War Pensions and priority health treatment for veterans

THE FACTS
War Pensions and priority health treatment for veterans

This factsheet is part of our Benefits range. You will find it useful if you became deafened as a result of military service or wartime experiences. We use the term ‘deaf’ throughout to refer to all types of hearing loss.

Read this factsheet to find out:
- What is the War Pensions Scheme?
- What is priority treatment?
- Can I claim a War Disablement Pension if I am deaf?
- How do I make a claim?
- What is the difference between an ‘interim assessment’ and a ‘final assessment’?
- How much will I get if I am eligible for a War Disablement Pension?
- Am I entitled to war pension allowances or supplements?
- Do I need to have paid national insurance contributions to get a War Disablement Pension?
- Is a War Disablement Pension means-tested?
- How does a War Disablement Pension affect other benefits?
- What can I do if I disagree with a decision?
- Where can I get further information?

If you would like this factsheet on audio tape, in Braille or in large print, please contact our helpline (see front page).

N.B The Armed Forces Compensation Scheme, which began on 6 April 2005, replaces the War Pensions Scheme, but only for injuries or illnesses that were caused by service on or after 6 April 2005. For more information, see our factsheet Armed Forces Compensation Scheme.

If your deafness (or any other disability) was caused by service before 6 April 2005, then you can still claim a War Disablement Pension. There are no time limits to make claims under the War Pensions Scheme.

State pension age for women to rise

The state pension age is the age at which you can claim your state retirement pension. Men can claim their retirement pension at 65.

From 6 April 2010 until 2020, the government will gradually raise the state pension age for women from 60 to 65. If you are a woman born:
- Before 6 April 1950, your state pension age will remain at 60.
• Between 6 April 1950 and 5 April 1955, your state pension age will vary from 60 years and one month to 64 years and 11 months – the later your date of birth, the higher your state pension age will be.
• From 6 April 1955 onwards, your state pension age will be 65.

Other benefits and entitlements that were previously available to women and men at 60 (such as the Winter Fuel Allowance, Pension Credit and free prescriptions) will change so that they are available to both men and women at a woman’s state pension age.

What is the War Pensions Scheme?
This scheme gives money to ex-service personnel for any disablement caused by service. It is run by the Service Personnel and Veterans Agency (SPVA), which was formerly the War Pensions Agency.

You may be entitled to a War Disablement Pension if you were:
• Injured or disabled due to service in the armed forces at any time prior to 6 April 2005.
• Injured or disabled due to serving as a Civil Defence Volunteer, or were a civilian injured or disabled during the Second World War as a result of enemy action.
• Injured or disabled due to service in the Polish Forces under British command or the Polish Resettlement Corps during the Second World War.
• Disabled as a result of an injury or disease sustained due to service during a war in the Naval Auxiliary Services, Coast Guard, or Merchant Navy, or while a prisoner of war.

Widows or widowers of war pensioners may be eligible for a War Widow’s or Widower’s Pension in particular circumstances.

What is priority treatment?
In 1953, hospitals run by the Ministry of Pensions for the treatment of war pensioners were transferred to the NHS. The government at the time gave an undertaking that there would be priority examination and treatment for war pensioners in NHS hospitals, but only ‘for the condition or conditions for which the war pensioners received a pension or gratuity’. As a result of our campaign for deafened veterans in 2007, priority treatment now applies to hearing loss due to service ‘irrespective of whether [the condition] results in a pension.’

It is important to note that this is subject to the clinical needs of others: veterans are not given priority over others with more urgent clinical needs.
Priority treatment applies to you if you live in England, Wales, or Scotland. It does not apply to you if you live in Northern Ireland.

**I am a deafened veteran – how do I receive priority treatment?**

If you have hearing loss due to your time in service, your GP may be able to prioritise your referral to audiology services, whether or not you receive a war pension. Your GP should make it clear when they refer you that, in their clinical opinion, your hearing loss is due to your military service. The audiologist will then test your hearing and any treatment required should be given priority.

These priority treatment provisions are less important now that waiting times for NHS audiology treatment are shorter, but there may be some occasions where you will benefit. For more information, please contact SPVA (see page 9) or discuss it with your GP.

**Can I claim a War Disablement Pension if I am deaf?**

Yes – if your deafness is the result of military service or wartime experiences before 6 April 2005. Your deafness does not have to be caused by active service or combat for you to qualify. For example, if your hearing loss was caused by an injury sustained on a military base, or by an ear infection linked to service, you can still claim.

The kind of deafness you have will affect your claim. There are two main kinds of deafness:

- **Conductive deafness** – where sound cannot pass through the outer or middle ear.
- **Sensorineural deafness** – where the cause of the deafness is in the cochlea or the hearing nerve. Other names for this kind of deafness include sensory, cochlear, neural and inner-ear deafness.

