supplement.
- Incapacity Benefit and Unemployability Supplement cannot be paid together.
- Unemployability Supplement and Allowance for Lowered Occupation cannot be paid together.

•SPVA must be informed if a war pensioner in receipt of Unemployability Supplement commences any work.

ALLOWANCE FOR LOWERED STANDARD OF OCCUPATION

To qualify for this allowance:

- The war pensioner must be in receipt of a war pension at the 40% rate or higher.
- Must be under 65 years of age at the date of claim.
- The pensioned disablement must prevent the war pensioner from undertaking their regular occupation or work of a similar financial standard.
- The allowance and basic war pension cannot add up to more than the 100% war pension rate.
- ALSO cannot be paid if Unemployability Supplement, Treatment Allowance or a war pension at the 100% rate is in payment.
- The SPVA must be informed if a war pensioner in receipt of ALSO commences any work or changes occupations (this includes changing jobs within the same company).**

WAR PENSIONERS MOBILITY SUPPLEMENT (WPMS)

The WPMS is payable to war pensioners whose pensioned disablement(s) causes them serious difficulty in walking, or the effects of walking could pose a serious risk to health.

WPMS can be claimed at any age if:

- A war pension at the 40% or higher rate is in payment and the pensioned disablement that causes the serious walking difficulty is likely to last 6 months or more or
- The pensioned disablements are blindness assessed at 90% or more AND deafness assessed at 80% or more.
- War pensioners in receipt of WPMS are exempt from paying road tax and toll charges on some motorways.
- WPMS cannot be paid at the same time as the Civilian Disability Living Allowance (Mobility Component).

CONSTANT ATTENDANCE ALLOWANCE (CAA)

There may be entitlement to CAA if:

- A war pension at the 80% rate or higher is being paid and the need for personal help is because of the condition(s) for which the war pension is being paid.
- There are 4 rates of CAA dependent on the degree of care required. The allowance is still payable even if there is no carer.
- CAA is only payable for personal help, NOT domestic help. It is not normally paid if the war pensioner spends more than 4 weeks in an NHS hospital, NHS Trust hospital or a nursing home that is fully or partially funded by the local authority.
- An award of CAA gives automatic entitlement to Comforts Allowance at the lower rate.
- CAA cannot be paid at the same time as the Civilian Attendance Allowance/Disability Living Allowance (Care Component).

OTHER ALLOWANCES

- Age Allowance** is paid automatically to war pensioners aged 65 or over and in receipt of a war pension at the 40% rate or higher.
- Clothing Allowance** is payable annually in April where the pensioned disablement is assessed at 20% or more and causes wear and tear on clothing.
- Comforts Allowance** is paid automatically with Unemployability Supplement and/or Constant Attendance Allowance.
- Invalidity Allowance** is paid in addition to Unemployability Supplement, provided the first claim to Unemployability Supplement has been made before the claimant has reached the age of 60.

OTHER ALLOWANCES

- Exceptionally Severe Disablement Allowance (ESDA)** is paid automatically if CAA at one of the two higher rates is in payment.

•**Severe Disablement Occupational Allowance (SDOA)** may be paid in addition to ESDA if Constant Attendance Allowance at one of the two higher rates is in payment AND the pensioner is normally in employment.

•**Treatment Allowance** is payable where a war pensioner is prevented from working for at least 8 days because of treatment for their accepted disability AND suffers a loss of earnings because of the treatment. But note that Treatment allowance plus basic pension cannot exceed the 100% rate.

ARMED FORCES COMPENSATION SCHEME

•The Armed Forces Compensation Scheme is the “new” compensation package for members of the Armed Forces. It is designed to provide compensation, irrespective of fault, across the full range of circumstances in which illness, injury or death may arise as a result of service. The legislation replaced the previous arrangements under the War Pensions Scheme and the attributable elements of AFPS 1975.

•It is a 'no fault' scheme which means that individuals still have the option to sue the MoD for negligence although compensation provided by the AFCS would be considered if a court directed that damages were to be paid.

LUMP SUM/GIP/TARIFF

•Under the terms of the scheme a lump sum is payable to Service or ex-Service personnel based on a 15-level tariff which is graduated according to the seriousness of the condition. A Guaranteed Income Payment (GIP), payable for life, will also be paid to those who could be expected to experience a significant loss of earning capacity. A GIP will also be paid to surviving partners (including unmarried and same sex partners) where the service person's death was caused by service and in the case of unmarried partners a substantial relationship can be demonstrated.

