Chapter 64 - Background to the Industrial Injuries Scheme

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Introduction

64001 The Industrial Injuries scheme provides non-contributory benefits for disablement because of an industrial accident or one of over 60 prescribed diseases accepted as a particular risk of occupation. The objective of the Industrial Injuries Benefits programme is to

**1.** provide no fault contributory benefits to people disabled by injuries or diseases through employed earners employment

**2.** provide assistance with the extra costs of care needed because of the industrial disablement.

64002 The original principles behind the scheme were

**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

**2.** a person disabled in the course of work was under orders to carry out his duties

**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 Industrial Injuries scheme is made up of a number of components

**1.** Industrial Injuries Disablement Benefit (DMG 64012)

**2.** Unemployability Supplement (DMG 64020)

**3.** Constant Attendance Allowance (DMG 64023)

**4.** Exceptionally Severe Disablement Allowance (DMG 64026)

**5.** Reduced Earnings Allowance (DMG 64029)

**6.** Retirement Allowance (DMG 64035)

**7.** old scheme cases (DMG 64037), **and**

**8.** Industrial Death Benefit (DMG 64044)

 64008 – 64011

Industrial Injuries Disablement Benefit

64012 Industrial Injuries Disablement Benefit is the main benefit in the scheme. It provides benefit for people who suffer a loss of faculty because of an industrial accident or prescribed industrial disease.

64013 Since 19.11.86 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 industrial accident **or**

 **2.** more than one prescribed disease **or**

 **3.** one or more industrial accident and one or more prescribed disease

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

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

 64015 – 64019

Unemployability Supplement

64020 Unemployability Supplement 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 6.4.87 but people receiving the benefit before that date continue to receive it.

 64021 – 64022

Constant Attendance Allowance

64023 Constant Attendance Allowance is paid to a person who is receiving Industrial Injuries Disablement Benefit 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 Constant Attendance Allowance may also be entitled to Exceptionally Severe Disablement Allowance.

 64027 – 64028

Reduced Earnings Allowance

64029 A person may be entitled to Reduced Earnings Allowance 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 Reduced Earnings Allowance in respect of

**1.** any disease first prescribed **or**

**2.** any extension of an existing disease

 on or after 10.10.94.

 64030 – 64034

Retirement Allowance

64035 A person entitled to Reduced Earnings Allowance is transferred to Retirement Allowance on reaching pension age if they are

**1.** not in regular employment **and**

**2.** receiving Reduced Earnings Allowance of at least £2 a week.

64036 Retirement Allowance is paid at 25% of the rate at which Reduced Earnings Allowance was paid, subject to the specified maximum rates of Retirement Allowance.

Old Scheme cases

64037 Old Scheme cases are claims made under the Workmen's Compensation (Supplementation) Scheme and Pneumoconiosis, Bysinosis and Miscellaneous Diseases Benefits Schemes. Entitlement arises from accidents occurring or diseases contracted before 5.7.48.

Outline of conditions

64038 A separate Chapter of the Decision Makers Guide has not been issued for Old Scheme cases. Administration of the benefit is centralised at Decision Making Services, Level 5, Nine Lanyon Place, Belfast, BT1 3LP. They hold a copy of the guidance used by decision makers for Old Scheme cases.

 64039 – 64043

Industrial Death Benefit

64044 Industrial Death Benefit is industrial injuries widow's benefit paid because a woman's husband died as a result of an industrial accident or prescribed disease. The benefit was abolished from 11.4.88 but existing beneficiaries at that date continue to be entitled while they satisfy the entitlement conditions.

64045 A separate chapter of the guidance has not been issued for Industrial Death Benefit. Where necessary decision makers should retain the current Adjudication Officer’s Guide on Industrial Death Benefit.

 64046 – 64059

Decision Making and Appeal 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 Industrial Injuries Scheme the two major changes are

**1.** status of decision makers (DMG 64061) **and**

**2.** lay decision makers rather than doctors (DMG 64062) will now make decisions.

Status of decision makers

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

Lay decision making

64062 From 5.7.99 decisions on entitlement to Industrial Injuries benefits will be made by lay decision makers. Decisions on entitlement to benefit will be made by the decision makers on all the evidence, including advice from doctors.

 64063 – 64999