To qualify for a weekly War Disablement Pension you must be at least 20% disabled from service related deafness. You will be assessed as 20% disabled or more if your hearing loss in each ear averaged over 1, 2 and 3 kHz is at least 50 decibels (dB).

If you have conductive hearing loss, resulting in less than 20% disablement, you will be paid a lump sum known as a ‘gratuity’. Conductive hearing loss can have a number of causes, such as an ear infection.

If you have sensorineural hearing loss caused by chronic exposure to loud noise you will not receive any gratuity or pension if your disablement is less than 20%.

Separate awards are not paid for tinnitus (noises that some people hear in the ears or in the head – buzzing, ringing, whistling, hissing and other sounds). If your tinnitus is ‘part and parcel’ of your noise-induced sensorineural hearing loss, which is accepted as due to service, and assessed at more
than 20%, an additional allowance may be made to the assessment. If your hearing loss alone represents less than 20% disablement, no addition will be made and you will not receive a pension or gratuity.

How do I make a claim?
If you are medically discharged from service through injury, your claim under the scheme will be automatically assessed, otherwise, you need to fill in a claim form. You can download one from the SPVA website, or contact them for a copy (see page 9 for contact details). Most ex-service organisations will also offer you help and advice on how to complete your claim form.

Is there a time limit for claiming?
There is no time limit for ex-service personnel to claim, but it is important to make your claim quickly. If you claim within seven years of leaving the forces, the onus is on the SPVA to prove that your deafness is not attributable to your service, and if there is uncertainty as to whether the conditions for an award to be made are satisfied, you should be given the benefit of any reasonable doubt. After seven years it is up to you to prove that your deafness is attributable to your service. War pensions are normally paid from the date of claiming. Backdating is only possible in specific circumstances.

What happens next?
- The SPVA will get details about your service or the wartime incident that you say has caused your hearing loss.
- Once this has been confirmed, your case will be given to a properly qualified SPVA medical advisor.
- In some circumstances SPVA will arrange for you to have a hearing test to assess your type and level of deafness. The results will be recorded as an audiogram.
- The SPVA doctor will then look at your service medical records, audiograms and other information, including medical records, to determine the type of hearing loss and whether it can be accepted as due to service.
- If accepted as due to service, the level of hearing loss is next assessed. The SPVA will consider particularly your latest hearing test results which fall to the War Pensions Scheme, i.e. those closest to 5 April 2005, or if you left service earlier, the date you left service.
- Once the doctor has decided that your deafness was caused by service or wartime experiences they will decide your ‘degree of disablement’. The doctor will look at your audiogram and convert your hearing loss into a disablement percentage using a chart developed by the British Association of Otolaryngologists (see next page). Hearing loss is measured in decibels (dB).
What is the difference between an ‘interim assessment’ and a ‘final assessment’?

If bilateral noise induced hearing loss is diagnosed and accepted as due to service, all hearing loss due to noise, ageing and constitution will be assessed at or around service termination and will form the basis of any award. Since it is accepted medically that noise induced hearing loss does not increase when a person is removed from noise, the assessment at service termination is made ‘final’ and no addition can be made for any further loss than happens after your military service. If the diagnosis is not bilateral noise induced hearing loss and there is a possibility that your hearing loss due to service may change in the future, the doctor will make an ‘interim assessment’. The SPVA can give you more detailed information about the assessment process.

How much will I get if I am eligible for a War Disablement Pension?

Your disablement assessment will affect how much pension you get. The rates change every April and you should contact the SPVA for up-to-date information. See their leaflet *Rates of War Pensions and Allowances* (contact details on page 9).
Am I entitled to war pension allowances and supplements?
Possibly. In addition to a basic War Disablement Pension, you may be entitled to the following war pension allowances. Some of these are paid automatically if you qualify, but you must make a claim for the others. Contact the SPVA for further information (see page 9).

Unemployability Supplement
You must be under 65 and be receiving a War Disablement Pension at the 60% rate or more. You must also be unable to work as a result of your service-caused condition.

War Pensioners’ Mobility Supplement
You must be getting a War Disablement Pension at the 40% rate or more. You must also be unable, or virtually unable, to walk because of your condition.

Constant Attendance Allowance
You must be getting a War Disablement Pension at the 80% rate or more and require personal help due to your service disability. The allowance is paid at four different rates depending on how much help you need.

Exceptionally Severe Disablement Allowance
You must be getting Constant Attendance Allowance at one of the two higher rates.