•The final amount of GIP payable is a percentage dependent on the tariff level of the condition for which an award is made. Awards made in tariff levels 12 to 15 do not attract a GIP. The percentages are in four bands as follows:

TARIFF/GIP

- Band A** -tariff levels 1 to 4-100%
- Band B**-tariff levels 5 to 6-75%
- Band C**-tariff levels 7 to 8- 50%
- Band D**- tariff levels 9 to 11- 30%

•Example: A man aged 23 is invalided out of the Armed Forces having lost a foot as a result of service. He was receiving a salary of £20,000. The appropriate factor is applied for a person his age. The factor is 0.878. The full annual GIP is therefore calculated as: Salary x GIP factor, i.e. £20,000 x 0.878 = £17,560.

As the injury is in tariff level 8 the person will receive 50% of the full GIP, so he will be entitled to £8,780 per year. This is tax free.

•You are aware that the upper limit for AFCS awards has now been increased to £570,000.

SERVICE PENSIONS

The point of contact for service pensions irrespective of which scheme you belong to is the Pensions Division of the Joint Personnel Centre. Full details can be found at: www.mod.uk/DefenceInternet/AboutDefence/WhatWeDo/Personnel/Pensions/ArmedForcesPensions

PENSION CONTACTS

•The Pensions Division can also be contacted direct by email on pensionshelp@spva.mod.uk

•Pensions are paid by Paymaster and they can be contacted direct to report administrative changes such as bank details on afpensions@xafinitypaymaster.co.uk

Or by telephone: 0870 197 and extension as shown:

Army – 1510 RN – 1520 RAF - 1530

PRESERVED PENSIONS

•Preserved pensions were introduced on 1 April 1975. Prior to this if you did not complete a full career you had no entitlement to a service pension other than on invaliding.

•31 Mar 1975 – Introduction of Preserved pension – Those discharged on or after this date with at least 5 years reckonable service and aged over 26 qualify.

•31 Mar 1978 – For servicemen discharged on or after this date, the age 26 ruling no longer applies.

•06 April 1983 – Servicemen discharged on or after this date no longer require at least 5 years reckonable service, but 5 years contracted out service. This ruling applies to servicemen who enlisted on or after 6 April 1978.

•06 April 1988 – Qualifying period for preserved pensions reduced to 2 years contracted out service.

- Although contracted out service counts as qualifying service for preserved pensions only reckonable service counts when assessing benefits.

PRESERVED PENSIONS

- Reckonable Service = Full paid service over age 18.
- Contracted Out Service = Full paid service from any age after 6 April 1978.
- If you qualify as indicated, applications for preserved pensions should be addressed to:

Joint Pensions Office
Kentigern House
65 Brown Street
Glasgow
G2 8EX

- Together with a copy of the letter advising entitlement which would have been issued on discharge or quote service number and national insurance number in your request.
- You should be aware that if a veteran has entitlement to a preserved pension and is deemed by a medical authority to be permanently incapacitated from working then early payment of a preserved pension can be authorised. Otherwise preserved pensions are payable at age 60/65.

NATIONAL SERVICE, TA AND RESERVE FORCES

If a National Servicemen, member of the TA or Reserve Forces is injured or disabled as a result of their service they are equally entitled to submit a claim under the WDP or AFCS Schemes as appropriate. They may also qualify to be considered under the Reserve Forces Pension Scheme Award/Payment Authority

- The authority for award of a WDP, WWP or SA is the Service Pensions Order (SPO) 2006
- The authority for an AFCS award is The Armed Forces and Reserve Forces (Compensation Scheme) Order 2005

Service Pensions Order - Articles

- Article 40 – within the first 7 years of leaving the service – the onus of proof is on the Veterans Agency.
- Article 41 – after the first 7 years of service – the onus of proof then falls on the appellant.

STATEMENTS OF CASES

- On making an appeal to the SPVA, statements of case are prepared and forwarded to:
- The Appellant
- The nominated representative
- The Pensions Appeals Tribunals for Scotland.

STATEMENTS OF CASES

- On receipt of the Statements of Case, the PAT will list the case to be heard – normally about 3 – 6 months later.
- The representative – RBLs will then prepare the case by reading the detail of the Statement and contacting the appellant.
- The appellant is informed by both PAT and Representative regarding listing date.

Procedures – Pre Appeal

We will inform the appellant by mail that:

- He can visit to discuss the appeal.
 - He can write to us with his views.
- or
- He can phone or email.

We give every opportunity for contact to be made, but we are unable to attend domiciliary visits prior to appeals – We do however attend domiciliary tribunals.

Admin Procedures – Pre Appeal

- We advise the appellant of the date and time of the appeal.
- We ask that he attend 30 minutes prior to the given time
- We advise the appellant of the consequence and procedure for non attendance at tribunal and the use of mandates to act on their behalf.

