

# Focus on Military

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Celebrating Women of the Past Century





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# Welcome



to the first edition of Focus on Military in the new decade.

I'm delighted to bring you news of our team's activities, charity events and the interesting people who've inspired us along the way.

At our Tower of London dinner, Major General Paul Nanson CB CBE spoke to us about leadership and his inspiring book, "Stand Up Straight: 10 Life Lessons from the Royal Military Academy Sandhurst" which was published at the end of 2019. You can read more about our celebratory event on page 14.

We were also privileged to welcome Caroline Paige to our annual meeting. She shared her experiences on inclusion, as the first transgender officer to serve openly in the military. You can find out more about this on page 6.

In our article on Ali Brown, Vice Chair of the Women's Royal Army Corps (WRAC), on page 25, we look at the parallels in celebrating centenary years for women both in the armed forces and legal profession.

If you have a topic that you'd like to see covered on future pages of this magazine, please get in touch. Thank you for your continued support.

### Geraldine McCool

Partner  
geraldine.mccool@irwinmitchell.com  
@GeraldineMcCoo1

### About our editor

Geraldine qualified into the legal profession just as Crown immunity was removed in 1987. She's Vice Chair of the Royal British Legion Solicitors' Group and has acted on many high profile cases. As the head of our Military Injury team she has represented families of victims in the Chinook helicopter crash and the inquest into the death of Sergeant Steven Roberts, the first soldier killed in Iraq in 2003.

Geraldine has been named as one of the top 20 lawyers of the last 20 years, and one of the top ten litigators in The Lawyer magazine's 20<sup>th</sup> anniversary issue. She was added to their Hall of Fame as one of the most effective claimant lawyers in the field of personal injury and product liability.

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**My role is extremely rewarding. I think that my best legal work has been done at military inquests over the years, as showcased in the Chilcot Inquiry Report. This includes pro bono representation for families who've lost a loved one and my aim is always the same - to support them every step of the way and ensure lessons are learnt.**

# Going Nuts for Blesma



Andy and his wife, Jemima

The First World War led to the birth of nearly 18,000 charities, of which only 10 still exist today. One of those charities is Blesma, The Limbless Veterans - and we're proud to support them.

Their mission is to assist both serving and ex-servicemen and women, who've suffered life-changing limb loss or loss of sight, to lead independent and fulfilling lives.

The charity receives no government funding and relies solely on the kindness of supporters alone. So when a team of volunteers from our Southampton office chose to take on The Nuts Challenge, they did it for Blesma. We joined forces with Andy Barlow, a client who was injured following the Kajaki minefield incident who now mentors others in similar situations to his own. Andy is now an outreach officer in the South for Blesma and relishes having the chance to support people going through the same trauma he has.



In aid of this inspiring charity, Andy and our team took on the 7km mud run in Dorking, Surrey. The outdoor obstacle course sees daredevils tackle over 100 challenges including a water assault track, underground tunnels, ropes and slides - all while getting covered in mud.

Everyone completed the challenge in under three hours and raised over £1,000 for Blesma along the way.

“

**The 10ft mudslide caused a fair few laughs as we flew into a submersion of thick mud. It was worth every minute for such a good cause and the atmosphere was amazing.**

**Alexia Yannaros**  
Paralegal

# Allies and Advocates



Caroline Paige is a role model, not only due to her outstanding service in the Royal Air Force which earned her several commendations, but also because she was the first transgender officer to serve openly in the British Armed Forces.

In July we were delighted when Caroline came to our Manchester office as an inspirational speaker for our national team training day. Her eye-opening story of how diversity and inclusion can be promoted both in military and civilian places of work was at the centre of discussion. She also described her fascinating career - including 17 operational tours as a jet and helicopter navigator.

Caroline spoke of her early career flying Phantom F4s and intercepting Soviet long-range bomber aircraft during the Cold War. She also completed tours in the Falkland Islands and ran tactical air operations following the Iraqi invasion of Kuwait, before joining the UN Anglo-French Rapid Reaction Force operating in Bosnia in 1995.

