



I. Introduction

The Royal British Legion will launch its new 'Insult to Injury' campaign in January 2015. This will be a major public campaign, which we hope will secure both national and regional media coverage. Our new website, www.britishlegion.org.uk/insulttoinjury, is set to go live shortly and will provide lots of information about the campaign. Through our website, supporters will also be able to email their MP and/or Welsh Assembly Member directly, simply by entering their post code into the fields provided.

II. The Issue

Veterans who were injured in Service on or before 5 April 2005 receive a War Disablement Pension and are known as War Pensioners. Should a War Pensioner have social care needs, they will routinely find that their local authority takes all but the first £10pw of their military compensation to cover the costs of their care. This is despite the fact that a veteran with a similar injury, but who was injured on or after 6 April 2005, is able to keep all of their compensation payments. This is because this injured veteran receives compensation through the Armed Forces Compensation Scheme, which local authorities are instructed to fully exempt from means tests for social care. Local authorities must also exempt compensation that has been awarded to civilians who have been injured in the workplace, which is usually placed in a personal injury trust fund.

III. Our Arguments

The Legion can see no reason for the disparity in the way that War Pensioners are treated within the social care system: it is unfair that War Pensioners should be treated differently to other injured veterans, and it is unacceptable that War Pensioners should be treated less favourably than civilians who have been injured in the workplace. This latter point is in clear breach of the Armed Forces Covenant, which states that Service personnel, veterans and their families should not be left disadvantaged as a result of military service.

The Legion can also see no reason why social care means tests should regard all but the first £10 per week of an individual's War Pension as normal income, when Government policy elsewhere excludes military compensation from this category. For example, both War Pensions and AFCS payments are fully exempted from income assessments for Universal Credit, and most local authorities use their discretion to fully exempt both forms of military compensation from means tests for Council Tax Support and Housing Benefit.

The Legion further notes that because councils are free to set their own exemption thresholds for War Pensioners accessing social care, over and above the statutory £10pw minimum, many injured veterans face something of a postcode lottery. For instance, a recent Freedom of Information exercise conducted by the Legion revealed that only 15% of

local authorities in England and Wales with responsibility for social services presently choose to fully exempt War Pensions from all means tests for social care. Our data has also revealed that two War Pensioners could theoretically live just streets apart yet only one would be able to retain all of their compensation; the other would have to surrender all but the first £10pw to pay for their care. fund.

IV. Our Recommendation

As social care is a devolved matter, the Legion is calling on both the UK and Welsh Governments to harmonise the way that local authorities treat the two military compensation schemes. We recommend that they do this by amending existing charging guidance to instruct that all local authorities henceforth fully exempt War Pensions from means tests for social care. The Government has already recognised that military compensation is awarded as recompense for the pain, suffering and loss of amenity experienced by injured Service personnel and veterans; it must now instruct local authorities not to treat it as normal income. fund.

V. Our Case Studies

- *Keith Clarke (non-residential care)*

Keith Clarke, 43, is a former submariner who was left paraplegic when attempting to put out a fire on his submarine. Having been medically discharged from the Royal Navy, Keith currently receives social care services from his local council, where a care worker visits daily to help him get dressed in the morning and evening, and to help him look after his two children. Keith is a single father to two young boys, one of whom is also disabled. Keith's local council presently takes around half of his £900 per month War Pension to meet the costs of his social care. This is despite the fact that Keith's War Pension is his only source of income, apart from the housing benefit that he's entitled to and the DLA that he receives on behalf of his son. Keith is now left with only £400 per month to support his young family.

- *Fred Cannon (residential care)*

Fred Cannon was 19 when he landed on Gold Beach in Normandy. About three weeks into the assault, Fred's company came under heavy attack and Fred sustained a serious bullet wound to his leg. He was the only survivor of that assault, and the only member of his company to return home alive. As a result of his injury, Fred was left with one leg shorter than the other, which affected his mobility and resulted in him being awarded a 50% War Pension. In his later years, Fred's reduced mobility resulted in a number of falls, one of which broke his hip. Now 90, Fred lives in a nursing home. His local council is only prepared to disregard the first £10 per week of his basic War Pension, in line with existing government guidelines, meaning that once his care costs have been covered, he has very little money left over.

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