

Industrial Injuries Disablement Benefit

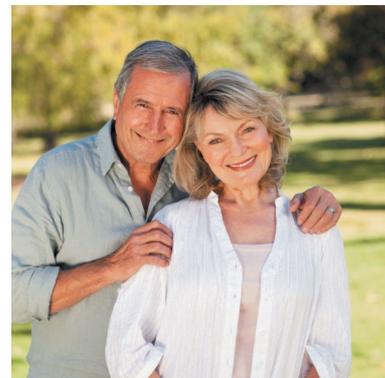
A guide to applying for benefits for industrial injuries

Expert advice

If you've become disabled as a result of an accident at work or an illness caused by your job, you may be entitled to receive Industrial Injuries Disablement Benefit.

The scheme is operated by the Department for Work and Pensions and you can apply through your local Jobcentre Plus office.

If you've been injured or become ill as a result of your employment, Slater and Gordon have specialists who assist our clients in making applications for Industrial Injuries Disablement Benefit.



Who would qualify for Industrial Injuries Disablement Benefit?

Industrial accidents

If you become disabled due to an accident at work, you may be entitled to Industrial Injuries Disablement Benefit. In order to qualify for this benefit, you must have been working when the accident occurred.

The accident doesn't have to have happened on your employers' premises. It could have happened when you were driving for your employer, working from home or on an approved employment course.

Industrial illnesses

There are around 70 identified medical conditions recognised as being illnesses caused by work for which you may be entitled to apply for Industrial Injuries Disablement Benefit, including:

- Mesothelioma
- Lung cancer
- Unilateral or bilateral diffuse pleural thickening
- Occupational asthma
- Chronic bronchitis or emphysema
- Deafness
- Pneumoconiosis (including silicosis and asbestosis)

Can you claim if you were self-employed?

Unfortunately, you cannot claim Industrial Injuries Disablement Benefit if you were self-employed.

How is the disability assessed?

Once it's established that there has been an industrial injury, the next step is to assess how much disablement has been caused.

You'll be assessed by a doctor who will then put a percentage figure on the level of disability. To qualify for benefits, the disablement must be assessed at a minimum of 14%.

Disability caused by several industrial injuries can be added together to represent an overall percentage of disability. For example, if someone has a back injury causing 4% disability and a neck injury causing 10% disability, these would be added together.

Also, if a condition deteriorates, it's possible to ask for the degree of disability to be reassessed.

How much do you receive for Industrial Injuries Disablement Benefit?

The amount of benefit you receive depends on the severity of the disablement. At present, the weekly amounts paid range from £33.60 for those with at least 14% disability, to £168.00 for those in the 100% band.

“

Slater and Gordon were brilliant. I wouldn't hesitate to recommend them to others.

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Please feel free to discuss your own position and concerns. Contact your nearest office on:

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E: enquiries@slatergordon.co.uk
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Advice on making a claim for Industrial Injuries Disablement Benefit

To apply for Industrial Injuries Disablement Benefit following an accident, you have to submit a form BI100A. To apply for an illness, you have to submit a form BI100PD. These forms can be obtained from your local Jobcentre Plus office or downloaded from:

<https://www.gov.uk/government/publications/industrial-injuries-disablement-benefit-claim-forms>

Are there time limits to applying?

There are no time limits for making a claim for this benefit following an accident. It's possible to apply many years afterwards.

However, there are some time limits linked to certain prescribed illnesses. For instance, you must apply within 10 years of working in a prescribed occupation if you have occupational asthma.

When does the entitlement for this benefit begin?

There's no entitlement to the benefit for the first 90 days of disability following an accident or the onset of a prescribed illness. After this, you have three months, from when the entitlement to this benefit began, to apply. You can claim any time after this, but the benefit will not be backdated by more than three months from the date of the application.



Are you able to appeal a decision?

If an application is rejected or if you're not satisfied with the decision that's been made, then you can challenge the decision through an appeals process. Strict time limits apply to appeals so you should send the relevant paperwork without delay to avoid complications.

What other benefits might you be entitled to?

There are other benefits that you might be entitled to if you claim Industrial Injuries Disablement Benefit:

Constant Attendance Allowance (CAA)

For industrial accidents and diseases where disability is assessed at 100% and you need daily care.

Exceptionally Severe Disablement Allowance

Can be claimed in addition to CAA if you are assessed at one of the top two rates of CAA and need permanent, constant care.

Reduced Earnings Allowance

Can be claimed if you can't do your usual job with similar pay because of your injury, or your disability began before 1st October 1990.

Pneumoconiosis Etc. (Worker's Compensation) Act 1979 Payment

A one-off lump sum payment claimed if you have one of the following:

- Pneumoconiosis
- Byssinosis
- Diffuse mesothelioma
- Bilateral diffuse pleural thickening
- Primary carcinoma of the lung when accompanied by asbestosis or bilateral diffuse pleural thickening

You can only claim for this if you're already in receipt of IIDB and you make the claim within 12 months of your award of IIDB. Also, you cannot have already commenced court action.

You can also apply for this payment if you're the dependent of someone who has died from one of the above conditions, if the claim is made within 12 months of their death.

Diffuse Mesothelioma 2008 Scheme

This scheme pays a lump sum of compensation to mesothelioma sufferers who are not eligible to receive a payment under the 1979 Act Scheme above.

To receive this payment, the exposure to asbestos dust needs to have happened in the UK and the sufferer must not have received compensation from elsewhere. The scheme works in a similar way to the 1970 Act Scheme.