Four years later, she bravely decided it was time to resolve the lifelong battle with gender identity she'd struggled with since childhood. Caroline became the first transgender officer to transition and serve openly in the Ministry of Defence. At the time there was still a ban on homosexuals and transgender personnel serving openly in the military and it wasn't until the following year that it was lifted.

Caroline told us how there was still much prejudice both in and out of the military. When the media learnt of her transition newspaper articles soon followed, referring to Caroline as being 'mentally unbalanced' and a 'danger to others on operations'.



A particularly captivating memory Caroline spoke of was when she was scrolling through an online forum and reading hateful comments about her. Out of all the comments, there was one single supportive one; it was someone standing up for Caroline and defending her experience and attitude. Other encouraging messages followed, and it was at that moment Caroline realised the importance of allies and advocates, and that standing up to bigotry was key to promoting tolerance and inclusion.

Her superiors recognised the invaluable skills and experiences she brought to the table and that the Royal Air Force decided that they did not want to lose her. With the support of a military doctor fighting her corner and with superiors willing to listen and learn, Caroline was accepted in service as a female officer – a landmark case for equal rights within the military.

Caroline enjoyed a further 16 years in the RAF. She spent time on deployment to Bosnia in 2003 and Iraq in 2005 and it was during this time she was recognised with two Commander Joint Helicopter Command Commendations for 'Exceptional Service'. She then completed further tours in Iraq and Afghanistan including the first Merlin deployment in 2009. In 2012 she received her third Commendation from the Commander-in-Chief of the RAF in the Queen's New Year Honours list.

Building on her impressive 35 year career, Caroline helped to develop and run the European Defence Agency Helicopter Tactics Course, before her final role in leading a European Defence Agency Mentor Team in Portugal to advise and train helicopter crews taking part in a multinational flying exercise involving military helicopters from six European nations.

After speaking of her incredible career in the RAF, Caroline then turned to her more recent work in promoting transgender equality and inclusion both in the British Armed Forces and in civilian places of work. She spoke



**If I'd just given up and said 'right, I'm leaving to transition', I would never have known that they'd have accepted me.**



of the need for good leadership and education in helping to promote core values of understanding and respect. Through this an inclusive work environment can be created which discourages division, isolation, prejudice and misunderstanding.

What struck us was not only how Caroline had overcome great adversity and become a role model for many, but that she's part of an important change of attitudes.

Caroline's message is clear – it takes courage to stand up for someone, and it's the advocates and allies in a place of work that can change opinions and create inclusion.

### **Caroline Paige: True Colours**

Caroline Paige's autobiography, 'True Colours', describes her amazing experiences in the military, flying in some of the most dangerous skies in the world, as well as the challenges she's faced and how she champions the values of tolerance and inclusion. **Available to purchase now for £20**

When Caroline isn't teaching battlefield skills to European military helicopter crews, she shares her life experiences as a Stonewall School Role Model and public speaker to inspire others and raise awareness of transgender inclusion.

# Lost on the Battlefield: A Mother's Story

In 2015 60 members of our  
Armed Forces lost their  
lives serving their country.



Losing a loved one is one of the hardest things anyone has to go through, but it can be made even harder if you are left to feel like you don't have the support you need to get through it.

Unfortunately, this was how the family of Private Jamie Lee Sawyer were left to feel by the Military of Defence after he lost his life on a kayak training exercise while deployed in Cyprus.

Tracy, Jamie's mother, called our Military Injury team following the pre-inquest she attended without legal representation. Regrettably, it is often the case that families are advised that legal support won't be necessary if a loved one was lost in circumstances other than on the front line. However, Jamie's family had a very different experience and she quickly discovered that she would need help going through the mountains of legal documents and facing barristers in the coroner's court.

Feeling hopeless and lost, Tracy was oblivious to the tough challenges ahead; experienced barristers, a foreign criminal case and a civil claim all stemming from the death of her son.

Tracy felt a lack of compassion towards herself and the rest of her family throughout the whole process and says "All I wanted to know was the truth. I didn't understand why everyone was being arrogant and rude. My son had died while serving his country and I felt that the least we deserved was respect".

