



Courts and Tribunals Judiciary

First-tier Tribunal

War Pensions and Armed Forces Compensation Appeals

Guide for Users

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Introduction from the Chamber President

Tribunals provide an accessible, informal, and low-cost way of resolving disputes, typically between government departments and citizens. Over a million cases each year are decided by independent and specialist Tribunals in a range of different areas such as social security, tax, mental health, immigration & asylum, and many others.

HM Courts & Tribunals Service (HMCTS) manages the running of the tribunals on behalf of the judiciary. HMCTS administers a two-tier tribunal system. The First-tier Tribunal and Upper Tribunal are divided into divisions which are called Chambers. A case will start in the First-tier and if a decision is appealed, it moves into the Upper Tribunal. Each Chamber has its own specialist area of expertise. The War Pensions and Armed Forces Compensation Chamber (WPAFCC) is part of the First-tier Tribunal which decides disputes between members of the Armed Forces or Veterans and the Ministry of Defence (MoD) over entitlement to awards under the statutory War Pensions and Armed Forces Compensation Schemes. It only deals with such appeals and hears no other cases. The Judges and Members of the WPAFCC are completely independent of the MoD and any other government department.

This guide should help you by answering some frequently asked questions about what happens when you decide to appeal against a decision made by the MoD. I do hope that you find it useful.

Judge Fiona Monk
Chamber President
War Pensions and Armed Forces Compensation Chamber (WPAFCC)

Frequently Asked Questions

What is the War Pensions and Armed Forces Compensation Chamber? (WPAFCC)

The WPAFCC is the First-tier Tribunal that specialises in deciding appeals under the War Pensions or Armed Forces Compensation Schemes.

The Tribunal is independent of any government department, including the Ministry of Defence (MoD) and its agency, Veterans UK, which deals with claims made under both schemes. It does not have any connection with any military unit or military charity, and Tribunal panel members are always independent and impartial.

Although the Tribunal is an independent judicial body, like a court, the procedure is simple and flexible, and the Tribunal's procedure rules are designed so you can present your case by yourself without a lawyer. However, there are several charitable organisations which offer free representation, and many veterans find it very helpful to have the support and advice of an expert representative from one of these service charities.

The WPAFCC only hears appeals in England and Wales; there are separate Tribunals in Scotland and Northern Ireland.

Can the WPAFCC hear my appeal?

When you make a claim, Veterans UK (the agency of the MoD which administers both schemes) has to consider two questions:

- was your injury or condition caused or made worse by your service?
- if it was, then what is the level of the war pension or compensation due to you?

Veterans UK will write to you to tell you their decision on your claim. If you are not satisfied, then you have a right of appeal to the WPAFCC.

The Tribunal will decide whether your injury or condition was caused or made worse by serving in the armed forces.

If it was, then the Tribunal can make decisions about:

- your entitlement to a pension or compensation
- how much pension or compensation you are entitled to?
- your entitlement to extra allowances, for example to cover mobility needs
- pension starting dates
- withheld pension

The Tribunal deals with appeals for the two pension schemes currently running, which are:

- the War Pensions Scheme: for injuries or conditions caused or made worse by service before 06 April 2005
- the Armed Forces Compensation Scheme: for injuries or conditions caused by service from 06 April 2005 onwards

Are there any disputes the WPAFCC cannot hear?

There are a number of situations related to service on which the WPAFCC may not rule. These types of cases are sometimes referred to as being excluded from the Tribunal's jurisdiction, as it cannot hear claims unless the law has given it the authority to do so.

Some examples of excluded cases:

- whether you should be or should have been medically discharged
- the level of your attributable benefits if you are discharged
- matters in relation to your fitness for promotion, or for certain duties
- matters in relation to your terms or conditions of service
- your service pension
- If you feel your medical treatment has been negligent or inappropriate

A Judge of the WPAFCC may make a decision on this type of jurisdictional issue 'on the papers' i.e. without holding a hearing. But in some cases, the Judge may order a hearing to be held to solve the point.

Who sits on the WPAFCC panel which decides the appeal?

The WPAFCC panel consists of three members: A **Judge, medical member, and service member**, who is appointed because of their knowledge and experience relating to the Armed Forces. This means that veterans do not have to provide a lot of background evidence which would normally be taken for granted in a service environment. Furthermore, panel members who do not have a service background have considerable experience from hearing other veterans' appeals.

