

Department for Work and Pensions

DECISION MAKING AND APPEALS (PART OF LEGAL GROUP)

Decision Makers Guide

Volume 11

Amendment 40 – October 2017

1. This letter provides details on Amendment 40; the changes have already been incorporated in to the Intranet and Internet versions of the DMG.
2. PDF amendment packages are also available. These can be printed with the amended pages being reproduced in full. Each page will contain the amendment number in the footer

PDF amendment packages can be found on the **Intranet** at:

<http://intranet/1/lg/acileeds/guidance/decision%20makers%20guide/index.asp>

or on the **Internet** at the 'Amdt Packages' tab on the following link:

<http://www.dwp.gov.uk/publications/specialist-guides/decision-makers-guide/>

Note: When printing PDF packages set the print properties to Duplex/Long Edge in order to produce double sided prints.

3. Amendment 40 affects chapter 67. The changes
 - confirm which PDs are “fast-tracked”
4. The last two amendment packages amending Volume 11 were
Amendment 39 [June 2017]
Amendment 38 [June 2015]
5. **For reference purposes Decision Makers may find it useful to retain deleted pages for a short period after the introduction of this package.**
6. If using a PDF amendment package remove the sheets as stated in the left hand column of the Remove and Insert table below and insert the new sheets as stated in the right hand column (note the record of amendments at the back of the Volume).

Remove**Abbs (5 pages)****Chapter 67**

67644 – 67706 (2 pages)

67720 – 67750 (1 page)

67791 – 67805 (2 pages)

67901 – 67919 (1 page)

67943 – 67973 (3 pages)

Insert**Abbs (5 pages)****Chapter 67**

67644 – 67706 (2 pages)

67720 – 67750 (1 page)

67791 – 67805 (2 pages)

67901 – 67919 (1 page)

67943 – 67973 (3 pages)

Abbreviations

AA	Attendance Allowance paid under s 64 of the SS (CB) Act 92
"AA"	Attendance Allowance as defined in IS (Gen) Regs, reg 2(1) or JSA, reg 1(3)
ADC	Actual Date of Confinement
ADF	Adviser Discretion Fund
ADI	Adult Dependency Increase
AFIP	Armed Forces Independence Payment
AIP	Assessed Income Period
AMG	Appropriate Minimum Guarantee
AP	Additional Pension
APP	Adoption Pay Period
Art	Article
ASE	Actively seeking employment
AT	Appeal Tribunal
AWT	All Work Test
BA	Bereavement Allowance
BACS	Bankers Automated Clearing System
BB	Bereavement Benefits
BL	Board and Lodging
BP	Basic Pension/Bereavement Premium
BPT	Bereavement Payment
BSP	Bereavement support payments
BTEC	Business and Technology Education Council
BWC	Benefit Week Commencing
BWE	Benefit Week Ending
CA	Carer's Allowance
CAA	Constant Attendance Allowance
Cat	Category
CB	Contributory Benefit
CC	Community Charge
CDI	Child Dependency Increase
CEC	Council of European Social Charter
CHB	Child Benefit
CHB(LP)	Child Benefit for Lone Parents
CJEU	Court of Justice of the European Union
CMB	Child Maintenance Bonus
CMP	Child Maintenance Premium
CP	Carer Premium
CPen	Civil Penalty
CSM	Child Support Maintenance

CT	Council Tax
CTA	Common Travel Area
CTB	Council Tax Benefit
CTC	Child Tax Credit
CTF	Community Task Force
CTM	Contribution to Maintenance
CWP	Cold Weather Payment
CwP	Community work Placements
DCP	Disabled Child Premium
DCT	Direct Credit Transfer
DH	Department of Health
Dis G	Disablement Gratuity
Dis P	Disablement Pension
DLA	Disability Living Allowance
DM	Decision Maker
DMA	Decision Making and Appeals
DMG	Decision Makers Guide
DO	District Office
DP	Disability premium
DPTC	Disabled Persons Tax Credit
DWA	Disability Working Allowance
DWP	Department for Work and Pensions
EC	European Community
ECHR	European convention for the Protection of Human Rights and Fundamental Freedoms
ECJ	European Court of Justice
ECSMA	European Convention on Social & Medical Assistance
EctHR	European Court of Human Rights
EDP	Enhanced Disability Premium
EEA	European Economic Area
EFC	Earnings factor credits
EFTA	European Free Trade Association
ELDS	Eligible loan deduction scheme
Emp O	Employment Officer
EO	Employment Option of New Deal for young people
EO(E)	Employed Employment Option
EO(S/E)	Self-Employed Employment Option of the New Deal for young people
EPP	Enhanced Pensioner Premium
ERC	Employment Rehabilitation Centre