“

Tracy's story and experiences are very tragic, but sadly not unusual. Many families who have lost a loved during military service face the prospect of having to deal with a coroner's inquest without being fully supported, while the MoD will often have an experienced legal team throughout the process.

**Andrew Buckham**

Military injuries expert



Tracy, Jamie and his brother

The coroner found that Jamie died from asphyxia in March 2015 due to sea water drowning which was contributed to by the MoD's failure to adequately assess the weather forecast and ensure risk assessments covered specific hazards.

While the inquest was taking place in the UK, Tracy was told by the visiting officer that the instructor of the course had been arrested in Cyprus as a result of Jamie's death.

Fortunately, we were able to provide emotional support while she was facing multiple legal processes that can be daunting to anyone, let alone when grieving for a loved one.

The instructor of the kayaking exercise was found not guilty in the Cypriot Crown Court which was heart-breaking news for Jamie's family. Even though nothing will bring Jamie back, we were successful in securing a six-figure settlement which allowed them to feel like some justice had been done as they try to move forward without their beloved son and big brother.

Throughout Tracy's fight for justice not needed she's faced many challenges and, from her experience, has set up a social media support group to provide compassion and guidance to other families going through a similar process.

It's vital for families to feel they have the truth behind a loved one's death, as well as knowing that lessons have been learnt to decrease the number of deaths in our Armed Forces.



“

I felt that I couldn't talk to the charities out there about what I was going through; sometimes you just do not have the emotional strength to have to explain it to yet another person. My aim is to create a safe space for people to ask any questions that cross their mind and be able to point people in the right direction to get the justice they deserve. I told my Jamie that I would not give up and with emotional and legal support from Irwin Mitchell I was able to get some kind of justice.

**Tracy**

Jamie's mother



# Dinner at the **Tower of London**







On a beautiful day in the late summer of 2019, we were once again privileged to be welcomed into the home of the Royal Fusiliers Regiment to host our annual military celebration at the Tower of London.

The event, held in June, celebrated the 75<sup>th</sup> anniversary of D-Day and coincided with Armed Forces Day which we are proud to support.

As guests from across the military field joined us in the Officers' Mess, we listened to an inspiring speech on leadership by Major General Paul Nanson CB CBE. Paul launched the Army's Leadership Code, oversaw the publication of their first Leadership Doctrine and established the Centre for Army Leadership. He spoke of teamwork and the increased need for practical, hands-on experience in an age dominated by technology. Good leaders encourage others, allowing them to flourish and in turn motivate others.

To close the evening, a Yeoman Warder invited our guests to watch the Ceremony of the Keys, a gate closing ritual which has been performed for 700 years. The ceremony has never been cancelled and only delayed once during WWII when a bomb caused the Yeoman Warders to be knocked over.

We'd like to thank the Royal Fusiliers Regiment for hosting such a wonderful evening for our guests.

# Making noise for hearing loss awareness

How much a life?  
How much a limb?  
How much to never again  
hear a bird sing?

Our personal injury expert David Johnston-Keay talks about the real cost of Noise Induced Hearing Loss (NIHL).



## Noise Induced Hearing Loss can affect people in profound ways and can lead to many psychological problems and even loss of career, so there's no wonder that it attracts high value compensation claims.

In May 2019, Alistair Inglis succeeded in a High Court claim against the MoD after he suffered chronic hearing loss and tinnitus as a result of prolonged exposure to the noise of weapons and vehicles during his service. The former Royal Marine secured damages of £544,673 after his disability forced him to leave his career behind after 14 years of service.

The case attracted a high level of media attention, but the most interesting aspect of this claim is how there's nothing particularly unusual about it, except perhaps the amount which was awarded.

Half a million pounds in a claim for NIHL is clearly a significant outcome, but the case isn't an exceptional one in the context of military claims. We've helped many clients agree similar sums for similar issues when the opportunity for a full career has been lost.

For some injuries, age can play a part in the value of the award, particularly when illness has an effect on career prospects.

The law entitles a claimant to recover any financial losses where it can be proven to be as a result of their injury. For example, if the injury has resulted in being off work for a period of time, then loss of wages will be included in any amount awarded.