The WPAFCC is supported by an administrative team from HM Courts & Tribunals Service (HMCTS). Their main office is in Loughborough. Office staff can give general information about your appeal but cannot provide legal or medical advice.

How do I appeal the decision?

Before you appeal to the Tribunal, you should write to Veterans UK at Norcross, Thornton Cleveleys, Lancashire, FY5 3WP; or email veterans-uk@mod.gov.uk and ask them to review/reconsider their decision. Explain why you think the decision is wrong and give any information or evidence not included in your original claim. If you have made separate claims for injuries and conditions, and have received separate decisions, then you have to identify which decision(s) you are appealing; if you are appealing against all

of the decisions you must make that clear. Where appropriate Veterans UK will look at your case again and write to you with their decision.

If you are still unhappy and the date of your decision is **on or after 6 April 2023** you can appeal to the Tribunal by completing and returning this form: WPAF1

War Pensions Armed Forces Compensation
PO Box 11206
LOUGHBOROUGH
LE11 9PT

Or email Armedforces.chamber@justice.gov.uk

If the date of your decision is **before 6 April 2023** you should make your appeal direct to Veterans UK on the form which they will provide.

The form explains the information needed to make an appeal. Please ensure you notify and provide details of your representative, should you choose to be represented.

Once this form is completed and returned to the Tribunal, we will ask Veterans UK to put together a Response bundle. It can take several weeks for Veterans UK to do this. Once the Response is prepared, Veterans UK will then send a copy of this to you, your representative (if one has been appointed) and to the Tribunal office. The Tribunal will aim to list your appeal for a hearing within four months of receipt.

Time limits

It is important that you understand time limits: you have one year from when you are notified of the decision on your claim in which to make your appeal. In some cases, you will be allowed to appeal after one year, but you must explain why your appeal is late. You cannot appeal against any decision after two years.

What is “The Response”?

The Response is put together by Veterans UK. It contains the information given in your claim and the relevant evidence used to make the decision under appeal, such as medical reports and service records. In the Response, you are referred to as ‘the Appellant’ and Veterans UK as ‘the Respondent’ or sometimes ‘the Secretary of State for Defence’. Veterans UK will send the Response to your appeal to the Tribunal administration, and to both you and your representative (if you have one).

There is an index at the start of the document. Check all the documents listed in the index are in the bundle. If there is any information you think is related to your appeal but not included (e.g., you may have been admitted to hospital for treatment in relation to your condition, and there is no record of your hospital stay in the Response), contact Veterans UK, and ask for it to be provided.

If you want the Tribunal to consider additional information such as an up-to-date medical report from your consultant or GP, you should send it to the Tribunal and Veterans UK as soon as possible, and no later than 4 weeks after the Tribunal office has acknowledged your appeal. It is important that, as soon as you decide to appeal, you put together all the supporting evidence which you have.

What happens before the appeal hearing?

Once the Tribunal receives a copy of your appeal, the Tribunal will send a 'Listing Questionnaire' (LQ) for you to complete. Your answers will enable the Tribunal to make the best arrangements for your hearing. If you are currently in service, please advise the Tribunal of any deployments, exercises or courses which would make it difficult for you to attend your hearing.

Also, if you are living abroad or posted overseas and wish to join your hearing remotely (via telephone or video link), the Tribunal will need to check that there is an agreement with the country you are in that enables us to hear evidence from you. This may take some time so please let us know immediately if this is the case and tell us which country you will be in.

At this stage you also need to notify the Tribunal if you intend to bring any witnesses, provide their details and their written statement. You should also inform the Tribunal office if you have any special requirements, such as an interpreter, or require any adjustments to be made to enable you to participate in the hearing. You can bring family members or friends for support. If you would like for them to speak on your behalf, please notify the Tribunal.

You can choose if you would like to have your hearing heard face-to-face at a hearing venue nearest to you, or remotely. Most of our hearings are currently held by video link, for which you will need access to the internet and a PC, smartphone, laptop, or tablet. You may also choose to have a telephone hearing or to have the hearing heard in your absence. If you wish to have a face-to-face hearing, it may take a little additional time to arrange and so you should be prepared for this.