Tribunal Day

- The appellant is briefed by representative on the procedure for entering the tribunal.
- Gain their confidence and reassure them, attempt to calm them down.
- Advise on any specific areas of concern.
- Inform them of the seating arrangement for the appellant and any accompanying friend, relative or carer.

Tribunal Day – Composition of Members of Tribunal

- Chairman – Queens Councillor or Lawyer
- Medical Member – Normally Consultant Level – with varied speciality – orthopaedic, psychiatric or rheumatology
- Ex Service Member – Can be any arm of the services – Officer or Warrant Officer

■ **Also in attendance** is a Lay Representative from the SPVA – who is there to support the SPVA decision.

Tribunal Day – Commencement of Appeal

- Chairman opens by introducing members and establishes whether there are any objections to those sitting on the tribunal
- He then introduces the appeal and invites the representatives to present the appeal

Tribunal Day – Commencement of Appeal

- You will recall earlier the mention of Article 40 and 41. When an entitlement appeal under article 40 (less than 7 years) is presented – the SPVA representative will open the appeal, if under article 41 (over 7 years) the RBLs representative will open.

Tribunal Day – Commencement of Appeal

- The appeal is presented, contentions raised and questions asked by all attending.
- A medical examination may be requested – but very rarely – as the appeal is in relation to a decision some 8 – 12 months earlier.

Tribunal Day – The Decision

- When the Chairman is happy that all has been said and recorded he will ask the appellant and representative (both) to leave. This enables the Tribunal to decide if they can give a decision on the day.
- If possible the decision is given, if not we are informed of the deferred decision (a decision given in writing within 2 weeks).

Post Appeal

- ◆ Clarify that the appellant understands the decision
- ◆ Advise on any further entitlement to claims as a result of the decision (i.e. increases that take appellant into 40% or 60% - Mobility, ALSO, UNSUPP etc
- ◆ Ensure appellant aware of Veterans Welfare Service – contact details

Useful Links/addresses

- Welfare Officer - Hollybush House – 01292 560322 hbws@combatstress.org.uk
- SPVA Veterans Welfare Service - There are 25 Veterans Welfare Service Offices located throughout the United Kingdom and the Republic of Ireland.
- A handout is available for all areas in Scotland

PENSIONS APPEALS TRIBUNALS FOR SCOTLAND

- Address: George House, 126 George Street, EDINBURGH EH2 4HH
- Telephone: 0131 271 4340
- Fax: 0131 271 4398
- Email: - info@patscotland.org.uk

WELFARE

- Contact
- Ascertain Requirement
- Refer to appropriate Agency

- The first point of contact for benevolence issues is:

SSAFA FORCES HELP

- SSAFA Forces Help Office

c/o The Black Watch

Balhouses Castle

Hay Street

Perth

PH1 5HR

- T: (01738) 623214

- E: Angus@ssafa.org.uk

- Office Hours: No set hours.

- Website: <http://ssafa.org.uk/Branch/index.html>

CITIZENS ADVICE BUREAUX

(CAB)

- Address 4 - 12 New Row , Perth, PH1 5QB

- Tel: 01738 624301(advice) 564304 (appts)

- Email

karencampbell@perthcab.casonline.org.uk

- Website: <http://www.cas.org.uk/WebOfficeFinder.aspx?letter=P>

- Opening hours

- Monday – Friday 1000 – 1600 (Tel Advice).

- 1000-1200 (Drop in) 1300 – 1600 (Appts).

VETERANS SCOTLAND

www.veteransscotland.co.uk/

Organisation

The member organisations of Veterans Scotland are grouped according to their core activity and each group has a committee that is charged with developing co-operation and new initiatives among members of its group. Each committee is chaired by a representative from one of the major charities within the group. The groups are:

PILLARS

- Membership

Chairman: General Secretary - **Royal British Legion Scotland**

<http://www.rblscotland.org.uk/>

- Care

Chairman: Chief Executive - **Erskine**

<http://www.erskine.org.uk/>

- Housing

Chairman: Chief Executive - **Scottish Veterans' Residences**

<http://www.svronline.org/>

•**Support**

Chairman: Chief Executive - **Poppyscotland (Earl Haig Fund Scotland)**

<http://www.poppyscotland.org.uk/>

INFORMATION WEBSITES

•RBL - www.britishlegion.org.uk

•COBSEO - www.cobseo.org.uk

•MOD - <http://www.mod.uk/DefenceInternet/Home/>

•BFPO - www.bfpo.mod.uk/index.html

•SOLDIER MAGAZINE - www.soldiermagazine.co.uk/

•RN/RM - www.rnbt.org.uk

•RAF - www.rafbf.org

•BLESMA – www.blesma.org

•COMBAT STRESS - www.combatstress.org.uk