But what if the injury results in service personnel no longer being fit for military service? Where an injury means that the individual is no longer fit for service, they can find themselves in a devastating position where a career path disappears. There are very few careers in civilian life like that of the military. Certainly there's no pension like it.

It's the claims for loss of future earnings and pension that made up the vast majority of Alistair Inglis' high profile award – around £500,000 of it. Had he not suffered hearing loss due to the fault of the military, the court found that he would have continued to serve and that he would have had the chance to see out a full career. The judge agreed that he was likely to have lost a substantial amount of earnings and compensated him for it, declining the defendant's invitation to make a modest, arbitrary award for the risk that his hearing loss would hinder his future employability.

### An alternative path

Going down the route of a court case isn't your only option when faced with a loss of hearing. The Armed Forces Compensation Scheme (AFCS) provides some injured personnel with an alternative option.

Since 2005, those injured in military service have been able to make a claim for a lump sum award under the scheme. This is a tariff, no-fault based system and an applicant only needs to show that the injury was caused, whether in whole or in part, by service. Unlike a claim through the courts, there's no burden on the applicant to show fault on the part of the military.

Awards by the AFCS can vary between £1,236 and £650,000 depending on the type and severity of injury. Where the injury is significant enough to warrant a lump sum payment of £15,965 or more, the claimant may also be entitled to a guaranteed income payment; a monthly tax free sum which is index linked.

However, military personnel aren't entitled to bring claims for injuries arising from conflict with the enemy; the MoD is entitled to deny the claim on the basis of Combat Immunity. This is where the AFCS steps in and provides a remedy when the courts cannot.

However, not everyone injured by military service will qualify under the AFCS, as was the case for Alistair Inglis.

When evidence was given to the court, the medical experts were of the view that he had a hearing loss of no more than 18dB, but his hearing losses were significant enough to put him close to a medical downgrade and be at risk of an eventual retirement.

To qualify for the minimum award under the AFCS, he would have needed to suffer with 50dB loss and show it was caused by a one off blast. He wouldn't have qualified because his allegation was that his hearing gradually deteriorated over time as a result of exposure to weapons fire over a period of many years' service.

Some injured military personnel have to decide whether to make a claim through the courts or under the AFCS. However, many simply won't have a choice; either their injury isn't significant enough or their type of injury simply doesn't fit in with the tariff system of the AFCS. Alternatively, if injured in combat and not entitled to receive compensation through the courts; the AFCS is the only route.

The compensation awarded for a NIHL claim will remain a talking point, but the real focus should be on doing all we can to ensure as few servicemen and women have to suffer from it in the future.

# Celebrating Women of the Past Century

We visited the National Army Museum to find out more.



Last year was a time for celebration across the military world and legal profession alike.

It marked 100 years since women were first allowed to practice law and we marked this with a series of events across our offices to highlight the many fantastic achievements of the women we've worked with, past and present.

The Women's Royal Army Corps (WRAC) Association also celebrated its centenary; the longest running group for women in the military supporting those who served from 1919 to the present day.

Keen to find out more, we attended the Rise of the Lionesses at the National Army Museum, exploring the changing role of women in the British Armed Forces. The museum's curator for the night, Emma Mawdsley, highlighted the 'Art of Persuasion' exhibition, featuring wartime posters by Abram Games including his iconic 1941 poster encouraging women to "join the ATS".

The Auxiliary Territorial Services (ATS) was formed in September 1938 to offer female volunteers non-combat duties. However, the organisation suffered in comparison to the work carried out by the Women's Royal Naval Services (WRNS) and the Women's Auxiliary Air Force (WAAF). Games' poster, nicknamed 'the blonde bombshell', prompted a heated parliamentary debate and The Times' art critic called it 'jaunty'. It was replaced, but still proved popular with recruits, including Emma's own mother.

In 1945, Princess Elizabeth joined the ATS, training in Aldershot as a driver and mechanic, and the chassis that she trained on was in the Lionesses exhibition. The exhibition celebrated many female firsts including Private Michelle Norris of the Royal Army Medical Corps who was the first woman to be awarded the Military Cross in June 2006.