Alternatively, you can consent to a decision being made by the Tribunal without an actual hearing, based on the papers, and you may provide a written statement to support this.

It is important that you keep the Tribunal office informed about dates when you are not available (e.g., if you are posted abroad, are on holiday or are having medical treatment), and any changes of contact details. Once you have been notified of your hearing date, any requests for postponement will be referred to a Judge or Legal Officer and will only be granted for compelling reasons and should be supported by evidence.

Within four months of receipt of the appeal, the Tribunal will aim to hear your appeal. Delays can occur because the Tribunal is awaiting information from you or from Veterans UK, and because older cases will usually be listed before yours.

The Tribunal Hearing

Although most hearings are currently held by video link, the Tribunal can sit in major cities and towns across England and Wales, and the venue will be the location nearest to your address if you wish to attend the hearing in person.

The proceedings are kept as informal as possible; if you are attending the hearing at a venue then you will find the room is not set out like a court room. The panel members will sit in a row at a table at the same level as you. The Judge sits in the middle, with the service member and medical member on either side. The Judge does not wear a wig or gown. It is not necessary for you to wear a suit or to dress formally. You and your representative (if you have one) will sit opposite the Tribunal panel, as will the Veterans UK representative, if in attendance. The Tribunal is assisted by a clerk who will show you where to sit and what to do. You are not required to stand when you address the Tribunal. The Judge will explain anything about the process, if it is not clear, but the panel cannot give you legal advice about your case.

Regardless of how your hearing is held (face-to-face, telephone or video), the panel will introduce themselves before the hearing begins; the usual sequence is for the representative from Veterans UK to briefly introduce the case, and then for each side to put forward its evidence and arguments based on the material in the papers. The panel members, who will have read the papers in advance, will ask questions about your case if they feel more information is required. There are no strict rules of evidence applied at the Tribunal hearing.

Tribunal hearings are open to the public, which means that anyone can come to watch or listen in, but it is rare for a WPAFCC Tribunal hearing to attract any public interest. You can, of course, bring family members or friends for support.

You will need to have the Response with you and the documents you are using as evidence at the hearing. You should have given copies of any evidence to the Tribunal and to Veterans UK well in advance of the Tribunal hearing. Producing evidence late or on the day of the hearing may lead to your case being adjourned to another date and a delay in you getting your decision and can also cause delays for other veterans who are also waiting to have their appeal heard.

The Tribunal's decision and reasons

In many cases the Tribunal will be able to give you its decision on the day, shortly after the hearing. If you attended the hearing in person, then you will be given a printed Decision Notice setting out the Tribunal's decision. Otherwise, the Decision Notice will be emailed or posted to you. However, at other times the Tribunal may need more time to consider its decision, in which case it will send you a written decision shortly afterwards. The written decision just sets out the outcome of the appeal; that is, whether you have been successful or not, and any change to the decision which you had appealed.

You can apply (with 42 days) for the Tribunal's reasons for the decision (this is called a written Statement of Reasons) which the Tribunal should provide within 28 days after they get your request.

Appeals from the WPAFCC Tribunal

You can apply for permission to appeal against the Tribunal's decision, but only if you think that the Tribunal has made an error of law.

The following are examples of what is meant by 'error of law':

- the Tribunal applied the law incorrectly
- the Tribunal conducted the proceedings in breach of the proper procedures, for example it did not tell you about the hearing in time
- the Tribunal failed to give adequate reasons for its decision or to back up the decision with facts

You cannot appeal just because you disagree with the outcome and want your case reheard.

The first step in applying for permission to appeal is to write to the Tribunal requesting a written Statement of Reasons for the Tribunal's decision (as explained above). The request must be in writing and must be received by the Tribunal within 42 days after the date on the Decision Notice.

If, having considered the Statement of Reasons, you believe that the decision of the Tribunal was based on an error of law, you may then apply for permission to appeal against the decision, giving reasons why you think that the decision is wrong. The application must be within 42 days following the Tribunal issuing the Statement of Reasons to you.

