

FIGHTING WITH

PRIDE

**Bolt
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A guide to the LGBT Financial Recognition Scheme and your legal rights

If you are a veteran who has been affected by the ban against LGBT Service personnel (which was in effect from 27th July 1967 to 11th January 2000), you may be entitled to a recognition payment under the Financial Recognition Scheme (FRS), alongside a range of other, non-financial restorative measures.

This pamphlet has been prepared by Bolt Burdon Kemp, solicitors who specialise in representing those who have suffered serious injury, harassment and abuse. We have worked in association with Fighting With Pride, a charity that supports the health and wellbeing of LGBT+ veterans, Service personnel and their families.

Key facts

- **The FRS was introduced following recommendations made by the LGBT Veterans Independent Review (“[the Etherton Report](#)”).**
- **The Government has set aside a fund of £75 Million for all recognition payments made to veterans affected by the LGBT ban.**
- **The scheme opened for applications on 13th December 2024.**
- **Applications for a recognition payment will close at 23:59 on 12th December 2026. If you do not apply in time, you will lose your right to a payment under the scheme.**

Am I eligible?

To be eligible for a recognition payment under the scheme, you must have served between 27th July 1967 and 11th January 2000 and have been adversely affected by the LGBT ban, according to one or both payments mentioned below.

What payment might I get?

There are two types of recognition payments that you might receive, depending on your circumstances, which are set out below.

1. Dismissed or Discharged (DD) Payment

This is a payment of £50,000 which will be made available to those who were dismissed or administratively discharged, including Officers who were ordered or instructed to resign or retire by their respective Service Board, because of their actual or perceived sexual orientation or gender identity.

DD payments are not available to personnel who left of their own volition or who chose not to extend their service. If you felt pressured to leave your Service because of the ban, but you were not formally dismissed or discharged, then you should still be eligible for an Impact Payment (see below).

2. Impact Payment

This payment will be made available to those who have been impacted by the LGBT ban whilst in service, up to the point of leaving service

only. This means that the consequences on your life after the date you left service will not be taken into consideration when assessing payments; only the impact that was felt during your service.

The level of payment will depend on the level of impact, according to your circumstances, including the severity of any medical condition you may have.


Level 1 – £1,000 to £5,000

Level 2 – £5,001 to £10,000

Level 3 – £10,001 to £20,000

Applicants eligible for a DD Payment can also apply for Impact Payments.

The Government intends that both DD and Impact Payments should be exempted by HMRC and the DWP for the purposes of assessing tax and means-tested State benefits respectively.





How can I apply?

The Government has published the [FRS rules and guidance on how to apply](#).

Making your application may be stressful and triggering for you. You may need support.

Fighting With Pride may be able to assist you with your application and they have provided helpful guidance on the process, which we recommend that you read before making your application.

Applications can be made in writing or online. You should prepare an impact statement and make a considered application; do not rush the process. Once you have submitted your application online, you will only have two weeks to make any amendments. You can then track your application online by using a dedicated FRS App.

The Government is keen to stress that any fraudulent applications will be passed to the relevant authorities.

Who decides what payment I will get?

Impact Payments will be determined by an Independent Panel. DD Payments will be assessed

by the Ministry of Defence. Applications will be determined on the basis of what you say in your application and any other available evidence. It is anticipated that this will involve a review of your Service records.

A reverse burden of proof will apply. This means that, in the first instance, you will not have to prove what happened to you and the facts that you allege should be accepted at face value. However, the Ministry of Defence and/or the Independent Panel will be entitled to find that facts probably did not happen where there is evidence to contradict what you have said in your application.

One qualification to the reverse burden of proof is that, if you want to rely on the fact that you have suffered a medical condition, then you will need evidence from an appropriately qualified medical expert.

What this all means is that you should not be complacent, and you should assume that you will need to prove what has happened to you; the more evidence you can gather, the better.

What if I am unhappy with my payment?

You will have a right to appeal the decision for your

payment(s). For an appeal to be successful it must be raised under one or more of the following criteria:

- a. There was a material procedural error in the processing of the application.**
- b. The decision and/or determination was based on a material error as to the facts.**
- c. There is new evidence, and it is likely that the decision and/or determination would have been materially different if the evidence had been made available to the person making the decision and/or the IP determining the application.**

You will have to appeal within two months of the date you are notified about your payment(s). If you are out of time, you will lose your right to appeal.

You can only appeal once, and you cannot raise an appeal if you have accepted a DD and/or Impact Payment.

What this all means is that, once you have been notified of your payment(s), you should consider carefully whether to appeal before you accept, and in any event before the time limit expires.

What are my other legal options?

