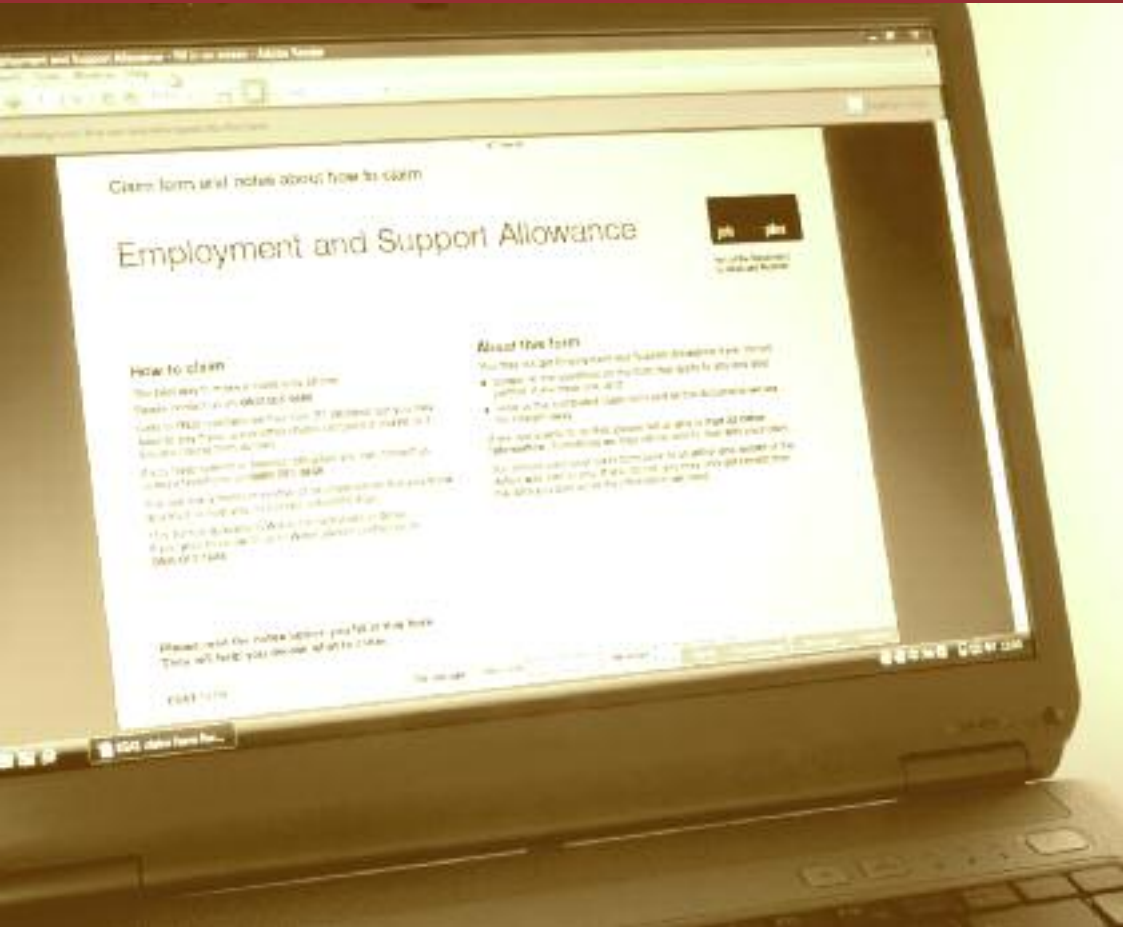


State Benefits Following an accident or industrial disease



Introduction

This leaflet describes some of the benefits you can apply for either from Jobcentre Plus or local Disability Centres which will continue to supply forms until they are replaced by Jobcentre Plus premises.

There are a number of national telephone and text helplines which may be useful to obtain further information.

0800 calls are free and 0845 and 08457 calls are charged at local rates except when dialled from mobile telephones.

General Benefits Enquiry Helpline:

Tel: **0800 882 200**

(for people with disabilities)

Text: **0800 243 355**

Child Support Agency National Enquiry Line:

Tel: **08457 133 133**

Disability Living Allowance Helpline:

Tel: **08457 123 456**

Text: **08457 22 44 33**

Tax Credits Helpline:

Tel: **0845 300 3900**

In addition the website of the Department of Work and Pensions contains further information: **www.dwp.gov.uk**



Statutory Sick Pay/Contractual Entitlement

Statutory Sick Pay

Statutory Sick Pay (SSP) is paid to employees for up to 28 weeks of incapacity from work.

SSP is paid by the employer.

To qualify for SSP you must be incapable of work for 4 or more days. A GP's sick note is normally required after 7 days absence.