ERA	Employment Retention and Advancement
ESA	Employment and Support Allowance
ESA(Cont)	Employment and Support Allowance (contributory allowance)
ESA(IR)	Employment and Support Allowance (income-related allowance)
ESA(Y)	Employment and Support Allowance for those with limited capability for work in youth
ESDA	Exceptionally Severe Disablement Allowance
ET	Employment Training
ETFO	Environment Task Force Option of New Deal for young people
EU	European Union
EWC	Expected Week of Confinement
EZ	Employment Zone
FamC	Family Credit
FAS	Financial Assistance Scheme
FND	Flexible New Deal
FP	Family Premium
FP(LP)	Family Premium (Lone Parent Rate)
FRIY	Flat Rate Introduction Year
FRM	Flat Rate Maintenance
F/T	Full-Time
FTE	Full-Time Education
FTET	Full-Time Education and Training Option
FtT	First-tier Tribunal
GA	Guardian's Allowance
GB	Great Britain
GC	Guarantee Credit
GCE	General Certificate of Education
GCSE	General Certificate of Secondary Education
GMP	Guaranteed Minimum Pension
GNVQ	General National Vocational Qualification
GP	General Practitioner
GPoW	Genuine Prospect of Work
GRB	Graduated Retirement Benefit
GRC	Gender Recognition Certificate
GRP	Gender Recognition Panel
HA	Health Authority
HB	Housing Benefit
HBS	Housing Benefit Supplement
HCP	Health care professional
HWC	Health and Work Conversation

Hep C	Hepatitis C
HIV	Human Immunodeficiency Virus
HM	Her Majesty
HMF	Her Majesty's Forces
HMRC	Her Majesty's Revenue and Customs
HO	Home Office
HPP	Higher Pensioner Premium
HRP	Home Responsibilities Protection
IA	Industrial Accident
IAP	Intensive Activity Period for those aged 25 and over and under 50
IAP for 50+	Intensive Activity Period for those aged 50 or over
IB	Incapacity Benefit
IBLT	Long-term Incapacity Benefit
IBS	Infected Blood Schemes
IBST	Short-term Incapacity Benefit
IBST(H)	Higher rate of short-term Incapacity Benefit
IBST(L)	Lower rate of short-term Incapacity Benefit
IB(Y)	Incapacity Benefit for those incapacitated in youth
IC	Intermittent Custody
IDB	Industrial Death Benefit
IFM	Immediate Family Member
IfW	Incapacity for Work
II	Industrial Injury(ies)
IIDB	Industrial Injuries Disablement Benefit
Incs	Increments (of Retirement Pension)
IND	Immigration and Nationality Department
IPC	International Pension Centre
IPPIW	Immediate Past Period of Incapacity for Work
IS	Income Support
IT	Industrial Tribunal (now Employment Tribunal)
IVA	Invalidity Allowance
IVB	Invalidity Benefit
IVP	Invalidity Pension
IVS	Invalid Vehicle Scheme
JSA	Jobseeker's Allowance
JSA 18-21 Pilot Scheme	Jobseeker's Allowance 18-21 Work Skills Pilot Scheme
JSA(Cont)	Contribution based JSA
JSAg	Jobseeker's Agreement
JSA(IB)	Income based JSA
JSD	Jobseeker's Direction

JSP	Jobseeking Period
LA	Local Authority
LCW	Limited capability for work
LCWA	Limited capability for work assessment
LCWRA	Limited capability for work related activity
LEA	Local Education Authority
LEC	Local Enterprise Council
LEL	Lower Earnings Limit
LETS	Local Exchange Trading System
LPP	Lone Parent Premium
LPRO	Lone Parent run-on
LQPM	Legally Qualified Panel Member
LRP	Liable Relative Payment
LSC	Learning and Skills Council
LT	Linking Term
LTACP	Living Together as Civil Partners
LTAMC	Living Together as Married Couple
LTAHAW	Living Together as Husband And Wife
MA	Maternity Allowance
MAP	Maternity Allowance Period
MB	Maternity Benefit
MG	Maternity Grant
MID	Mortgage Interest Direct
MIRO	Mortgage Interest run-on
MP	Member of Parliament
MPP	Maternity Pay Period
MSC	Maximum Savings Credit
MSP	Member of the Scottish Parliament
NASS	National Asylum Support Service
NCET	National Council for Education and Training
NCIP	Non-Contributory Invalidity Pension
ND	New Deal
NDLP	New Deal for Lone Parents
NDP	New Deal for Partners
NDYP	New Deal for Young People
ND18-24	New Deal for 18-24 year olds
ND25+	New Deal for claimants aged 25 years and over
NHS	National Health Service
NI	National Insurance
NINO	National Insurance Number

NMW	National Minimum Wage
NRP	Non-Resident Parent
NVQ	National Vocational Qualification
OOT	Own Occupation Test
OPB	One Parent Benefit
PA	Personal Adviser
PAYE	Pay As You Earn
PB and MDB	Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefits scheme
PCA	Personal Capability Assessment
PD	Prescribed Disease
PETA	Personal Expenses Transitional Addition
PFA	Person(s) From Abroad
PIE	Period of Interruption of Employment
PILON	Pay In Lieu Of Notice
PILOR	Pay In Lieu Of Remuneration
PIP	Personal Independence Payment
PIW	Period of Incapacity for Work
PLCW	Period of limited capability for work
PLCWA	Period of limited capability for work assessment
PO	Post Office
POAOB	Payment on Account of Benefit
POA	Power of Attorney
PP	Pensioner Premium
PR	Preserved Right
PSIC	Person Subject to Immigration Control
P/T	Part-Time
PW	Pay-Week
“PW”	Permitted work as defined in ESA Regs, reg 45(4)
PWC	Person With Care
PWHL	Permitted Work Higher Limit
PWHLs	Permitted Work Higher Limit subsequent period
PWK	Permitted Work
PWLL	Permitted Work Lower Limit
PWP	Permitted Work Period
QB	Qualifying Benefit
QBP	Qualifying Benefit or Pension
QD	Qualifying Days
QEF	Qualifying earnings factor
QI	Qualifying Income