Beyond an appeal under the FRS, your legal rights to make a civil claim will be limited for a combination of reasons, which may include:

- The FRS is not a compensatory scheme. The scheme provides discretionary payments only. These are assessed strictly according to the rules of the scheme, and not in the same way that damages are assessed in a civil claim. For example, the scheme does not compensate for loss of income, benefits and pension.
- Due to a historic change in the law, you cannot sue the Ministry of Defence for any personal injury that occurred prior to 15th May 1987. This will leave most who served during the LGBT ban with no civil remedy whatsoever.
- Even if you suffered injury after 15th May 1987, strict time limits will apply. You must issue your civil claim within three years of the date that you first realised you had suffered an injury. If your injury occurred more than three years ago, then you are probably too late to bring a claim.
- Much of the current law which protects personnel from discrimination in the workplace was enacted after the LGBT ban was lifted and is not retrospective i.e. you will not be able to claim for discrimination which occurred before these laws came into effect. In any event, claims for discrimination in the Employment Tribunal have a strict time limit, which for Service personnel is normally six months from the date of the last incident of discrimination (so long as they also have raised a Service complaint, which they must do before they are allowed to proceed with a claim in the Employment Tribunal).
- Service personnel are servants of the Crown and not 'employees' in law. This means that they are not entitled to make a claim for breach of contract, including claims for unfair and/or constructive dismissal.
- Claims under the Human Rights Act must normally be issued within one year of the breach of a human right. Again, many applicants will be out of time.



- Whilst it may be possible to ask a Court or Employment Tribunal to extend the time limits to bring claims, such applications are rarely successful. They can only be made in special circumstances and are financially risky. Gathering evidence in historic cases is challenging. This will almost always reduce the prospects of success and increase costs in civil claims. Litigation can be stressful, time consuming and financially risky. Even for those claims brought in time, gathering evidence will be challenging. This may reduce the prospects of success and increase costs.
- Whilst it may be technically possible to judicially review

the government's decision in your case, we do not recommend this. Judicial review is a costly process, which is rarely successful. A strict time limit also applies; proceedings must be issued as soon as possible and in any event within three months of the date of the decision you are challenging. You would first need to exhaust the appeals process under the FRS, mentioned above.

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Unfortunately, most applicants will be out of time or otherwise unsuccessful in bringing legal proceedings.

If you have suffered bullying, harassment and/or discrimination more recently, then you should get advice from a solicitor about your legal rights as soon as possible.

Restorative measures

The Government also offers restorative 'non-financial' measures, which may include:

- Receiving a written reproduction of the apology made on behalf of the Nation by the Prime Minister on 19th July 2023.
- Disregards and pardons for those convicted of same-sex sexual offences.
- Restoration of rank.
- Replacement of discharge papers.
- Publications of former Officers' service details in The Gazette.
- Engaging in Service events including a reparations ceremony, with LGBT networks.

Some restorative measures are available to those who served before 1967.

These measures and others may be available to you if you were

directly impacted by the LGBT ban, or if you are a 'person of sufficient interest' to a deceased or affected veteran. This includes next of kin and a range of close personal relationships.

There is separate guidance and process available if you want to apply for these restorative measures.

Summary

- If you were adversely affected by the ban on LGBT Service personnel (27th July 1967 to 11th January 2000), you may be entitled to a recognition payment and/or other, non-financial restorative measures.
- Applications for a recognition payment under the FRS are open now and will close on 12th December 2026.
- You may be entitled to an Impact Payment of up to £20,000, depending on your circumstances. The level of payment will depend on what happened during your service, and not after your service ended.
- In addition, if you were formally Dismissed or Discharged because of your actual or perceived sexual orientation or gender identity, then you may be entitled to a payment of £50,000.

- You or a sufficiently interested person may also be entitled to restorative measures under a separate process. These may include steps like restoration of rank and the amendment of Service records. Some restorative measures are also open to those who served before 1967.
- The FRS is by no means perfect. We are concerned that veterans will not be entitled to a DD payment where they were pressured to leave but not formally dismissed or discharged. We are also concerned that many will feel that their Impact Payments do not go far enough, because these are only assessed with reference to what happened during their service. However, legal remedies beyond the scheme are limited, and we think that it is the best that we can expect for veterans affected by the LGBT ban. We caution any veteran to take legal advice before embarking on litigation, which can be an expensive and stressful process.
- As a first step, for anyone wishing to make an application or find out more, we recommend that you contact Fighting With Pride and/or the Royal British Legion for free guidance and support (please see links below).

Legal advice

This pamphlet provides general guidance on the FRS and any associated civil claims. It cannot constitute or substitute specific advice in any particular case. If you want legal advice about your specific case, you should speak to a solicitor. The [Law Society](#) may be able to recommend a specialist local to you.

it is important to keep up to date by checking these on the dedicated Government Website.

We encourage you to consider making a Will if you do not already have one, because the application process may take time, and you may want to protect the interests of your Estate and/or beneficiaries in the meantime.

The rules and process of the FRS may change, and

Useful links and contacts

[Fighting With Pride: The LGBT+ Military Charity - Get In Touch](#)

[Fighting With Pride](#) – FRS Guidance and help.

[Fighting With Pride](#) – Guide to restorative measures

[Royal British Legion | Armed Forces Charity](#)

info@britishlegion.org.uk

[Government Support](#) – LGBT Veterans

[Government Guidance](#) – FRS

[Government Guidance](#) – Restorative measures

[Veterans UK](#) – Help and support

About us:

We are a leading firm of solicitors with a dedicated military claims team.

We support current and former Army, Royal Navy and Royal Air Force personnel who are injured in the line of duty. We understand the challenges our clients and their families face. We achieve strong results, enabling our clients to enjoy the best quality of life post-injury.

We are knowledgeable, approachable, empathetic and available when our clients need us.

The LGBT+ Military Charity (FWP) was launched in January 2020 to support LGBT+ Veterans, serving personnel and their families, particularly those who were affected by the 'gay ban' in the UK Armed Forces, which was only lifted on 12th January 2000.

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