

# Industrial Injuries Disablement Benefit

An outline of your rights to claim Disablement Benefit due to an illness or disability caused by work



## An overview

If you are injured in an accident at work, you may be entitled to receive Industrial Injuries Disablement Benefit. This is for people who have become disabled because of an accident at work or a disease caused by their job. This is a no-fault, non-means tested, tax free and non-contributory benefit. The scheme is operated by the Department for Work & Pensions and you can apply through your local Jobcentre Plus office.

## What is an industrial accident?

To gain this benefit, the claimant must have suffered an *industrial accident*. The relevant legislation does not define an *accident* but it is generally given a fairly broad and flexible meaning. Any unexpected mishap or untoward event may count as an accident. The following examples of industrial accidents show how wide the definition can be:

- A worker who suffered a heart attack when lifting a heavy item.
- An employee who suffered shock when he saw a colleague walking through his workplace after he believed he had died in an earlier accident.
- A conversation in which an individual was traumatised by abusive and hostile comments at work.

To be recognised as an *industrial* accident, the incident must have arisen *out of and in the course* of your employment. You do not always have to be in your workplace for an accident to qualify. For example, you may be driving for the purposes of your work or even working from home. You may fall within the scheme if your injury was caused during activities reasonably related to work. This could include incidents that occurred during a tea break or even while chatting or smoking.

## How disability is assessed and quantified

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

The applicant is assessed by a doctor, who then puts a percentage figure on the level of disability. To qualify for benefits the disablement must be assessed at a minimum of 14%. Certain conditions have fixed levels of disability. For example, loss of a thumb is 30% or total loss of an arm is 90% but generally the figure will be based upon the findings at the medical examination.

The amount of benefit depends upon the degree of disability. At present the weekly amounts paid range from £26.34 for those with at least 14% disability, to £131.70 for those in the 100% band.

Disability caused by several industrial accidents can be added together. For example, an applicant having a back injury causing 4% disablement and a neck injury causing 10%. Together these would bring the applicant up to the benefit threshold of 14% disablement at which benefit becomes payable. Also, if a condition deteriorates, it is possible to ask for the degree of disability to be reassessed.

## Psychiatric injury and stress

Psychiatric injuries resulting from an accident at work are also covered. As well as causing physical injury, some incidents can leave people traumatised. Claims can be made for psychiatric injury alone, even where there has been no physical injury. For example, a police officer who attended the horrific aftermath of a series of IRA bombings was able to recover benefits for a mental breakdown caused by the trauma of witnessing these shocking scenes.

Injuries caused by stress at work present some difficulties. Occupational stress is not one of the Scheme's prescribed diseases, so it is necessary to establish that the condition was caused by an accident or series of accidents. The problem is work-related stress is often caused by a gradual process of overwork or being bullied over a period of time. Injury caused by a gradual process is not injury caused by an accident, so it would not be covered by the Industrial Injuries Scheme. The challenge is to identify a particular incident or series of incidents that triggered the breakdown in the applicant's mental health, and then be able to categorise these as accidents. There have been occasions when work-related stress has been accepted as being attributable to an "accident" at work, but without a change in the law, proving this is often difficult.

## Prescribed diseases – an exception to the rule

The exception to the rule that the applicant must have been injured in an accident is where they are suffering from a prescribed disease. There are around 70 identified medical conditions which are recognised as being risks of certain occupations and sufferers may be entitled to recover benefits. Examples of prescribed diseases include hearing loss from noise exposure, mesothelioma from exposure to asbestos, even allergic rhinitis suffered by hairdressers.

The list of diseases covered by the scheme also sets out the kinds of jobs that are included. This list is not exhaustive and you may still be able to claim even if your job is not included. If in doubt, claim.

The amount of benefit you may receive depends upon the degree of disability caused by the condition.

### Applications and appeals

To apply for Industrial Injuries Disablement Benefit following an accident, you have to submit a form BI100A. There are different forms for applications for prescribed diseases. These forms can be obtained from your local Jobcentre Plus office or downloaded from their website ([www.jobcentreplus.gov.uk](http://www.jobcentreplus.gov.uk)).

There are no time limits for making a claim for benefit following an accident. It is possible to apply many years afterwards, however, there are some time limits linked to certain prescribed diseases. For instance, you must apply within 10 years of working in a prescribed occupation if you have occupational asthma.

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

If an application is rejected or if you are not satisfied with the decision that has been made, for example, you may dispute the assessment of the level of disability, then you can challenge the decision through an appeals process.

Strict time limits apply to appeals and you should send the relevant paperwork without delay to avoid complications.





### Making a claim makes sense in many ways


It is always worth applying for this benefit if you have been injured or made ill by your work. Even if the current level of disability is not sufficient to make you eligible for benefits, the accident or disease will at least have been recorded. If the condition deteriorates in the future or if you have another accident, you can ensure that you receive your full benefit entitlement.

### Contact Us

*Please feel free to discuss your own position and concerns. Contact your nearest Russell Jones & Walker office or call:*

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