QP	Qualifying Period
QRW	Qualifying remunerative work
QW	Qualifying Week
QWfl	Quarterly Work-focused interview
RA	Retirement Allowance
RBD	Reduced Benefit Direction
RCH	Residential Care Home
REA	Reduced Earnings Allowance
Reg(s)	Regulation(s)
Res A	Residential Allowance
RISWR	Redundant Iron and Steel Employees re-adaptation scheme
RMPS	Redundant Mineworkers Payment scheme
RP	Retirement Pension
RQC	Relevant Qualifying Condition
RVU	Relationship Validation Unit
S	Section (of an Act)
S2P	State Second Pension
SAP	Shared Additional Pension
SAYE	Save As You Earn
SB	Sickness Benefit
SC	Savings Credit
Sch	Schedule (as in an Act)
SCT	Savings Credit Threshold
SDA	Severe Disablement Allowance
SDM	Sector Decision Maker
SDP	Severe Disability Premium
S/E	Self-Employed
Sec	Section (of an Act)
SED	Scottish Education Department
SERPS	State Earnings Related Pension Scheme
Sev DP	Severely Disabled Person
SF	Social Fund
SFFP	Social Fund Funeral Payment(s)
SFO	Social Fund Officer
SHA	Special Hardship Allowance
SI	Statutory Instrument
SIR	Standard Interest Rate
SJP	Supervised Jobsearch Pilot Scheme
SMG	Standard Minimum Guarantee
SMP	Statutory Maternity Pay
SP	State Pensions

SPC	State Pension Credit
SpTA	Special Transitional Addition
SPW	Supported Permitted Work
SRPS	Shipbuilding Redundancy Payment Scheme
SS	Social Security
SS benefits	Benefits payable under SS(CB) Act 92
SSMG	Sure Start Maternity Grant
SSP	Statutory Sick Pay
STCP	Skills Training Conditionality Pilot
Supp B	Supplementary Benefit
SVQ	Scottish Vocational Qualification
TA	Transitional Addition
TAW	Temporary Allowance for Widow(ers)
TBI	Total Benefit Income
TD	Trade Dispute
TE	Transitional Element
TEC	Training and Enterprise Council
TFEU	Treaty on the Functioning of the European Union
TS	Tribunals Service
TT	Thalidomide Trust
TU	Trade Union
UB	Unemployment Benefit
UC	Universal Credit
UCP	Urgent Case Payment
UEL	Upper Earnings Limit
UK	United Kingdom
US	Unemployability Supplement
UT	Upper Tribunal
VAT	Value Added Tax
VSO	Voluntary Sector Option of New Deal for young people
WA	Widow's Allowance
WB	Widow's Benefit
WBLA	Work Based Learning for Adults
WBLfYP	Work Based Learning for Young People
WBTfA	Work Based Training for Adults
WBTfYP	Work Based Training for Young People
WC	Workmen's Compensation
WC(S)	The Workmen's Compensation (Supplementation) Scheme
WC (Supp)	Workmen's Compensation (supplementation) scheme

WCA	Work capability assessment
WDisP	War Disablement Pension
WFHRA	Work focused health related assessment
Wfi	Work-focused Interview
WFP	Winter Fuel Payment
WFTC	Working Families Tax Credit
WMA	Widowed Mother's Allowance
WMA(C)	WMA payable where late husband entitled to Cat C retirement pension
WP	Widow's Pension
Wp	Work programme
WPA	Widowed Parent's Allowance
WP(C)	Widow's Pension payable where late husband entitled to Cat C retirement Pension
WPT	Widow's Payment
WRAC	Work-related activity component
WRAG	Work-related activity group
WTB	Work and training beneficiary(ies)
WTC	Working Tax Credit
WtWB	Welfare to Work Beneficiary
WWP	War Widow's Pension/War Widower's Pension
YT	Youth Training

Effect on REA

67644 Entitlement to REA may still arise in respect of the change to PD C3 where the date of onset is before 1.10.90¹ because the change is

1. a redefinition of the disease **and**
2. **not** an extension of the disease.

1 SS CB Act 92, Sch 7, para 11(1)

Prescribed disease C4

Background

67645 There is evidence of a clear link between lung cancer and exposure to arsenic.

Relevant occupations

67646 Industries in which inhalation of arsenic may occur include

1. copper smelting
2. tin smelting
3. arsenical pesticide manufacture
4. miners exposed to arsenic
5. glass manufacture
6. non ferrous metal manufacture
7. processing of preserved timber
8. computer chip manufacture.

This is not an exhaustive list.

67647 The PD is likely to occur most often in workers in the copper smelting industry. Primary copper smelting is not carried out in GB but there are several secondary smelting plants where exposure to arsenic may occur.

67648 Claims for lung cancer resulting from arsenic exposure should be actioned under PD C4 rather than PD D10. Skin cancer due to arsenic exposure should be actioned under PD C21.

Causation

67649 The disease is caused by inhalation of arsenic. In cases of high exposure cancers may develop after as little as ten years occupational exposure but in the majority of cases an exposure period of 15 - 20 years is necessary. If there is a short period of exposure or any other reason for doubting occupational causation you should tell medical services when the case is referred for advice.

