

PI Law

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Combat Stress - the charity

Combat Stress is a mental welfare charity which specialises in the care of ex-services personnel who suffer from psychological injuries and mental health problems as a result of experiences during their service career.

By Dr Walter Busuttill, Consultant Psychiatrist & Director of Medical Services, Combat Stress

The charity Combat Stress originated in 1919 with 100,000 veterans and their families being helped over the years. Combat Stress offers help within a supportive therapeutic environment that is sensitive to the military culture and encourages peer support. Many staff are ex-military; the regional welfare officers who are first point of contact are all ex-military officers who share a common background and culture with the veteran. Combat Stress offers:

- community mental health treatment and welfare
- telephone help and advice
- specialist evidence-based residential group
- individual multidisciplinary treatments
- carers groups
- rehabilitation.

Treatment aims to plug the veteran back into his or her local NHS services. Joint working with other ex-service charities and work re-training schemes is the norm. Combat Stress is funded by the NHS in Scotland. In other parts of Britain it is funded partly through the War Pensions Agency with 60% of its overall funds being charitable. In the past five years there has been a 65% increase in requests for its help by veterans, their families and other referrers with a steady increase in Iraq and Afghanistan veterans. Large patient clinical and psychometric audits demonstrate that 92% of new clinical cases will have been exposed to multiple military related psychological traumas; with 75% qualifying for a primary diagnosis of Post Traumatic Stress Disorder (PTSD). Co-morbid presentations are common comprising mainly depression and alcohol misuse. The picture is further complicated as 52% of the veterans have underlying issues including exposure to childhood trauma, neglect and poor care giving.

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From the Editors

With the armed forces being in the media spotlight at present, this issue centres around a military theme. Dr Busuttill, Medical Director at Combat Stress discusses the psychological and mental health problems suffered by service personnel and the help available for ex-service men and women through Combat Stress. More information from Dr Busuttill about combat stress conditions can be found on our website at www.ts-p.co.uk/knowledge.

We would like to thank Dr Busuttill for his contribution and hope that you find the subject of interest.

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Combat Stress offers help within a supportive therapeutic environment that is sensitive to the military culture and encourages peer support.

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There is a delay of an average of 14 years post military discharge before a veteran presents to the charity. This means that chronic complex clinical presentations are the norm, with loss of social and occupational function, self-imposed isolation, poor relationships and economic difficulties. Treating mental health problems in veterans is complicated because of pre-service difficulties which are often the reasons behind joining the military in the first place. Military life can contribute through exposure to bullying, alcohol, psychological trauma or family problems caused by regular separations. Veterans are more likely to experience earlier onset of physical disorders as a result of occupational exposure including orthopaedic problems with chronic pain and deafness. Veterans with chronic

PTSD can suffer a higher than expected incidence of other physical disorders including cardiac problems and diabetes, with large US veteran studies demonstrating that such physical illnesses develop ten years prematurely compared to veterans without PTSD.

Leaving the service and adjusting to civilian life is a key risk factor, as are help seeking issues such as shame, stigma or guilt. This and a macho image are factors that prevent the veteran seeking help and admitting they have a problem. Most referrals to Combat Stress come from family members, usually the partner or wife. The majority will have tried to access care through the NHS before coming to the attention of the charity, but for a variety of cultural reasons care through mainstream NHS services has not resulted in the resolution of clinical symptoms ■

From the casebook: A v MoD

Thomson Snell & Passmore was instructed by Mr A, a former Private in the Army. Mr A was knocked down by an Army 'Snatch' Land Rover being driven by a fellow serviceman in 2005.

Mr A ... was asked not to continue with the complaint for the sake of the Battalion's name.

Background to the case

At the time of the accident Mr A was an acting serviceman stationed at barracks in Northern Ireland. Mr A was not on duty at the time of the accident but he was at the barracks. Mr A was standing on the pavement outside an accommodation block having a conversation on a mobile telephone. Out of the corner of his eye he saw one of the Army's 'Snatch' Land Rovers driving towards him. The Land Rover was being driven by a fellow serviceman and there was another passenger in the front seat. The Land Rover drove directly at Mr A, mounting the kerb, presumably to park, everything happened so quickly that Mr A did not have a chance to move out of the way.

Injuries

The Land Rover hit Mr A injuring his lower back, left elbow and feet. Mr A fell to the ground and felt woozy and was in a lot of pain. Following the incident he was taken to the medical centre at the barracks where he was visited by his Sergeant Major who Mr A remembers was unsympathetic. Mr A was transferred to the local hospital, he was given treatment and discharged on the same day.

Mr A continued to suffer lower back pain and when

he was on leave in the week following the accident he attended the local hospital and also paid for an x-ray which confirmed that there was no fracture. Mr A had a course of physiotherapy treatment when he returned to the Army base. He was put on light duties for some time. Mr A says that he continued to recover from his injuries and his back pain had eased but unfortunately when he had to go on an overseas operation the back pain returned.

The litigation

Mr A had tried to pursue a formal complaint with his Sergeant Major following the incident but he was asked not to continue with the complaint for the sake of the Battalion's name.

It was suggested to Mr A that he should make a civil claim for personal injury on leaving the Army and leave it at that. Therefore when Mr A left the Army in February 2008 he decided to investigate making a personal injury claim at this point and instructed Thomson Snell & Passmore. Although this claim was strictly speaking a road traffic accident, the firm took the view that this should be

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Supporting veterans

There is a need for continuity of care for serving members and veterans of the armed forces in relation to the mental health problems that often emerge in individuals who have experienced the stress of warfare.