- SSP is not means tested.
- SSP is not dependent on National Insurance Contributions.
- SSP is payable at a fixed rate and is treated like other earnings and is therefore subject to Tax and National Insurance deductions.

Contractual Entitlement

The Contract of Employment may provide for payment of occupational sick pay.

SSP goes towards discharging your employer's liability to pay contractual sick pay.



Employment and Support Allowance

As of 27 October 2008 Incapacity Benefit was replaced by Employment and Support Allowance (ESA).

ESA is payable to people incapable of work (on incapacity grounds) for longer than 28 weeks after SSP ends.

For those who have made sufficient National Insurance Contributions, the benefit is not means tested.

Applicants will likely have to attend a medical assessment which will examine the type of work an applicant can, rather than cannot, do.

Applicants will be expected to take appropriate steps to help prepare for work, including attending a series of work-focused interviews with a personal advisor.

Applicants with an illness or disability that is too severe to undertake any form of work related activity will get increased financial support and will not be expected to prepare for return to work.

Applicants with a terminal illness will have claims fast tracked and will not be expected to participate in work focused health related assessments.

The benefit is payable by Job Centre Plus and a claim can be made by phone call – 0800 0556688.



Industrial Injuries Disablement Benefit

This benefit is payable if you are disabled as a result of an accident at work or a disease caused by a job.

To qualify you must (generally) establish:-

1. You were employed
2. You suffered a personal injury in an industrial accident or are suffering from a prescribed industrial disease
3. As a consequence are 'disabled' and are defined as having at least 14% disablement.

Disablement is assessed by comparison to a person of the same age and sex as yourself whose physical and mental condition is normal.

Jobcentre Plus has a list of diseases known to have a link to particular occupations and these are known as prescribed industrial disease.

- Not means tested.
- Not subject to National Insurance Contributions.

Industrial Injuries Disablement Benefit does not affect any other national insurance benefits such as Incapacity Benefit, Job Seekers Allowance or Retirement Pension.



However, Industrial Injuries Disablement Benefit will affect income related benefits that you or your partner receive such as Income Support, Income Based Job Seekers Allowance, Housing Benefit and Council Tax Benefit.

If a percentage assessment is made for less than 14%, providing it is registered at the time of assessment, it can be added to subsequent assessments in respect of further industrial accidents or disease. Even if each assessment is less than 14%, a payment of benefit will be triggered if, when added together, the assessments exceed 14%.

Application is made to Jobcentre Plus who will commission a medical report.

90 days must have elapsed since the accident or onset of disease to be eligible.

The Jobcentre Plus medical will assess the percentage disablement. No payment will be made if the disability is less than 14%. Over 14%, the amount of benefit payable will depend upon the percentage disability.

Awards of benefit are made for the period you are expected to continue to suffer from the relevant loss of faculty. Awards can be made for an indefinite period.



Disability Living Allowance

A benefit payable to people under 65 who have mobility and/or care needs.

The mobility component is payable to people unaware or virtually unable to walk (higher rate) or to those who require guidance or supervision out of doors to enable them to walk (lower rate).

The care component is payable to people requiring attention from another person in connection with their bodily function and depending on the extent of that attention benefit will be paid at the lower rate, middle rate or higher rate. The lower rate care component is also paid to those unable to cook a labour intensive main meal for themselves as a result of their disability.

- Not means tested.
- Not dependant upon National Insurance Contributions.

Applications are made to Jobcentre Plus.

There is a three month 'qualifying' period prior to entitlement beginning.

Entitlement must last for a minimum period of six months.

Motability

A charity which assists people in receipt of higher rate mobility of three years or more with the leasing/buying of a car.



Carer's Allowance

A benefit paid to people who are caring for severely disabled people 'regularly and substantially'.

Benefits Payable on Loss of Employment

I. Jobseekers Allowance

A benefit payable for people who are unemployed (or who work for less than 16 hours per week) and are looking for full time work.

There are two types:-

(i) Contribution based jobseekers allowance

- This is subject to National Insurance Contributions.
- Payable for a maximum six month period.

(ii) Income based jobseekers allowance

- Payable subject to means.

There are special eligibility rules applicable to those working short time, 16-17 year olds and persons involved in trade disputes.

To be eligible you must be available for work, actively seeking work and willing to sign a jobseekers agreement.



2. Income Support

- Means tested.
- Not subject to National Insurance Contributions.

This benefit is for people with low income. It is not payable if you are in full time work. It is not payable if you are unemployed and actively seeking work.

It is only payable to those in 'prescribed categories' to include those who are incapable of work due to illness or disability.

Applications are made to Jobcentre Plus.

Jobcentre Plus must be notified of any changes in circumstances as they have power to order repayment.