Qualifying period

- 67650 From 16.3.15¹ the qualifying period for PD C4 does not apply. The DM should regard the disablement as 100%². This PD should be treated as 'fast track'.

1 Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2015, reg 1(1); 2 SS (II) (PD) Regs, reg 20B(2) & (3)

Prescribed disease C7

Background

- 67651 Benzene is an aromatic hydrocarbon, a colourless liquid obtained from coal tar oil. It is classified as a human carcinogen and has been shown to cause acute non-lymphatic leukaemia.
- 67652 **Benzene** must be distinguished from **benzine**, which is a totally different substance. Conditions caused by exposure to benzine are not PDs but may be covered by the accident provisions, depending on the circumstances of exposure.

Relevant occupations

- 67653 In the past, benzene was used as a solvent in industrial paints, paint removers, degreasing agents, denatured alcohol, adhesives, rubber cements and arts and crafts supplies. It was also used in the rubber tyre and shoe industries and in the synthesis of plastics and explosives.
- 67654 Currently, industrial and chemical use of benzene is strictly controlled and significant occupational exposure is uncommon. However, exposure may occur during the refining, distribution and use of petrochemical products especially for those people engaged in maintenance work or in the loading and unloading of such products e.g. tanker drivers and jetty workers. Exposure may also occur at petrol stations, as benzene is present in unleaded petrol although not in diesel. However, at self-service petrol stations workers are unlikely to be exposed to sufficient levels to cause the disease. Benzene also continues to be used in the rubber manufacturing industries.

Causation

- 67655 Due to strict controls now in place, occupational exposure to benzene would normally be at a very low level and only prolonged exposure (ten years or more) is likely to result in the disease.
- 67656 If there is a short period of exposure or any other reason for doubting occupational causation you should inform medical services when the case is referred for advice.

67657 - 67680

Prescribed disease C18

- 67681 Evidence shows that long term inhalation of cadmium fumes can cause emphysema. To satisfy prescription exposure must be for at least 20 years.
- 67682 The main source of cadmium in this country is as a by-product in the smelting of zinc ores. Cadmium fumes can arise only from cadmium or cadmium alloy which is molten; the amount of fumes increase as the temperature rises above the melting point of cadmium. Cadmium melts at 321°C and boils at 767°C.
- 67683 Persons whose occupations may involve exposure to cadmium fumes include those engaged in the extraction of cadmium from crude zinc ores, the production of alloys containing cadmium and the welding or brazing of cadmium-plated articles. In view of the precautions taken, cases are likely to be infrequent.

67684

Prescribed disease C19

Background

- 67685 Acrylamide monomer is a colourless-to-white, free-flowing crystal that is soluble in water. It can occur in crystalline form and in aqueous solution. Acrylamide is toxic to the peripheral and central nervous systems. It can also cause dermatitis, which is covered by PD D5. The disease is described as peripheral neuropathy or central nervous system toxicity.

Relevant occupations

- 67686 Industries in which exposure to acrylamide may occur include
1. paper and pulp
 2. construction
 3. foundry
 4. oil drilling
 5. textiles
 6. cosmetics
 7. food processing
 8. plastics
 9. mining
 10. agriculture.
- 67687 It is used in the production and synthesis of polyacrylamides. The principle end use of acrylamide is in water-soluble polymers used as additives for water treatment, enhanced oil recovery, flocculants, papermaking aids, thickeners, soil conditioning

agents, sewage and waste treatment, ore processing, and permanent-press fabrics. (A flocculant is used to remove suspended particles from a liquid by making them clump together, e.g. for cleaning industrial waste water.) Acrylamide is also used in the synthesis of dyes, in copolymers for contact lenses, and the construction of dam foundations, tunnels, and sewers.

Causation

67688 The effects of acrylamide such as impaired co-ordination and loss of memory are common in the population, and can result from numerous causative factors. Causation should be decided on the balance of probabilities and in the light of medical advice. If there is a short period of exposure or any other reason for doubting occupational causation you should inform medical services when the case is referred for advice.

Prescribed disease C22

67689 PD C22(a) is primary carcinoma of the mucous membrane of the nose or paranasal sinuses. PD C22(b) is primary carcinoma of the bronchus or lung. In order to satisfy the prescription test a claimant must have worked in an occupation involving work before 1950 in the refining of nickel involving exposure to

1. oxides **or**
2. sulphides **or**
3. water soluble compounds of nickel¹.

1 SS (II) (PD) Regs, Sch 1, Part 1

Qualifying period

67690 From 16.3.15¹ the qualifying period for PD C22(b) does not apply. The DM should regard the disablement as 100%². PD C22(b) should be treated as 'fast track'.

1 Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2015, reg 1(1); 2 SS (II) (PD) Regs, reg 20B(2) & (3)

67691 - 67705

Prescribed disease C23

Background

67706 Urinary cancer can be caused by a number of substances listed in the schedule. In some cases a minimum period of exposure is also specified. Most of the prescribed chemicals are no longer made in the UK, but as there is often a long latent interval between exposure and the onset of disease, cases continue to occur as a result of work in the past.

Causation

- 67720 The disease can occur even after only a short period of exposure and can take up to 30 years to develop. Causation should be decided on the balance of probabilities and in the light of medical advice. All the conditions that can be caused by exposure to vinyl chloride monomer can also occur in the general public. However, this is not very common.

