

Veterans

Rights for former servicemen and women
and their families



*Community
Legal Service*



Veterans are people who have served in the armed forces, and their dependants (usually their husband or wife, partner or children). This leaflet explains veterans' rights to financial and other types of support, and where to get advice and help with that support.

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The leaflets in this series give you an outline of your legal rights. They are not a complete guide to the law and are not intended to be a guide to how the law will apply to you or to any specific situation. The leaflets are regularly updated but the law may have changed since this was printed, so information in it may be incorrect or out of date.

If you have a problem, you will need to get more information or personal advice to work out the best way to solve it. See 'Further help' on page 14 for sources of information and advice.

What financial help can I get?

As a veteran, you can get two basic types of pension:

- a war disablement pension, which you can receive if you were injured or disabled when serving in the armed forces; and
- a service pension, which is a work-related pension and depends on how much time you served in the armed forces and at which rank.

War disablement pensions are explained below. For more about service pensions, see page 7. For more about claiming other benefits, see the Community Legal Service Direct leaflet 'Welfare Benefits'.

Who can receive a war disablement pension?

If you were injured or disabled when serving in the armed forces, you may be able to get a war disablement pension, which is paid by the Veterans Agency. Your illness, injury or disability does not need to have occurred in active service or during war, and may be physical or psychological.

You may be able to receive a war disablement pension if you were:

- disabled by illness or an injury while serving in the British armed forces, including the Ulster Defence Regiment (now known as the Royal Irish Regiment), the Home Guard, or nursing and auxiliary services;
- disabled while serving as a civil defence volunteer;
- a civilian disabled as a result of enemy action in the Second World War;
- a merchant seaman, a member of the naval auxiliary services or a coastguard, and you were disabled by an injury or a disease you suffered because of conditions during a war, or because you were a prisoner of war; or
- a member of the Polish forces under British command who served in the Second World War, or in the Polish Resettlement Forces and you were injured or disabled during this service.

If you are unsure whether you can claim a war disablement pension, you can get advice from the Veterans Agency. See 'Further help' on page 14 for how to contact the Veterans Agency.

You cannot claim a war disablement pension if you are still serving in the armed forces.

You may be able to claim a war pension if you live abroad, provided you meet the rules above.

How much war disablement pension will I get?

The amount of money you get depends on how disabled you are. You may need to have a medical examination to assess this. You will be assessed on a percentage scale. The greater the disability, the higher the percentage.

If your disability is assessed at less than 20 per cent, you will usually be paid a lump sum. If you are assessed at 20 per cent disabled or more, you will usually receive a pension. As an example, a non-officer war pensioner receives:

- £127.40 a week with 100 per cent disability; or
- £63.70 a week with 50 per cent disability.

Can I get extra money if I have special needs?

You may also be able to get other allowances on top of the lump sum or pension. These include allowances for care and for mobility (getting around). There are four main 'supplementary allowances'. They are:

- War Pensioners' Unemployability Supplement;
- Constant Attendance Allowance;
- Allowance for Lowered Standard of Occupation; and
- Mobility Supplement.

You do not pay income tax on a war disablement pension or on supplementary allowances.

Is my war disablement pension affected by other income I have?

The amount you receive from a basic war disablement pension does not normally depend on other types of income you may have. However, the Veterans Agency will look at your other income when deciding whether it will pay you other allowances.

Also, your war disablement pension may be reduced if you have received:

- compensation for your disablement from another organisation, such as the Ministry of Defence; or
- Industrial Injuries Disablement Benefit.

Does my war disablement pension affect my welfare benefits?

The first £10 a week of your basic war disablement pension is not counted as income when the Department for Work and Pensions is working out what level of means-tested benefits (such as Income Support, Income-based Jobseeker's Allowance or pension credit) to pay you. But the rest of your war disablement pension counts as income and will affect your benefit. Some supplementary allowances are not counted as income when working out how much benefit you would be paid.