An application for permission to appeal will be considered by the Chamber President or a nominated Judge. The Judge may:

- first: consider whether to review the decision and, if there is an error of law, make a fresh decision or arrange for your case to be re-decided
- grant permission, in which case you can forward your appeal to the Upper Tribunal
- refuse permission, in which case you then have the option of applying directly to the Upper Tribunal for permission. Further information can be found on the GOV.UK website: <https://www.gov.uk/courts-tribunals/upper-tribunal-administrative-appeals-chamber>
- If the appeal proceeds to the Upper Tribunal, that Tribunal has the power to set aside the First-tier Tribunal's decision and give a fresh decision or refer the case to the First-tier Tribunal for re-hearing

Veterans UK can also appeal to the Upper Tribunal, and they have to go through the same steps as you would.

Costs and Expenses

You should be aware that even if your appeal has been allowed, the Tribunal cannot order costs against you or in favour of either party (this is one way in which Tribunals differ from courts).

However, you may be able to claim expenses or compensation for:

- travel (only within the UK)
- living expenses for the time you are away from home
- loss of earnings

Contact the Tribunal office directly for further details (or ask the clerk at your Tribunal).

Complaints We hope that you will not have cause for complaint, but should you feel that either Tribunal panel or the Tribunal administrative process is at fault, then please follow the procedure according to the nature of the complaint.

Administrative Complaint

For complaints regarding the administrative process, please use the online form provided on the GOV.UK website: <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/complaints-procedure>

You can also telephone the Tribunal directly if you believe that your complaint is something that can be resolved quickly by the administrative staff and without resort to the formal complaint procedure. Please note that if you wish to talk to a Tribunal manager, you should use the above form; you will not be automatically passed directly to a manager.

Hearing Result

Should you wish to complain about the result of your hearing then you should make an appeal as detailed above under section: [Appeals from the WPAFCC Tribunal](#).

Tribunal Member

Should you wish to make a complaint regarding the behaviour of a Tribunal member, please email the Chamber at: Armedforces.chamber@justice.gov.uk and your complaint will be passed on to the Chamber President. Alternatively, telephone the Tribunal for a direct email address to send your written complaint to.

Annex 1

Presidential Guidance on the making of applications to the Tribunal

This guidance is issued to assist anyone who wishes to make an application to the Tribunal and to ensure that the Tribunal can deal with such applications fairly and efficiently.

General Applications [\(Application form can be found below\)](#)

1. Rule 6 of [The Tribunal Procedure \(First-tier Tribunal\) \(War Pensions and Armed Forces Compensation Chamber\) Rules 2008 \(legislation.gov.uk\)](#) provides:
 1. The Tribunal may give a direction on the application of one or more of the parties or on its own initiative.
 2. An application for direction may be made
 - a) by sending or delivering a written application to the Tribunal; or
 - b) orally during the course of a hearing.
 3. An application for a direction must include the reason for making that application.
2. The Rules are silent on any requirement for the application to be copied to any other party. In practice the Tribunal administration are routinely directed to copy any correspondence to the other party and/or their representatives. It is good practice, and in the interests of efficient working and transparency, that any application should be copied to the other side at the same time as the application is made to give them an opportunity to make any comment.
3. So, in accordance with Rule 2 and the overriding objective:
 - Parties to the Tribunal are therefore directed that when making an application they should:
 - Set out the case management order or direction they are asking the Tribunal to make.
 - Set out the reasons for making the application.
 - Copy the application to the other side and/or their representative at the time they make the application and make it clear that they should send any comments to the Tribunal within a reasonable period.
4. A standard form is provided (and copied below) to assist parties in making applications but is not mandatory. The Tribunal administration will copy the application to the other side and seek comments if that has not been done.
5. The responding party will have a reasonable period to provide any comments of up to 7 to 14 days although that may be varied depending on the urgency of the application.

Postponement Requests ([Application form can be found below](#))

6. In the case of requests for postponements the application should specify the following:
 - The reason for the postponement including how it will advance the overriding objective in Rule 2.
 - Any evidence which supports the application such as proof of medical treatment/appointment or holiday booking.
 - Details of any previous postponements or adjournments.
 - Available dates for re-listing.
7. In the case of a request for a postponement on the grounds that a representative is unavailable the application should additionally provide:
 - The representative's name and the date they were instructed or agreed to act in the case.
 - Where applicable, the date the representative became unavailable.
 - The reasons for any unavailability of a representative.
 - The details of what attempts have been made to obtain alternative representation, with dates and responses received.
 - The details of any special circumstances or reasons why it is considered that the Tribunal will not be able to fairly deal with the appeal without the appellant having representation, bearing in mind that the Tribunal often hears appeals even in cases where an appellant does not have representation.