Ali Brown speaking at the National Army Museum



The National Army Museum is situated adjacent to the Royal Hospital Chelsea, the home of the Chelsea Pensioners. Admission is free and its light open spaces and atrium house numerous exhibitions.

From 31 January to 17 April 2020, you can visit Tribute Ink, in partnership with the Royal British Legion and the National Memorial Arboretum. Tribute Ink explores the tattoos worn by the Armed Forces community and reveals their powerful stories. If you have tattoos related to service, the Royal British Legion is inviting you to get involved and share your story. Visit [rbl.org.uk/tributeink](http://rbl.org.uk/tributeink) to find out more.



# About The WRAC Association

The Women's Royal Army Corp Association has two main purposes – benevolence and membership.

As the only charity to dedicate their support to women who've served in the Armed Forces, they exist to offer support through financial hardship and shared experiences for those who have served their Queen and country since 1919.

The Army in 2020 is about integration and Colonel (retired) Ali Brown, the current vice president, applauds that. However, she feels women are still a minority within the profession and there's a clear demand for the events and social experiences the WRAC provides.

With over 50 branches worldwide, Ali visits them regularly to chat to fellow members. It's important for women who served in the Army from the 60s to the 80s to understand that they've led the way for others. They should be proud to know they've achieved something for their efforts even if they might not have benefitted themselves.

“Celebrating what women have achieved to get where we are is a core reason for our existence. We're continuing to celebrate female firsts, and I'm delighted that Major General Sharon Nesmith was the first woman to command a British Army brigade and is the first female to sit on the Army Board”.



Brigadier Celia Harvey has served in the Territorial Army since joining the WRAC as an officer cadet and is set to become Director General Reserves. I think that the first female Commanding Officer of an Infantry Battalion would be a significant first and although it may take some time I'm confident that it will happen.”

Ali herself left the Army nine years ago, and lots of things have changed since as she sees progress being made every year. She also says she's delighted to have the opportunity to meet other members and share memories, hopes and benevolence.



## 100 Wonderful Women by Tanya-Jayne Park

Tanya-Jayne Park tells 100 stories of women who've served in our Armed Forces and has been compiled by the WRAC to mark its centenary year. Ali Brown, (see opposite for more about Ali) describes in the book how she joined an army where women were separate and constrained by deployment rules but after 27 years of military service, left an army that was well on the way to equality of opportunity for all.