Some of the supplementary allowances paid with your basic war disablement pension may overlap with your other social security benefits. If this happens, your benefits may be reduced by the amount of the overlap. If you need more help on your benefits and how they affect your war disablement pension, contact Citizens Advice, the Soldiers, Sailors, Airmen and Families Association – Forces Help (SSAFA Forces Help) or the Royal British Legion – see 'Further help' on page 14 for details.

What happens if I go into hospital or need extra care?

If you have to go into hospital, your basic war disablement pension is not affected. However, some types of supplementary allowance may be reduced, depending on how long you have to stay in hospital.

The Veterans Agency can also help with the cost of travelling for hospital treatment connected with your war disablement pension. However, to get this money, you must tell the Veterans Agency as soon as you know when your appointment will be. See 'Further help' on page 14 for how to contact the Veterans Agency.

You can also apply to the Veterans Agency for extra services such as respite breaks. A respite break pays for someone to care for you, to allow the person who normally cares for you to have a break. The Veterans Agency may also help to pay for:

- private treatment for an artificial limb, or
- a piece of medical equipment you have bought privately.

However, they will do this only if:

- you need it because of your disability; and
- you could not get them free from the NHS or from social services.

Priority hospital treatment for war disablement pensioners

NHS hospitals should give priority to war disablement pensioners, so you should be the first person to be examined or given treatment for the condition for which you receive your pension. This may not happen, however, if there is an emergency, or someone who needs urgent treatment. You should tell your GP and hospital that you are a war pensioner to make sure you get priority treatment.

Specialist help for disabled veterans and their families

Several organisations help particular groups of veterans. These include:

- The British Limbless Ex-Service Men's Association (BLESMA), for veterans who have lost a limb;
- Ex-Services Mental Welfare Society, for veterans whose mental health has been affected by service in the armed forces; and
- St Dunstan's, for blind veterans and their families.

See 'Further help' on page 14 for how to contact these organisations.

Pensions for war widows and widowers

If your husband or wife's death was due to service in the armed forces, you may be able to claim a war widow's or widower's pension. You may also be able to receive extra allowances, such as allowances for care and for mobility. See 'Can I get extra money if I have special needs?' on page 4.

The Veterans Agency may also help with the cost of a funeral of a ex-serviceman or woman, if you need it.

A war widow's or widower's pension stops if you marry again or if you start living with someone as a partner. However, you may be able to start receiving it again if your new marriage ends or you stop living with someone as a partner.

Further information is available from the Veterans Agency (see 'Further help' on page 14).

Inheritance tax for servicemen or women who die in active service

When someone dies, inheritance tax must normally be paid on their estate (everything they owned), if their estate is worth more than a certain amount. The main exception is if they leave their estate to their husband or wife. However, if a member of the forces dies as a result of active service, their estate is exempt from inheritance tax. For more about inheritance tax, see the Community Legal Service Direct leaflet 'Wills and Probate', or contact the Inland Revenue. See 'Further help' on page 14 for the number of its inheritance tax helpline.

Who can receive a service pension?

A service pension is an occupational (work-related) pension paid by the armed forces.

You normally have to have served in the forces for a certain number of years to get a service pension. The number varies depending on when you left the services. It is up to the Ministry of Defence to decide whether you should get a service pension.

If you leave the forces before the number of years you would normally need to serve to receive a service pension, you may still be able to get a 'preserved pension'. This means you may still receive your service pension:

- once you turn 60; and
- provided you served in the forces for at least two years.

If you become permanently unable to work because of illness, you may start getting your preserved pension before you reach 60.

If you are ill or disabled, and you cannot receive a war disablement pension, you may be able to receive a service pension in certain circumstances. If you think this may apply to you, you should contact the Armed Forces Personnel Administration Agency (AFPAA). The Ministry of Defence website also has useful information. See 'Further help' on page 14 for details.

Can I claim compensation if I have been injured in service?

You can claim compensation from the Ministry of Defence if you have been injured and it was the fault (or partly the fault) of the Ministry of Defence. If you are a dependant (a child, partner or husband or wife, for example) of a serviceman or woman who has died in such circumstances, you may be able to claim compensation.