Transitional provisions

- 67721 People who made a claim for PD C24 before 6.4.06 have transitional protection¹. This means that where a provisional assessment expires after 6.4.06 the prescription test in force on the date of the original claim will continue to be appropriate.

1 SS (II) (PD) Amdt Regs 06, reg 4

Qualifying period

- 67722 From 16.3.15¹ the qualifying period for PD C24(a) does not apply. The DM should regard the disablement as 100%². PD C24(a) should be treated as 'fast track'.

1 Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2015, reg 1(1); 2 SS (II) (PD) Regs, reg 20B(2) & (3)

Prescribed disease C25

- 67723 This disease, known as occupational vitiligo, is characterized by depigmentation of the skin and exposure of the affected areas to sunshine can lead to soreness and irritation. Also there could be some psychological distress resulting from the cosmetic effects of the disease.
- 67724 The chemical para-tertiary butylphenol is contained in adhesives widely used in, for example, the car industry to fix plastic linings and in the leather goods industry.

67725 - 67730

Prescribed disease C26 - C27

- 67731 Carbon tetrachloride and trichloromethane (chloroform) are known as halogenated aliphatic hydrocarbons. They tend to exhibit similar chemical and toxicological properties. At room temperature they form volatile liquids which are extremely good fat solvents. Their major commercial uses are as degreasing solvents and dry cleaning agents. Chloroform is also used as anaesthetic.
- 67732 Exposure to carbon tetrachloride and trichloromethane can cause damage to the liver and, in some cases, to the kidneys.

67733 - 67740

Prescribed disease C29

- 67741 N-hexane and n-butylmethyl ketone [also known as methyl n-butyl ketone (MBK)] are non-halogenated aliphatic hydrocarbons. Exposure to the substances can cause peripheral neuropathy. The symptoms and signs include tingling, numbness and muscular weakness and paralysis. Peripheral neuropathy is a symptom of many diseases and is not necessarily due to exposure to these chemicals.
- 67742 N-hexane is rarely found in industry in its pure form although it is frequently mixed with other compounds or toluene for industrial use. Commercial hexane, which contains about 50% pure n-hexane, is widely used as a solvent or in manufacturing products such as adhesives, varnishes and inks. It is also used in food processing. Both n-hexane and n-butylmethyl ketone are found in motor and aviation fuels.

Prescribed disease C30

Background

- 67743 The compounds of chromium that are prescribed in relation to PD C30 are chromates, dichromates and chromic acid. Elemental chromium along with chromous and chromic compounds do not cause the PD and such exposure does not satisfy prescription.
- 67744 Chrome ulceration, caused by the corrosive action of chromate salts commonly occurs on the hands, forearms and feet and will leave a scar. Ulceration of the nasal septum can be caused by mist or dust containing chromates. Chromate compounds can cause dermatitis in the form of both primary skin irritation and sensitization.
- 67745 As the disease was added to the schedule on 24.3.96 there is no entitlement to REA.

Relevant occupations

- 67746 The main source of chromate exposure is from cement and in the manufacture and use of chromic acid.
- 67747 The major use of chromic acid is in the electroplating of metals. It is also used in leather tanning; manufacture of dyes for textiles and leather; wood preservative manufacture; in saccharin manufacture; in pharmaceuticals (e.g. ibuprofen production); manufacture of corrosion inhibitors and manufacture of light sensitive dichromates for use in lithography and photography.

Causation

- 67748 The clinical appearance of chromate dermatitis is similar to types of constitutional eczema. Causation should be decided on the balance of probability in the light of medical advice. A feature of chromate dermatitis is that recovery may be slow and relapse may occur.

67749 - 67750

Asbestos - related diseases

67791 The PDs which are asbestos-related respiratory diseases contracted by the inhalation of asbestos dust are

1. PD D1 pneumoconiosis (asbestosis) **and**
2. PD D3 diffuse mesothelioma (primary neoplasm of the mesothelium of the pleura or of the pericardium or of the peritoneum) **and**
3. PD D8 primary carcinoma of the lung where there is accompanying evidence of asbestosis **and**
4. PD D8A primary carcinoma of the lung **and**
5. PD D9 unilateral or bilateral diffuse pleural thickening.

In general, the greater the concentration of asbestos dust in the air, the greater the risk of contracting one of these diseases. PDs D1, D3, D8 and D8A take a long time to develop, but once claimed should be treated as 'fast track!'. PD D9 also takes a long time to develop but should only be treated as 'fast track' if there is any evidence that a claimant is terminally ill due to their pleural thickening or any other co-existing illness.

Asbestos - its nature and its uses

67792 Asbestos is a mineral found in many rock formations. When separated from the rock it becomes a fluffy, fibrous material. The three most common types of asbestos, all widely used in industry and all known to be hazardous, are

1. chrysotile (white) which
 - 1.1 makes up about 97% of all asbestos processed **and**
 - 1.2 resists heat but not acid **and**
 - 1.3 is used in asbestos cloth
2. amosite (brown) which
 - 2.1 is heat and acid resistant **and**
 - 2.2 can be
 - 2.2.a moulded into pipe insulation and board **or**
 - 2.2.b used in bulk form for heat insulation
3. crocidolite (blue) which
 - 3.1 is highly resistant to acid **and**
 - 3.2 is used
 - 3.2.a to make acid resistant cement pipe **and**

3.2.b in electric battery cases **and**

3.3 has also been widely used for insulation on trains and ships.