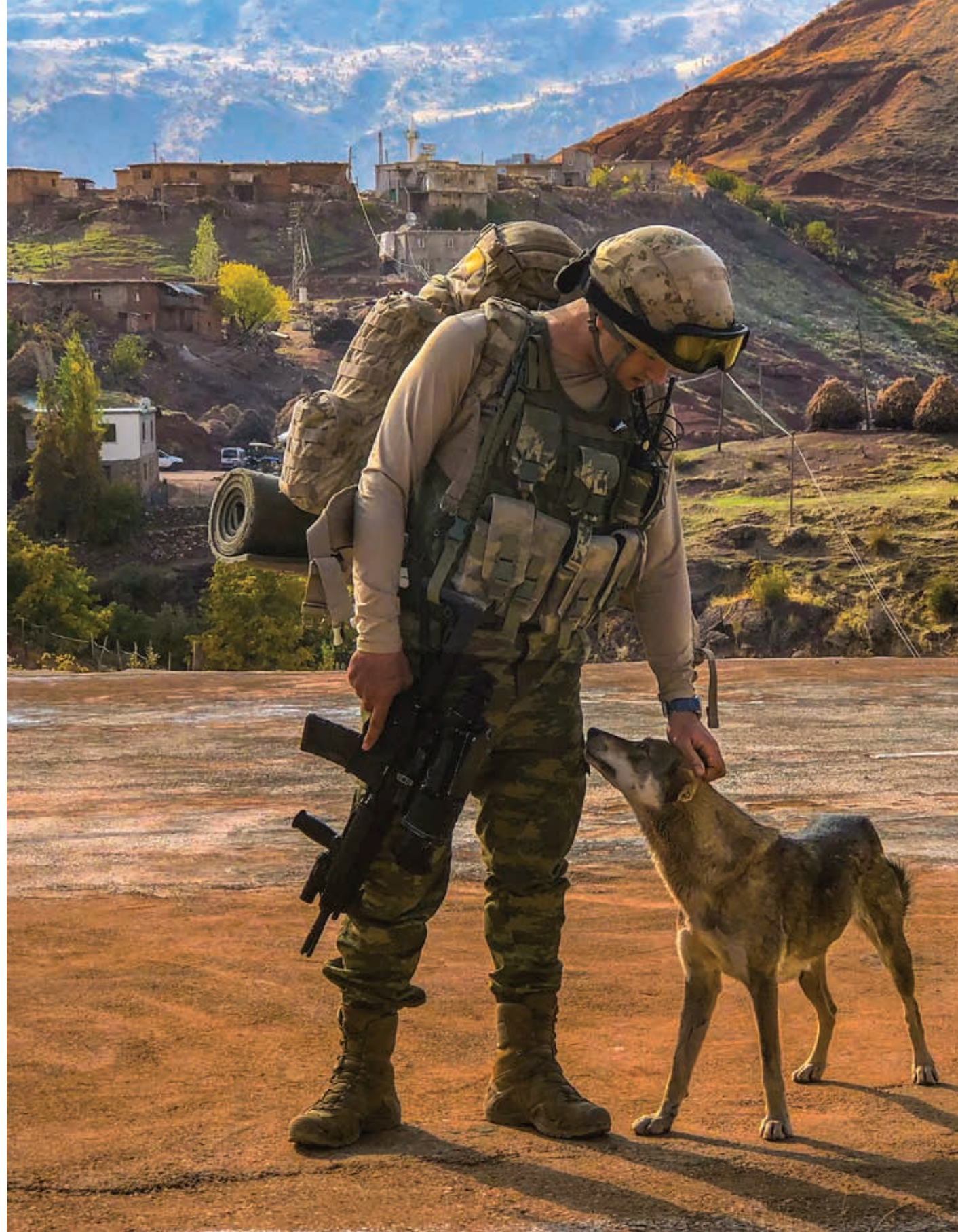
Available to purchase now for £9.99

# Injured in a Foreign Country

Working abroad is often part and parcel of life in the Armed Forces, but the safety of yourself and your comrades is something you presume will be held with the upmost integrity as you serve your Queen and country.

Unfortunately, it isn't uncommon for military personnel to be involved in incidents that result in life-changing injuries while they are off-duty abroad. As the world gets more accessible, it might seem that the country where an accident occurs is not a huge factor when you are thinking about claiming compensation for injuries and the associated financial losses. You might assume that you would have the same protection legally if injured when overseas as you would if you were injured in the UK, especially where you have been stationed abroad by the MoD, but that is not always the case.

Our International Personal Injury expert Cheryl Palmer-Hughes looks at the impact of injuries away from home.



Making a claim for compensation can be daunting enough, especially when you're also facing treatment and rehabilitation, and having to make a claim for an incident which occurred in a foreign country carries additional complexity.

It may be that it's possible to find a way to ensure that your claim is heard in Her Majesty's Courts, which brings the benefits of a familiar legal system and of being able to recover costs from the other side, which isn't always the case in foreign countries. Often the responsibility for an incident, as well as in respect of how much compensation you might be awarded, is governed by the country where you had the accident, even if the claim is pursued in your home country. Once you start taking foreign laws into account, legal claims can become very complex.

While it seems a daunting prospect to pursue a claim when you're potentially facing the loss of your career, rehabilitation and life-changing injuries, seeking advice early from legal experts will give you and your family the emotional and practical support you need.

Our highly regarded International Serious Injury experts work closely with our specialist Military Injuries team. This means that in addition to advising on complex personal injury claims and cross-border issues, we can also help with the practical problems you might face. Whether you need your home to be adjusted to suit your needs, assistance with rehabilitation, or advice on what happens if you're going to be medically discharged, we're here to help you.

If you'd like to discuss this, contact our team today.