If you want to make a claim for compensation, you need to give the Ministry of Defence certain information. Before making a claim, you should consider seeking legal advice from a solicitor who specialises in personal injury or medical negligence claims. First of all, you could contact the Royal British Legion, who can give you general advice about claiming compensation.

See 'Further help' on page 14 for how to contact the Royal British Legion.

When you make your claim, you need to tell the Ministry of Defence:

- the arm of the forces you served in;
- your service number;
- when you enlisted in the forces and, if you were discharged, the date of your discharge;
- details of your injury or medical treatment;
- details, including the date, of the incident that led to your injury; and
- why you believe the Ministry of Defence was negligent (that is, why it was the Ministry of Defence's fault).

What if I need help finding somewhere to live?

The Ministry of Defence and ex-Service welfare organisations can help with your housing needs before, during and after you are discharged. If you are homeless or think you might become homeless, you should seek housing advice as early as possible. You can contact the Soldiers, Sailors, Airmen and Families Association – Forces Help (SSAFA Forces Help) Housing Advisory Service, the Royal British Legion or Ex

Service Action Group on Homelessness (ESAG) for information and advice (see 'Further help' on page 14 for details).

If you need help to find housing, local housing authorities provide free housing and homelessness advice and other assistance, such as a rent deposit scheme. You can also apply to a local council or registered social landlord, such as a housing association, for rented housing. However, in some areas demand for rented housing is high and it may take some time before it becomes available.

As a last resort, your local council may by law have to find you somewhere to live in the short term, until you find a settled home. Whether it does this will depend on whether:

- the council assesses you as being someone in 'priority need'; and
- you have become homeless through no fault of your own.

You are someone in priority need if you, or people you live with:

- are responsible for dependent children who normally live with you;
- are pregnant;
- are vulnerable in some way (for example because of old age, or mental or physical disability);

- are vulnerable because of your service in the armed forces;
- had to leave your home because of violence or the threat of violence;
- are vulnerable because you have lived in local authority care;
- are vulnerable because you have been in prison;
- lost your home in a disaster such as a flood or fire; or
- are vulnerable for other reasons.

If you need help with finding a care home or independent living accommodation, contact the Ex-Services Homes Referral Agency (ESHRA). It has information on homes and accommodation run by ex-Service organisations throughout the UK. It also has details of private and voluntary care homes, and information on sheltered accommodation throughout the UK. See 'Further help' on page 14 for how to contact ESHRA.

How can I claim medals from my time in service?

In many cases, you will have received the campaign medals awarded to you while you were still in the armed forces, because you must wear them for ceremonial duties and other functions. However, you may have left the armed forces before your medal was given to you. If so, you must claim the medal from the medal office for the service you were in.

Also, most Second World War servicemen and women were not given medals before they were demobilised at the end of the war, so they had to claim them after they had left the Services.

If you want to claim the medals of a serviceman or woman who has died

If you are a relative of a serviceman or woman who has died, you can claim their medals. However, you may need to prove your relationship to the person before you can be given the medals.

Do I have to pay for the medals?

You do not need to pay for medals the first time they are provided. But if you are applying for replacement medals which have been lost, for example in a burglary or a fire, you will have to pay a fee for them. If you

are claiming replacement medals, you will have to provide some proof that you lost the originals with, for example, a police or insurance report.

How do I claim a service medal?

To claim a medal or to find out if you are able to receive one, you must write to the medal office for the service you were in. See 'Further help' on page 14 for how to contact the medal offices. When you write, you need to give as much of the following information as you can:

- your full name and date of birth;
- your service number;
- your regiment or corps (for the Army);
- your branch or trade (for the RAF and Royal Navy);
- your rank and the date you were discharged; and
- your name and address now.

Claims for medals for service in the Home Guard are dealt with by the Army Medal Office.

If you are claiming a First World War medal for a member of your family, you should collect as much of this information as you can before contacting the medal office for the service they were in.

How can I get hold of my service record?

You may need to get hold of personal information held by the forces for many reasons, including:

- to prove you were in the services;
- for medical reasons; or
- because you are researching your family history.

If you are a former serviceman or woman wanting your own service records, you must make a 'subject access request' (SAR).