Judge Fiona Monk
Chamber President
War Pensions and Armed Forces Compensation Chamber
10 February 2022

This section is also available online at: <https://www.judiciary.uk/courts-and-tribunals/tribunals/first-tier-tribunal/first-tier-tribunal-war-pensions-and-armed-forces-compensation-chamber/procedure-rules-and-guidance-of-the-first-tier-tribunal-war-pensions-and-armed-forces-compensation-chamber/>

War Pensions and Armed Forces Compensation – General Application

Name:	
Case Number:	
Address:	
Email address:	
Telephone number:	
Are you being represented? If yes , who is representing you?	YES <input type="checkbox"/> NO <input type="checkbox"/>
If you are represented, have you sent a copy of this application to your representative?	YES <input type="checkbox"/> NO <input type="checkbox"/>
What order or direction are you asking the Tribunal to make?	
What are the reasons for making this application?	
Have you sent a copy of this application to the other side and/or their representative?	YES <input type="checkbox"/> NO <input type="checkbox"/>
Have you made it clear that they should send any comments to the Tribunal within a reasonable period?	YES <input type="checkbox"/> NO <input type="checkbox"/>

Signature: _____

Date: _____

War Pensions and Armed Forces Compensation – Postponement Application

Name:	
Case Number:	
Address:	
Email address:	
Telephone number:	
Are you being represented? If yes , who is representing you?	YES <input type="checkbox"/> NO <input type="checkbox"/>
If you are represented, have you sent a copy of this application to your representative?	YES <input type="checkbox"/> NO <input type="checkbox"/>
The reason for the postponement including how it will advance the overriding objective in Rule 2. This requires the Tribunal to deal with cases fairly and justly, which includes (amongst other objectives) dealing with cases proportionately, using the Tribunal's special expertise and avoiding delay.	
Any evidence which supports the application such as proof of medical treatment/appointment or holiday booking. (If this is attached separately, please make a note of what the evidence is and how many pieces of evidence are attached).	
Details of any previous postponements or adjournments.	
Available dates for re-listing.	

Signature: _____

Date: _____

Annex 2

Relevant Legislation

The Tribunal will make decisions based on:

- The Pensions Appeal Tribunals Act 1943
- The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (as amended)
- The Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 (as amended).

The Tribunal must follow the rules and process set out in the:

- The Tribunal Procedure (First-tier Tribunal) (War Pensions and Armed Forces Compensation Chamber) Rules 2008 (as amended).
- The Tribunals, Courts, and Enforcement Act 2007

Useful Contact Details

Veterans-UK

Norcross,
Thornton Cleveleys,
Lancashire,
FY5 3WP
veterans-uk@mod.gov.uk
0808 191 4218

The WPAFCC Tribunal

PO Box 11206
LOUGHBOROUGH
LE11 9PT
Armedforces.chamber@justice.gov.uk
0330 808 4458

Organisations prepared to provide free representation/advice

The Royal British Legion

Haig House, 199 Borough High Street, London, SE1 1AA

Tel : 0808 802 8080

Email : info@britishlegion.org.uk

www.britishlegion.org.uk

BLESMA (formerly British Limbless ex Service Men's Association)

115 New London Road, Chelmsford, CM2 0QT

Tel : 020 8590 1124

Email : info@blesma.org

<https://blesma.org>

National Gulf Veterans & Families Association

Office L11, Base Business Space, Chamberlain Road, Hull, HU8 8HL

Tel : 01482 808730

Email : info@ngvfa.org.uk

www.ngvfa.org.uk

The Royal Air Force Association (RAFA)

Atlas House, 41 Wembley Road, Leicester, LE3 1UT

Tel: 0800 018 2361

Headquarters: 0116 266 5224

www.rafa.org.uk

The Royal Marines Charity

Building 32, HMS Excellent, Whale Island, Portsmouth, Hampshire,
PO2 8ER

Tel: 01392 346424

<https://rma-trmc.org>

Other organisations

National Pro Bono Centre (Law Works): www.lawworks.org.uk

Law Centres: www.lawcentres.org.uk

Citizens Advice: www.citizensadvice.org.uk

We Are Advocate: <https://weareadvocate.org.uk/>