

Chapter 64 - Background to the Industrial Injuries Scheme

Contents

Introduction	64001
Components of the scheme	64007
Industrial injuries disablement benefit.....	64012
Unemployability supplement	64020
Constant attendance allowance.....	64023
Exceptionally severe disablement allowance.....	64026
Reduced earnings allowance.....	64029
Retirement allowance.....	64035
Old scheme cases.....	64037
Industrial death benefit.....	64044
Decision making changes from 5.7.99	64060
General.....	64060
Status of decision makers.....	64061
Lay decision making.....	64062

Chapter 64 - Background to the Industrial Injuries Scheme

Introduction

64001 The II scheme provides non-contributory benefits for disablement because of an IA or one of over 60 PDs accepted as a particular risk of occupation. The objective of the II scheme is to provide

1. no fault contributory benefits to people disabled by injuries or diseases through employed earners employment **and**
2. assistance with the extra costs of care needed because of the industrial disablement.

64002 The original principles behind the scheme were that

1. many industries which were vital to the community were especially dangerous and because of the essential nature of the work, people would be encouraged to take up work if they were assured of compensation in the event of injury **and**
2. a person disabled in the course of work was under orders to carry out his duties **and**
3. employer's liability at common law could be limited to cases of negligence only if no fault provisions were made.

64003 - 64006

Components of the Scheme

64007 The II scheme is made up of a number of components which are

1. IIDB (see DMG 64012)
2. US (see DMG 64020)
3. CAA (see DMG 64023)
4. ESDA (see DMG 64026)
5. REA (see DMG 64029)
6. RA (see DMG 64035)
7. old scheme cases (see DMG 64037) **and**
8. IDB (see DMG 64044).

64008 - 64011

Industrial injuries disablement benefit

64012 IIDB is the main benefit in the scheme. It provides for people who suffer a loss of faculty because of an IA or a PD.

64013 Since 1.10.86 a person is not entitled to benefit on any claim where the assessment is less than 14%, unless pneumoconiosis, byssinosis, or diffuse mesothelioma causes the disablement. If a person claims benefit for

1. more than one IA **or**
2. more than one PD **or**
3. one or more IA and one or more PD

the assessments may be added together and benefit awarded on the total assessment.

64014 Benefit cannot be paid until 90 days (excluding Sundays) after the date of accident or the date they started to suffer from the PD.

64015 - 64019

Unemployability supplement

64020 US was awarded to a disabled person who could not work because of their disability and was unlikely ever to work again. No new claims could be made from 8.4.87 but people receiving the benefit before that date continued to receive it.

64021 - 64022

Constant attendance allowance

64023 CAA is paid to a person who is receiving IIDB at 100% rate and who needs constant care and attention because of the effects of the industrial injury or disease.

64024 - 64025

Exceptionally severe disablement allowance

64026 A person who is already entitled to either of the 2 higher rates of CAA may also be entitled to ESDA.

64027 - 64028

Reduced earnings allowance

64029 A person may be entitled to REA if they are assessed as 1% disabled or more because of their injury or disease and they cannot go back to their normal job or one which pays as much. The accident or date of onset must be before 1.10.90. In addition a person cannot be entitled to REA in respect of any diseases prescribed or any extension to the prescriptions of existing diseases on or after 10.10.94.

64030 - 64034

Retirement allowance

64035 A person entitled to REA is transferred to RA on reaching pension age if they are

1. receiving REA of at least £2 a week **and**
2. not in regular employment.

64036 RA is paid at 25% of the rate at which REA was paid, subject to the specified maximum rates of RA.

Old scheme cases

64037 Old scheme cases are claims made before 5.12.12 under the

1. WC (Supp) **and**
2. PB and MDB.

These schemes are for accidents which happened during, and certain diseases caused by, employment before 5.7.48. From 5.12.12, people wishing to claim for such accidents or diseases should claim IIDB under the normal rules¹.

1 SS CB Act 92, s 94(1) & 108(1)

64038 - 64043

Industrial death benefit

64044 IDB is industrial injuries widow's benefit paid because a woman's husband died as a result of an IA or a PD. The benefit was abolished in 1988 but existing beneficiaries at that date continue to be entitled. From 5.12.12 no new claim for IDB may be made¹.

1 SS CB Act 92, Sch 7, Part VI, para 14(1A)

64045 A separate chapter of the DMG has not been issued for IDB. There are currently no claims for IDB. Where necessary DMs should retain the guidance previously issued on IDB.

64046 - 64059

Decision making changes from 5.7.99

General

- 64060 From 5.7.99 major changes are made to the decision making and appeals law. For benefits in the II scheme the two major changes are
1. the status of DMs (see DMG 64061) **and**
 2. that lay DMs rather than doctors will make decisions (see DMG 64062)

Status of decision makers

- 64061 From 5.7.99 all decisions will be made on behalf of the Secretary of State. This replaces the system under which some decisions were made by independent adjudication officers and some on behalf of the Secretary of State.

Lay decision making

- 64062 From 5.7.99 decisions on entitlement to benefits in the II scheme will be made by lay DMs employed by DWP. Decisions on entitlement to benefit will be made by DMs on all the evidence, including advice from doctors.

64063 - 64999

The content of the examples in this document (including use of imagery) is for illustrative purposes only