Benefits on Death of Spouse

There are three main benefits payable on the death of your spouse:-

- (1) A bereavement payment – a one off lump sum payment payable upon the death of your spouse.
 - This benefit is not means tested. If your late spouse died as a result of an industrial accident or disease then payment is not dependent on National Insurance Contributions.
 - Application must be made within 12 months of your spouse's death.
- (2) Widowed parents allowance – a weekly benefit paid to widows and widowers who are parents of a child or children living with them.

Not subject to your means and if your late spouse died as a result of industrial injury or disease it is not subject to your late spouse's National Insurance Contributions.

Widowed parents allowance ceases if you re-marry and when you no longer have any qualifying children entitling you to claim child benefit.



- (3) Bereavement Allowance – this is a weekly benefit paid for up to 52 weeks to widows or widowers who were 45 or over when their spouse died but under pensionable age. You cannot receive both widowed parents allowance and bereavement allowance.

Not means tested/not subject to National Insurance Contributions if your spouse died as a result of an industrial injury or disease.

Applications must be made within 52 weeks of your spouse's death.



Other Benefit Payments

1. Working Tax Credit

It is paid to low paid workers, with or without children, who are in full time paid work. Full time paid work is:

- At least 16 hours per week if you or your partner are responsible for a child or qualifying young person.
- At least 16 hours per week if you have a physical or mental disability which puts you at a disadvantage in getting a job and you qualify for a disability element.
- At least 16 hours per week if you or your partner are at least 50 and qualify for a 50+ element.
- At least 30 hours per week if you are aged 25 or over.

The benefit is administered by the Inland Revenue.

2. Child Tax Credit

It is paid to families with children. It is paid whether you are in paid work or not. You do not have to have paid National Insurance Contributions to qualify.

It is administered by the Inland Revenue.



3. Dust Related Diseases

In certain cases where a disease is caused by dust, such as asbestos dust, a victim or dependant may be able to claim compensation from the Department of Transport under the Pneumoconiosis etc. (Workers Compensation) Act 1979.

Victims (or dependants) of Diffuse Mesothelioma who are unable to make a claim under the 1979 Act and have not received payment in respect of the disease from an employer may be eligible for a lump sum payment under the Diffuse Mesothelioma Scheme.

Applications should be sent to:-

Barrow Industrial Injuries Benefit Delivery Centre
PWC Team
Jobcentreplus
Barrow IIDB Centre
Pittman Way
Preston
PR11 2AB
Telephone: 0800 279 2322



Effect of State Benefits on Compensation Payments

If you receive a compensation payment, subject to the amount received, your entitlement to continue to receive state benefits will depend on whether or not a particular benefit is means tested.

Non-Means Tested Benefits

The following benefits are payable whatever levels of income or capital you have and any compensation payment will not affect your entitlement to continue to receive the benefit.

- Incapacity Benefit
- Industrial Injuries Benefits
- Disability Living Allowance

Means Tested Benefits

Subject to the amount of the award your compensation payment may make you ineligible to receive benefit.

The following benefits are means tested:-

- Income Support
- Income Based Jobseekers Allowance
 - Income Based Employment and Support Allowance
- Housing Benefit
- Council Tax Benefit
- Health Benefits



However, the compensation payment will not be taken into account if monies are placed into a Special Needs Trust which can be set up by your solicitor.

Monies held under a Special Needs Trust are invested but payments can be met from the Trust to cover specific expenses such as holidays, car purchase etc. The Trust can be ended at any time and compensation monies returned to your control.



The Compensation Recovery Unit

The Compensation Recovery Unit (CRU) is part of the Department of Work & Pensions. It administers recovery of State Benefits which are paid as a result of an accident or industrial injury out of compensation monies.

- Benefits will only be recovered if a compensation payment is made.
- The repayment will be deducted from your compensation payment before it is sent to you.
- Not all of your compensation payment can be reduced and certain benefits may only be deducted from specific elements of your award.
- There will be no deduction at all from the injuries, pain and suffering element of your compensation payment.

The Certificate of Recoverable Benefits

The Certificate of Recoverable Benefits sets out the amount the CRU say should be repaid in the event of a successful claim. It details the total of each relevant benefit which they say should be taken into account.



1. Review

You can ask the CRU to review the Certificate at any time if you feel there is an error. The CRU has the power to issue a new Certificate.

2. Appeals

It is possible for an appeal to be made against the Certificate but only after final settlement. A typical appeal would be on the basis that the CRU has taken into account benefit that was not related to the injury or disease for which compensation has been paid.

The appeal is heard by an appeal tribunal consisting of a legally qualified chair and one or two medical members.

If the amount of recoverable benefit is reduced, whether or not you receive a refund depends on the terms of settlement of your compensation claim.

- (i) If you accept a total sum, less recoverable benefits, then you should be entitled to a refund.
- (ii) If you accept a specific sum with recoverable benefits payable in addition, then you will not be entitled to a refund







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