You must make a SAR in writing and you must include some proof of your identity, such as a copy of your passport or a recent utilities bill. You must also include enough information to help locate the records you want, such as your:

- service number;
- rank;
- full name;
- date of birth; and
- the dates you served in the forces.

If you were in the army, you must also include details of your regiment or corps.

Service records are stored in various places around the country. To find the address you should write to for your records, contact the Veterans Agency (see 'Further help' on page 14 for details).

You should receive a reply to your letter within 40 days.

How can I find information about a serviceman or woman who has died?

If you want information about someone who has died, you need to send in a copy of their death certificate, unless they died in service. The Veterans Agency can tell you where to send the certificate. If you are not a close relative (next of kin), you will also need the permission of the closest relative or relatives. You may have to pay a fee for the information.

How can I return to where I served overseas in the Second World War?

If you served in the Second World War, a new scheme called Veterans Reunited can help you return to where you served.

The Veterans Reunited scheme has been set up by the Big Lottery Fund to commemorate the 60th anniversary of the end of the Second World War.

There are three parts to the scheme:

- **Heroes Return** – this helps organise and pay for veterans and their families to go back to the places they served during the War.
- **Home Front Recall** – this helps organise and pay for events to celebrate the part played by people in the UK during the War.
- **Their Past, Your Future** – this gives information on activities for schools and young people to learn more about the War and understand what happened because of it.

The Heroes Return scheme

This helps veterans of the Second World War who served in the British and Allied forces overseas, including prisoners of war and Merchant Navy veterans, to arrange visits back to the places where they saw active service. In some cases, widows and widowers will also be able to take part. The scheme will pay for travel costs and help veterans record their experiences so that new generations can learn from them.

There will be a fixed sum of money for each veteran and their husband, wife or long-term partner, to pay for their visit. If you need a carer to travel with you, you will receive money to pay for them to go too. The amount of money will depend on where you go. Money is available only for a visit in 2004 or 2005, and you should apply by 31 March 2005.

Money will usually be given to veterans' organisations to allow them to arrange group visits. However, in some cases, individual veterans will be able to apply directly for money.

Most visits will be to do with events in 1944 and 1945, but if you want to return to a country where you served during other years of the Second World War, you will also be able to get help to do this.

Every veteran who goes on a Heroes Return visit will receive a pack explaining how they can link to the schools' scheme 'Their Past, Your Future', so that new generations can learn from their experiences.

For more about the scheme, and how to take part, contact the Veterans Agency for details. See 'Further help' on page 14 for how to contact the Veterans Agency.

If you need a passport to take part in a Heroes Return visit, the Home Office will give you a free one-year passport, called a concessionary passport. To get one, you must be eligible for a British passport, and:

- have taken part in the action being commemorated; or
- be the husband, wife, partner, widow, widower or carer of a person who took part.

The Home Front Recall scheme

This provides money for activities in the UK to commemorate the events that led to the end of the Second World War. The scheme will help pay for activities to bring communities together, and to make sure that all generations can commemorate and remember the contribution made by the people of Britain during the War. These activities can include:

- street parties;
- services;
- reunions; and
- parades.

It is intended that the scheme will not just provide funding for veterans' organisations but for a wide range of projects that can commemorate the contribution and experience of, for example:

- UK-based armed service personnel;
- firefighters;
- auxiliary services;
- Bevin boys;
- dock workers;
- industrial workers;
- nurses; and
- codebreakers.

For more information or to find out how to apply for money, there is a special Home Front Recall number: see 'Further help' on page 14 for details.

Further help

Community Legal Service Direct

A free, easy-to-use service to help you solve your legal problems.

Call: 0845 345 4 345

to speak to a qualified legal adviser about Welfare Benefits, Debt or Education or find local advice services for other problems.

Log on at: www.clsdirect.org.uk to search for a quality local legal adviser or solicitor or find links to other sources of online information and help.

Veterans Agency

This is the main source of Government funded help for any issue for veterans.

phone: 0800 169 22 77.

www.veteransagency.mod.uk.