Our marketing director David Ward, with Amanda and David

# Proud to Receive the **ERS Silver Award**

In August, Lieutenant Colonel Julian Salusbury, Commanding Officer of Yorkshire Officer Training Regiment joined our Group Chief Executive Andrew Tucker to celebrate us becoming the largest business in the legal sector to win the Silver Award under the MoD's Employer Recognition Scheme, which is open to organisations who have signed the Armed Forces Covenant.

Lieutenant Colonel Salusbury said: "I'm delighted to congratulate Irwin Mitchell on its success in winning this award. A Silver Award recognises that a company has made a fantastic effort to provide fresh opportunities and tangible, best practice support to reservists, veterans and the wider military family. The Armed Forces community puts huge value on the commitment of employers who understand the business benefits that employing reservists or veterans can bring."

Amanda Marsh, who leads our Armed Forces Compensation Scheme team, together with David Johnston-Keay who specialises in military noise induced hearing loss cases, picked up the award at a civic dinner in Bradford.

We're delighted that our support for the Armed Forces community has been recognised. We have a long history of helping the wounded, injured and sick but the military is also an important recruitment channel for the firm. Our experience in the sector means that we're fully aware of the challenges of transitioning to civilian life.

#### More help and advice

For more about the Covenant and what it means for you, visit [www.gov.uk/government/policies/armed-forces-covenant](http://www.gov.uk/government/policies/armed-forces-covenant)



EMPLOYER RECOGNITION SCHEME

SILVER AWARD WINNER 2019

PROUDLY SUPPORTING THOSE WHO SERVE.

# Separating a Military Pension

Divorce is undoubtedly a distressing time for the whole family. The acceptance that a marriage is over and the practical implications that come with it can be emotionally challenging, especially where there are children involved.

Property, savings and income all need to be considered, however, perhaps the most valuable asset to think about is a military pension.

Generally speaking, your spouse will have a claim against your military pension, but to what extent is a matter to be decided. Every case is different and factors such as how long you've been married, your ages and life circumstances will influence how a pension should be dealt with. It can't be presumed that what worked in one case will work for another.

Family law expert Kathryn Evans tackles the tricky subject of separation in the military.

In certain circumstances, assets are to be divided in such a way that the needs of one or both parties, and any children, are met. This is particularly relevant where there's been a short marriage or where the assets are insufficient to do anything other than meet needs.

The other approach is one of 'sharing', where the expectation leans more towards an equal division of the assets; mainly where career history plays a significant part. Take for example, someone who joined the Armed Forces at the age of 18, married their partner at 32, then separated eight years later and started divorce proceedings aged 44 whilst still serving and climbing the ranks of their career. In this scenario, it may be appropriate for the element of the pension fund that was built up prior to marriage and after separating to be excluded from the value of the pension. In addition, a long career can lead to an individual being part of multiple pension schemes under the military umbrella, each of which will have its own rules. These intricacies should be considered carefully by an expert.

Whichever approach is taken, it doesn't necessarily mean that your military pension will be divided equally, or perhaps even touched at all; rather that an order is made against your pension. This is where a percentage of your pension is taken and invested on behalf of your ex-partner.

It may also be more desirable for your spouse's claim against your pension to be 'offset' elsewhere within the asset base. For example, if their priority is to retain the family home, they may agree to take less or even nothing from your pension.