67793 Crocidolite presents the greatest risk of causing mesothelioma followed by amosite and chrysotile. Whilst less exposure to asbestos is found in mesothelioma than in the other diseases a fairly substantial exposure is still required and this will normally have taken place 20-40 years before the symptoms appear. All types of asbestos can cause asbestosis.

67794 Since there are about 3,000 asbestos products it is not possible to draw up an exhaustive list of occupations or industries where asbestos is likely to be met. Most claims will probably come from persons who have been employed by the following major users of asbestos in

1. the construction industry including the renovation, repair or demolition of buildings - where it is used in cement production roofing, plastics, insulation, floor and ceiling tiles and fire resistant board for doors and partitions
2. the motor manufacturing industry including the vehicle repair business - where it was widely used as a friction material in brake and clutch linings and as undersealing to protect against corrosion
3. the textile industry - where it is used in the manufacture of fire-proof clothing and safety equipment, such as fire-resistant curtains for theatres.

67795 - 67800

Prescribed disease D1 (pneumoconiosis)

67801 Pneumoconiosis is a comprehensive term covering a number of dust diseases of the lung. It is defined as fibrosis of the lungs due to silica dust, asbestos dust or other dust and includes the condition of the lungs known as dust-reticulation¹. There is no minimum level of pneumoconiosis required to satisfy the diagnosis, a person either has the disease or they do not². Guidance on the effects of the decision can be found in Appendix 4 to this Chapter. Pneumoconiosis also includes any of

1. any description which includes the word pneumoconiosis, for example coal workers' pneumoconiosis
2. aluminium lung
3. aluminosis
4. anthracosis
5. asbestosis
6. barytosis
7. chalicosis
8. dust in the lungs
9. dust reticulation
10. cocal or peri-focal emphysema
11. hard metal disease
12. iron oxide lung
13. schistosis
14. siderosis
15. silicosis
16. stannosis
17. talcosis
18. thesaurosis
19. welders' lung.

Note: See DMG 67791 about this PD being 'fast track'.

1 SS CB Act 92, s 122; 2 R(1) 1/96

67802 The Industrial Injuries Advisory Committee advised in 1973 that it is possible to have a permanent alteration of lung structure (pneumoconiosis) without measurable disablement. If a person is found to be suffering from pneumoconiosis they will be deemed to be suffering from a loss of faculty with a resulting disablement of not less than one per cent¹, with the result that, at that time, they would have been entitled to Dis P at the 10% rate.

1 SS CB Act 92, s 110(3)

67803 When pneumoconiosis is accompanied by tuberculosis, the effects of the tuberculosis are treated as if they were effects of the pneumoconiosis¹. In this connection only tuberculosis of the respiratory system can be taken into account, since the definition is narrower than that for PD B5.

1 SS (II) (PD) Regs, reg 21

67804 In certain cases apart from those in DMG 67986 the effects of chronic obstructive pulmonary disease can also be treated as if they were effects of the pneumoconiosis¹. This provision applies where

1. a person suffers from pneumoconiosis or pneumoconiosis accompanied by tuberculosis **and**
2. the disablement due to the conditions at 1. would be assessed at not less than 50% if the person's physical condition were otherwise normal.

The reference to a person's physical condition being otherwise normal means that "connected conditions" are excluded when determining whether disablement on account of pneumoconiosis (including any tuberculosis) is assessed at not less than 50%. The excluded "connected conditions" are conditions which do not result from pneumoconiosis or from pneumoconiosis accompanied by tuberculosis, but which make the pneumoconiosis or tuberculosis more disabling than it would otherwise be.

1 SS (II) (PD) Regs, reg 22(1)

67805 IIDB for pneumoconiosis always takes the form of Dis P; no Dis G is, or ever has been, payable¹. For an assessment of disablement for pneumoconiosis of 20% or more the Dis P is at the normal rate. For assessments of less than 20% two pension rates are available². Guidance on deciding the rate appropriate for any case is in DMG Chapter 69.

1 SS (II) (PD) Regs, reg 20(1); 2 reg 20(1A)

Prescribed disease D3

67901 PD D3 (diffuse mesothelioma) is an asbestos-related disease. DMG 67792 - 67794 gives guidance on the nature of asbestos and its hazards.

67902 - 67905

Prescription

67906 From 9.4.97 the occupational prescription is amended to exposure to asbestos, asbestos dust or any admixture of asbestos at a level above that commonly found in the environment at large¹.

1 SS (II) (PD) Regs, Sch 1

67907 The effect of the change is to extend the cover to any occupation where there has been exposure to asbestos at a level above that commonly found in the air in buildings and the general outdoor environment.

67908 A list of occupations where exposure to asbestos may have occurred and where mesothelioma could reasonably be attributed to work is at Appendix 3 to this Chapter.

67909 The list is not exhaustive and there could be other occupations in which exposure to asbestos may have occurred. Because of the wide range of occupations where exposure to asbestos may arise there should be few cases which do not satisfy the prescription test. Cases of difficulty should be sent to DMA Leeds for advice. However, where disallowance is appropriate, the claimant should be advised of the 2008 diffuse mesothelioma scheme which provides compensation where the disease is non-industrially caused. Details of the 2008 diffuse mesothelioma scheme can be found in procedural guidance.