Specialist treatments run by specifically trained staff who understand troops' needs are not available on the NHS.

While serving members of the armed forces receive good care, those that leave the services often struggle to find suitable treatment. NHS care can be patchy and frequently inadequate. Specialist treatments run by specifically trained staff who understand troops' needs are not available on the NHS. The UK also lacks a centre of excellence in Post Traumatic Stress Disorder (PTSD), undermining the ability to research more effective interventions and coordinate better services across the country.

The latest MoD figures show that in the first six months of 2008 1,636 servicemen and women were diagnosed with a mental disorder by Defence Medical Services. These mental health problems were also highlighted in a study by Manchester University this year which found that ex-servicemen under 24 were 2-3 times more likely to kill themselves than men of the same age outside the forces. One of the report's authors, Professor Nav Kapur, warned this issue needs recognition and action must be taken. MoD figures from previous conflicts also suggest the problem might be far greater than the evidence above suggests. The Mental Health Foundation, a London charity which campaigns on armed forces issues, states that there are 329 cases of suicide confirmed among personnel who served in the Falkland's War – more than were actually killed during the conflict itself. And while 24 British soldiers died during the Gulf War the MoD disclosed last year that 169 veterans of the conflict had died from "intentional self-harm" or in circumstances that led to open verdicts at inquests. MoD figures also revealed that 20% of returning servicemen and women from that conflict were diagnosed with a mental health problems, including depression, PTSD, suicidal thoughts, anxiety disorders and alcohol and substance abuse.

Thomson Snell & Passmore works with veterans, ex-services groups and charities to help ensure that former servicemen and women get the clinical support they need. The firm operates dedicated Clinical Negligence, Personal Injury and Court of Protection teams meaning veterans' needs can be taken care of in full.

It is shameful that some veterans who have served their country with distinction are struggling to receive treatment for mental health problems.

Those who are still serving get some form of help for combat stress but those who leave are subject to patchy NHS care from practitioners who do not fully understand the stresses that veterans have been under. The work done by charitable organisations such as Combat Stress is therefore invaluable. For those injured that do take legal action, compensation is often very little, and for all, NHS care is not up to standard. It is vital that those veterans who suffer mental health problems receive the quality of care they deserve.

Out and about

This year Thomson Snell & Passmore are committed to supporting two very noteworthy local charities - Hospice in the Weald and EllenorLions Hospices.

Here's a taster of how our staff have been raising funds:

Teams of walkers started from the firm's offices in Tunbridge Wells and Thames Gateway, meeting in the middle in Sevenoaks. The 35 participants walked a combined total of over 500 miles.

Members of the firm took part in a Chinese style dragon boat race at the Dragon Boat Festival on Saturday 12 September at Bewl Water to raise further money for the hospices.

11 staff members (including five from the personal injury and clinical negligence team) ran the Tunbridge Wells 10K in aid of Hospice in the Weald.

Overall in 2009, Thomson Snell & Passmore staff raised an impressive total of over £13,000 for the hospices.

From the casebook: A v MoD

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dealt with as an employer's liability claim with the Ministry of Defence (MoD) as the defendant. The driver was an acting serviceman, driving an army vehicle on army property. The MoD raised no objection to this.

As Mr A had been asked not to bring a claim until he left the Army this brought the claim close to the expiry of the three year limitation period for a civil personal injury claim. The firm therefore had to issue court proceedings to protect Mr A's position. As the accident had happened outside the jurisdiction (Northern Ireland) the MoD were entitled to an extended investigation period under the Protocol. The parties agreed to stay the proceedings until the six month investigation period had expired, this was allowed by the court.

The MoD denied liability on the basis that Mr A had been "messaging around" and had stepped out in front of the Land Rover. Mr A denied this and in any event the MoD's argument appeared flawed because Mr A had been standing on a pavement at the time and the Land Rover had actually mounted the kerb and then hit Mr A. The witness evidence served by the MoD even admitted that the vehicle had mounted the kerb to park. The firm put this to the MoD but the parties were unable to agree liability and so the matter proceeded towards trial.

Despite the MoD steadfastly pursuing the liability point the firm was resolute. Although the MoD

refused to resolve liability, we were able to negotiate an out of court settlement for Mr A to secure compensation for his injuries.

The Armed Forces Compensation Scheme

It may also have been possible for Mr A to bring a claim under the Armed Forces Compensation Scheme (AFCS). However, the AFCS has a five year limitation period and so the civil claim was pursued in the first instance. It is also worth noting that if a serviceman receives compensation through a civil claim as well as a payment from the AFCS then the compensation paid under the civil claim has to be used to pay back the AFCS. ■



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Save the date

Thomson Snell & Passmore's annual Brain Injury Lecture

When: Tuesday 15 June 2010

Where: The Spa Hotel, Tunbridge Wells

Speaker: Professor Barbara Wilson (back by popular demand!)

Further details of the event will be available in due course

Feedback from the 2009 lecture:

"Thank you so much! It was very informative and comprehensive."

"Excellent speaker and very well presented - such an interesting topic."

"Really good speaker and well organised event."



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Although this newsletter highlights some key issues relating to personal injury law, it should not be considered comprehensive and is not a substitute for seeking professional advice on a specific issue.