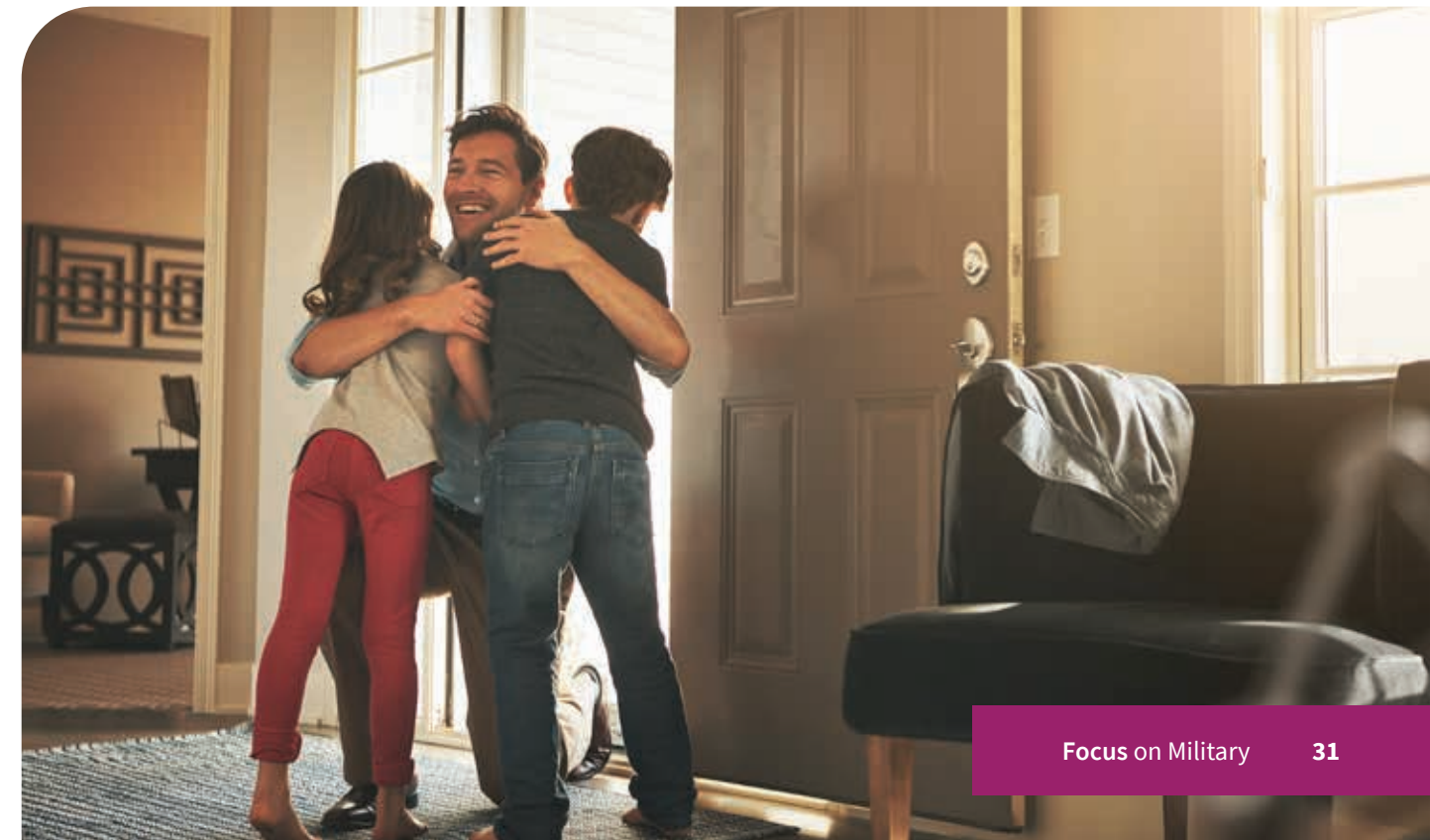
The biggest difficulty is what 'price' should be put on your pension for the purposes of trying to divide finances, as the value in standard pension statements (usually known as a 'cash equivalent' value) can be very misleading.

The nature of a pension can also change due to an unexpected event, such as an injury caused in active duty. This change in circumstances may impact on your ex-partner's claim against your pension, both in terms of the injured party's needs and practically, if the pension is suddenly called upon earlier than expected.

It may be possible that a tax free lump sum can be drawn out, which may help in assisting settlement discussions.

Whilst Armed Forces pensions can hold significant value, pensions from your partner shouldn't be forgotten as the value may mean taking less of the military pension.

Long service in the Armed Forces can make parting with a hard-earned pension even more painful than a civilian parting with theirs. The specific benefits of an armed service pension are generally well-known and accepted, but it's important to co-operate fully in any financial disclosure process and to ensure expert legal advice is taken as soon as possible after the breakdown of a marriage and throughout the subsequent process of agreeing a settlement to avoid any unexpected and potentially unfair outcomes.





I am able to focus on  
what really matters



Whether it's business or personal, we understand that everyone's situation is different. If you need legal advice or support, we're here to offer *an expert hand with a human touch*.