67910 The 90 day waiting period does not apply to claims for PD D3¹.

1 SS (II) (PD) Regs, reg 20(4)

67911 Because prescription enquiries may take a long time, action on prescription and diagnosis should take place simultaneously. If the diagnosis question is decided first, the DM should not overlook the prescription question.

Effect on REA entitlement

67912 There is no entitlement to REA for

1. a disease prescribed on or after 10.10.94 **or**
2. an extension to an existing disease on or after that date **1.**

This means that there is no entitlement to REA in respect of PD D3 where the claim is made under the new extended test. Entitlement to REA may still arise where the old prescription test is satisfied provided the normal entitlement conditions are satisfied¹.

1 SS (II) (PD) Regs, reg 14A

67913 - 67914

Special action

67915 Claims for diffuse mesothelioma are not normally invited under that name, because sufferers' medical advisers may not wish them to know the true nature of the disease.

67916 Because the prescription for PD D3 is very similar to that for asbestos-induced pneumoconiosis, a claim for IIDB is normally obtained on the same form as for pneumoconiosis (asbestosis) to avoid disclosing the true nature of the disease to claimants. The claim is then considered as if it were in all respects a pneumoconiosis case. If PD D3 is diagnosed it may occasionally be referred to as pneumoconiosis or as pleural asbestosis.

Benefit

67917 The loss of faculty is defined as impaired function of the pleura, pericardium or peritoneum caused by diffuse mesothelioma and where a person suffers from that loss of faculty the resulting disability is to be taken as 100%¹. See DMG 67791 about this PD being 'fast track'.

1 SS (II) (PD) Regs, reg 20A

67918 - 67919

Prescribed diseases D8, D8A and D9

67943 PDs D8, D8A and D9 may not develop until many years after exposure to asbestos. Where corroboration is not possible because, for example, the employer has gone out of business or destroyed records or ex-workmates have died, the DM should arrange for immediate enquiries to be made of the claimant to find out

1. precisely what their work involved **and**
2. how it caused exposure to asbestos.

Note: See DMG 67791 for guidance on when these PDs are treated as 'fast track'.

67944 The claimant's employer may deny having used asbestos themselves. This may arise, for example, in the construction industry where many persons apart from those working with the asbestos may have been exposed to its dust. In such cases the DM should establish

1. as much as possible about the claimant's work **and**
2. the environment in which it was done, for example, were other firms involved, for whom was the work done, what did other people in the vicinity do.

67945 The DM should carefully weigh all the evidence including clinical findings and the claimant's testimony. It may be possible for the claim to succeed on the claimant's testimony alone.

67946 Circumstances which by themselves do not amount to "proof" can still establish a case taken together. For example a claimant who is diagnosed as suffering from PD D8, D8A or D9 does not prove that the person has been exposed to asbestos since these diseases may be caused by other means.

67947 To satisfy the prescription test for PD D8 or D9 the occupation must have been employed earner's employment¹. However, to satisfy the prescription test for PD D8A a claimant must have worked in a prescribed employment for a period of, or periods which amount in aggregate to

1. five years or more where all or any of the exposure occurred before 1.1.75 **or**
2. ten years or more where the exposure occurs on or after 1.1.75.

Note: From 30.3.17 the words "with obliteration of the costophrenic angle" were removed from the definition of PD D9². This was to reflect the use of computerised tomography for diagnosing this disease.

1 SS (II) (PD) Regs, reg 2(a) & (b); 2 SS (II) (PD) Regs, Sch 1, Part 1

67948 Because prescription enquiries may take a long time, action on prescription and diagnosis should take place simultaneously. If the diagnosis question is decided first, the DM should not overlook the prescription question.

67949 Asbestosis is defined as fibrosis of the parenchyma of the lungs due to the inhalation of asbestos dust¹.

1 SS (II) (PD) Regs, reg 1(2)

Date of onset and recrudescence

67950 The date of onset of either disease for IIDB claims¹ is the day on which the claimant first suffered a loss of faculty from the disease. Benefit cannot, however, be paid for either disease for any day before 1.4.85².

1 SS (II) (PD) Regs, reg 6(2)(b); 2 reg 43(1) & Sch 4

67951 The recrudescence rules do not apply to PD D8, D8A and D9 because a person cannot recover from either disease and then suffer a fresh contraction¹.

1 SS (II) (PD) Regs, reg 7(1)

Qualifying period

67952 From 6.4.06 the qualifying period for PD D8 and D8A does not apply. The DM should regard the disablement as 100%¹.

1 SS (II) (PD) Regs, reg 20B(2) & (3)

Transitional provisions

67953 People who made a claim for PD D9 before 6.4.06 have transitional protection¹. This means that where a provisional assessment expires after 6.4.06 the prescription test in force on the date of the original claim will continue to be appropriate.

1 SS II (PD) Amdt Regs 06, reg 4

Effect on REA entitlement

67954 Where the claim is made under the new extended test (see DMG 67912). However, entitlement to REA may still arise in respect of the change to PD D9 (see DMG 67947) where a date of onset is before 1.10.90¹ because the change is

1. a redefinition of the disease **and**
2. not an extension of the disease.