War Pensioners' Welfare Service

This service runs a network of welfare offices. Each one is responsible for a different area. Its phone number is in your local phone directory under 'Veterans Agency'. Or you can call the Veterans Agency on the number above for details of your nearest office.

Citizens Advice

Your local Citizens Advice Bureau is listed in the phone book.

www.citizensadvice.org.uk

Armed Forces Personnel Administration Agency (Pensions Division)

phone: 0141 224 3600

Ministry of Defence

www.mod.uk

Medal offices

If you want to claim medals for service, contact the office for the service you (or your relative) were in.

Royal Naval Medal Office

Room 1068, Centurion Building, Grange Road, Gosport, Hampshire PO13 9XA.

Royal Marines Medal Office

Room 038, Centurion Building, Grange Road, Gosport, Hampshire PO13 9XA.

Army Medal Office

Government Buildings, Worcester Road, Droitwich Spa, Worcestershire WR9 8AU.

Royal Air Force Medal Office

Room 6, Building 248A, RAF PMA, RAF Innsworth, Gloucester, Gloucestershire GL3 1EZ.

Soldiers, Sailors, Airmen and Families

Association – Forces Help (SSAFA Forces Help)

Welfare and advice for servicemen and women, ex-servicemen and women and their families.

phone: 0207 403 8783

www.ssafa.org.uk

SSAFA Forces Help Housing Advisory Service

phone: 01722 436 400

Ex-Service Action Group on Homelessness

c/o Sir Oswald Stoll Foundation

446 Fulham Road, London SW6 1DT

www.oswaldstoll.org.uk

phone: 020 7385 2110

Ex-Services Homes Referral Agency (ESHRA)

phone: 020 7839 4466

www.eshra.com

National Gulf Veterans and Families Benevolent Association

Support for people who have suffered medical or psychiatric illness following service in the Gulf.

phone: 01482 808 730

www.ngvfa.com

Legionline

Legionline is run by the Royal British Legion for ex-servicemen and women and those about to leave the Services.

phone: 0845 772 5725.

British Limbless Ex-Service Men's Association (BLESMA)

Supports ex-servicemen and women and their families, if they have lost a limb while serving.

phone: 020 8590 1124

www.blesma.org

Ex-Services Mental Welfare Society

Helps members of the services who have suffered psychological disability as a result of service.

phone: 01372 841600

www.combatstress.com

St Dunstan's

Helps ex-servicemen and women who have significant loss of sight, whether as a result of service or otherwise.

phone: 020 7723 5021

www.st-dunstans.org.uk

Forces Legal Network (The Forces Law Helpline)

A network of solicitors' firms that can provide advice and assistance on legal matters for servicemen and women and their families.

phone: 0845 601 1260

www.forceslaw.co.uk

Home Front Recall

For information about the scheme or to apply for money.

phone: 08457 458 458

Inland Revenue inheritance tax helpline

phone: 0845 302 0900

The Community Legal Service

The Community Legal Service has been set up to help you find the right legal information and advice to solve your problems.

You can get help through a national network of organisations including Citizens Advice Bureaux, Law Centres, many independent advice centres and thousands of high street solicitors. All of these services meet quality standards set by the Legal Services Commission. Look for the Community Legal Service logo, shown below.

Many of the organisations offer some or all of their services for free. If you cannot afford to pay for advice you may be eligible for financial support through the Community Legal Service Fund (Legal Aid). You can order leaflets about funding from the LSC Leaflet line on 0845 3000 343. You can also use a Legal Aid eligibility calculator on the CLS Direct website at www.clsdirect.org.uk

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The Legal Services Commission (LSC)

The Community Legal Service and the Community Legal Service Fund are managed by the Legal Services Commission. To find out more about us visit our website at www.legalservices.gov.uk or find the details for your local Legal Services Commission office in the phone book.

legal services
COMMISSION

The leaflets are also available online at: www.clsdirect.org.uk

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The leaflets are also available in Welsh, Braille and Audio

To order any of these leaflets contact the LSC leaflet line on **0845 3000 343** or email LSCleafletline@stivesdirect.com or Fax 01732 860 270



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