Severe Disablement Occupation Allowance
You must be getting Constant Attendance Allowance at one of the two higher rates and have a job that pays more than the therapeutic earnings limit.

Lowered Standard of Occupation Allowance
You must be under 65 and getting a War Disablement Pension at the 40% rate or more. Your disability must also make you permanently unable to do your normal job or work of an equivalent standard.

Clothing Allowance
You must be an amputee or wear your clothes out quickly because of your condition. Your war-pensioned allowance must be assessed at 20% or more.

Comforts Allowance
You must be getting Unemployability Supplement or Constant Attendance Allowance.
**Age Allowance**  
You must be at least 65 years old and at least 40% disabled. The rate you get depends on your degree of disablement.

**Do I need to have paid national insurance contributions to get a War Disablement Pension?**  
No. A War Disablement Pension is non-contributory, which means that you do not need to have paid national insurance contributions to get it.

**Is a War Disablement Pension means-tested?**  
No. Your level of income or savings does not affect your claim.

**How does a War Disablement Pension affect other benefits?**  
A War Disablement Pension may affect other benefits you receive:

- It can be paid in addition to other non-means-tested benefits, except when you get Industrial Injuries Disablement Benefit for the same condition.

- If you get Constant Attendance Allowance in addition to a War Disablement Pension, this may affect your payment of Attendance Allowance, Disability Living Allowance (DLA) Care Component, or the equivalent allowance with Industrial Injuries Disablement Benefit.

- If you get War Pensions Mobility Supplement in addition to a War Disablement Pension, this may affect your payment of DLA Mobility Component.

- If you get Unemployability Supplement in addition to a War Disablement Pension, this may affect your payment of Incapacity Benefit or Employment Support Allowance, or the equivalent allowance with Industrial Injuries Disablement Benefit.

- The first £10 of a War Disablement Pension is not counted as income when means-tested benefits are calculated.

- Most local authorities ignore more than £10, or even all of the value of a War Disablement Pension when working out Housing Benefit and Council Tax Benefit.

- A War Disablement Pension is not taxable.

- Constant Attendance Allowance, Exceptionally Severe Disablement Allowance, Severe Disablement Occupational Allowance and War Pensioners’ Mobility Supplement are fully ignored as income for means-tested benefits.

- War Disablement Pension and any additional war pension allowances are taken into account as income for CSA maintenance calculation.
What can I do if I disagree with a decision?

You can appeal against the following decisions:

- Your entitlement is refused.
- An award is refused or stopped.
- The amount of the award is set or changed.
- The date from which an award runs is set or changed.
- Entitlement issue of ‘aggravated by service’ to ‘attributable to service’.
- You do not agree with the description of the condition.

You have 12 months to appeal against all decisions. However, late appeals can be accepted up to another 12 months after the end of the time limit if the delay was caused by special circumstances.

Your appeal will go to an independent tribunal. The members of the tribunal are not from the SPVA or any part of the Ministry of Defence. The chairman is legally qualified and sits as the Tribunal Judge. The medical member is a practicing doctor and the service member has had military experience in the past. The tribunal can only look at the law and the circumstances at the time the decision was made. The tribunal cannot look at changes of circumstance that happened after the decision was made.

If your circumstances have changed since the decision was made, you can ask the SPVA to review your award. You can also ask for a review if there are some facts about your condition that you did not tell them about. You can ask for a review at any time – there is no time limit.

For more information on appealing against a decision, or asking for a review, contact the SPVA. For advice and help with an appeal or review, contact The Royal British Legion (details below).

Where can I get further information?

**The Royal British Legion**

Can provide advice and representation at War Pension Appeal Tribunals for all ex-service personnel and dependants. It covers England, Wales and Northern Ireland.

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

Telephone 0845 772 5725       Fax 020 3207 2218

[www.britishlegion.org.uk](http://www.britishlegion.org.uk)

**The Royal British Legion Scotland**

Gives help and advice to ex-service personnel in Scotland.

New Haig House, Logie Green Road, Edinburgh EH7 4HR
Service Personnel and Veterans Agency (SPVA)
The Veterans Welfare Service gives advice, guidance and practical help to war pensioners and war widows and widowers, and helps people in the process of a claim.
Norcross, Thornton Cleveleys, Lancashire FY5 3WP
Free helpline 0800 169 22 77 Textphone 0800 169 34 58 veterans.help@spva.gsi.gov.uk www.veterans-uk.info

Further information from Action on Hearing Loss
Our helpline offers a wide range of information on many aspects of hearing loss. You can contact us for further copies of this factsheet and our full range of factsheets and leaflets – see the cover page for contact details.

Action on Hearing Loss Information, July 2012