1 SS CB Act 92, Sch 7, para 11(1)

Prescribed disease D10

Prescription

67955 This disease was added to the list of PDs from 1.4.87¹. A new prescription test was added from 1.8.12² (see DMG 67960 - 67964).

*1 Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 1987;
2 Social Security (Industrial Injuries) (Prescribed Diseases) Amendment (No. 2) Regulations 2012*

67956 Only

1. tin miners working underground **and**
2. from 1.8.12, coke oven workers

qualify since they have a greater risk of contracting the disease as a result of their work.

67957 The only plants to have produced chloromethyl methyl ether (CMME) are Puro-lite International Ltd at Cowbridge Road, Pontyclun, Mid Glamorgan and Rohm and Haas (UK) Ltd who, until the early 1980s, operated on Tyneside. Any communication to Rohm and Haas should be sent to Lennig House, 2 Mason's Avenue, Croydon, Surrey.

67958 Prescription in relation to

1. zinc chromate
2. calcium chromate **or**
3. strontium chromate

is restricted to exposure to the substances in their pure form, for example the dust of the chromates. Workers who use or work on products containing these chromates do not satisfy the terms of prescription.

67959 Lung cancer resulting from exposure to arsenic comes within the scope of PD C4 and the DM should thus not consider claims made on that basis under PD D10.

Coke oven workers

67960 A new prescription test was added from 1.8.12. To satisfy this new prescription test, claimants must have worked in any occupation involving employment wholly or mainly as a coke oven worker

1. for a period of, or periods which amount in aggregate to, 15 years or more **or**
2. in top oven work, for a period of, or periods which amount in aggregate to, 5 years or more **or**
3. in a combination of
 - 3.1 top oven work **and**
 - 3.2 other coke oven work

for a total aggregate period of 15 years or more, where one year working in top oven work is treated as equivalent to 3 years in other coke oven work¹.

1 SS (II) (PD) Regs, Sch 1, Part 1

Example

Philip makes a claim for PD D10. He worked in top oven work for 3 years and other coke oven work for 6 years. The DM determines that Philip satisfies the prescription test.

67961 There is no entitlement to IIDB under this change before 1.8.12.

Wholly or mainly

67962 The words wholly or mainly require claimants to have spent more than 50% of their working time in the prescribed occupation. In calculating this time, DMs should take account of variations in the pattern of work and it may require averaging over an appropriate period.

Coke ovens

67963 A coke oven has many different components. Also, there are many job titles associated with work on the various parts of the coke oven that can differ on a regional basis. It is important that DMs identify what is

1. top oven work **and**
2. other coke oven work.

67964 Some job titles which relate to top oven work are

1. lidsman
2. car man (chargerman)
3. valveman or tarman **and**
4. top oven maintenance worker.

This list is not exhaustive. Therefore, it is important for DMs to ascertain the nature, and frequency of, the duties the individual claimant has carried out. Also, in Appendix 5 to this Chapter there is a diagram of a typical coke oven with labelled parts and examples of job titles used for work on those parts of the oven. Cases of doubt should be sent to DMA Leeds for advice.

Diagnosis

67965 PD D10 is a respiratory disease to be determined as in DMG 67113 et seq.

Recrudescence

67966 The recrudescence provisions do not apply to PD D10.

Reduced earnings allowance

67967 There is no entitlement to REA where entitlement arises to PD D10 under the change from 1.8.12. This is because the change is an extension of PD D10 after 10.10.94¹.

1 SS (II) (PD) Regs, reg 14A

Qualifying period

67968 From 16.3.15¹ the qualifying period for PD D10 does not apply. The DM should regard the disablement as 100%². This PD should be treated as 'fast track'.

1 Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2015, reg 1(1); 2. SS (II) (PD) Regs, reg 20B(2) & (3)

Prescribed disease D11

Prescription

67969 This disease was added to the list of PDs¹ from 19.4.93².

1 SS (II) (PD) Regs, Sch 1, Part 1; 2 SS (II) (PD) Amdt Regs 93

67970 The disease is prescribed for people who have been in employed earner's employment in any occupations involving exposure to silica dust. Those occupations are

1. the manufacture of glass or pottery
2. tunnelling in or quarrying sandstone or granite
3. mining metal ores
4. slate quarrying or the manufacture of artefacts from slate
5. mining clay
6. the use of siliceous materials as abrasives
7. cutting stone
8. stonemasonry
9. work in a foundry.

Diagnosis and recrudescence

67971 The recrudescence provisions do not apply to this disease¹. From 16.3.15, there is a presumption², unless the contrary is proved, that PD D11 is due to the employed earner's employment if the person who has contracted a PD was employed in a prescribed occupation³ (see DMG 67188). Before 16.3.15, the one month presumption period applied.

Note: See Appendix 7 to this Chapter for further guidance on presumption.

1 SS (II) (PD) Regs, reg 7(1); 2 reg 4(2); 3 Sch 1, Part 1

Relevant date

67972 IIDB is not payable for PD D11 for any day earlier than 19.4.93.

Qualifying period

67973 From 16.3.15¹ the qualifying period for PD D11 does not apply. The DM should regard the disablement as 100%². This PD should be treated as 'fast track'.

1 Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2015, reg 1(1); 2. SS (II) (PD) Regs, reg 20B(2) & (3)