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## **INDUSTRIAL INJURIES DISABLEMENT BENEFIT (IIDB)**

This is a weekly allowance paid by the DWP (even if you are retired and over the age of 65) if your asbestos-related illness has been caused by your current job or any previous job.

The allowance can also be paid to people who have suffered injuries at work and for a large number of other industrial diseases which have been listed by the Government as being caused by work. Examples of other diseases caused by work are chronic bronchitis and emphysema and dermatitis. These are known as **Prescribed diseases and in DWP leaflets the initials 'PD' are used to refer to these diseases.** If you are suffering from several illnesses and have had several injuries at work you can make a separate claim for each one.

The asbestos diseases that are prescribed are given a prefix letter '**D**' and then a number to identify them. *Pleural plaques are not a prescribed disease.*

### **What are the prescribed asbestos-related diseases?**

- PDD9 Diffuse Pleural Thickening (see over)
  
- PDD1 Asbestosis
  
- PDD8 Asbestos-related Lung Cancer (see over)
  
- PDD3 Mesothelioma

There are specific requirements for diffuse pleural thickening and asbestos-related lung cancer that must be met to qualify for IIDB.

For diffuse pleural thickening the costophrenic angle of the lung must be obliterated.

For lung cancer there must be a diagnosis of asbestosis as well as lung cancer, **or** work must have been undertaken in one of the 4 specified manufacturing industries for a specified period of time:

The manufacture of asbestos textiles, or

Spraying asbestos, or

Asbestos insulation work, or

Applying or removing materials containing asbestos in the course of shipbuilding

*\* Where any or all of the exposure occurs before 1.1.75 for a period of, or periods which amount in aggregate to, 5 years or more*

*or*

*\*Where the exposure occurs from 1.1.75, for a period of, or periods which amount in aggregate to, 10 years or more.*

### **How to claim IIDB**

In order to claim IIDB for any of the above diseases you will have to fill in form B1100PN which you can get from any Jobcentre Plus office or Social Security Office. You have to indicate on the form which disease you have. If you are not sure which

disease you have, get your GP or your consultant to tick one of the boxes above or one of the boxes on the form B1100PN.

### **Facts about Industrial Injuries Disablement Benefit**

This weekly Allowance:

- Can be claimed at any age. There is no lower or upper age limit. You can therefore claim it long after you have retired.
- Can be claimed if you have not paid any National Insurance Contributions.
- Is not affected by any income. It can be paid on top of any amount of savings, earnings or other income but it will reduce your Pension Credit, Employment Support Allowance (IR), Income Support, Income-based Job Seekers Allowance, Housing/ Council Tax Benefit. **You should therefore always check what effect IIDB will have on your benefits. But, IIDB may increase Pension Credit (Savings Credit) and allow you to claim a Workers' Compensation Act payment.**
- Is payable from 15 weeks after the onset of your illness except if you have mesothelioma when you will not have to wait this 15 weeks and will be paid as soon as you are disabled by the disease.
- Cannot be backdated more than 13 weeks. In order not to lose Benefit you should contact the Jobcentre Plus or Social Security office as soon as you think that you are suffering from an asbestos related illness that has been caused by your work.

- Can be paid on top of the following Benefits/Allowances

- Contribution-based Jobseekers Allowance
- Employment Support Allowance (Contribution Based)
- Incapacity Benefit *if you are ill*
- Retirement Pension *if you are retired*
- Widows/Bereavement Benefits *if you are widowed*
- Carer's Allowance *if you are a carer*

#### **PLUS**

- Disability Living Allowance (Mobility Component) *if you have walking difficulties*
- Disability Living Allowance (Care Component) *if you need care/attention from another person in connection with your personal needs*
- Attendance Allowance *if you need care/attention from another person in connection with your personal needs*

### **How does the DWP check that work caused my disease?**

You will have to list all your previous employers on the form B1100PD and say if you were exposed to asbestos dust and how you were exposed in each employment. The Jobcentre Plus will contact your employers to check whether you were exposed to asbestos. If your employers say that you were not exposed to asbestos, or if your employer has gone out of business, then you may have to try to find witnesses who can support your claim that you were exposed to asbestos.

If you are not sure whether you were exposed to asbestos talk to your trade union and to your solicitor and to members of the asbestos support group. This is especially

important if you worked in the construction industry where many employers will have ceased trading and there are many sources of asbestos exposure.

For most asbestos diseases you have to show that there was a 'substantial exposure' to dust and show that you were exposed to dust for a prolonged period of time. However, for mesothelioma, because it can be caused by less exposure, it is only necessary to show that the level of asbestos exposure at work was above that commonly found in the environment. But in all cases you only have to show that 'on a balance of probabilities' your occupation exposed you to substantial asbestos dust. You do not have to prove this beyond reasonable doubt.

### **How does the DWP assess my disability?**

Once the Jobcentre Plus is satisfied that you worked in an occupation that exposed you to asbestos you will be asked to attend a medical to determine whether you have a prescribed disease. A Medical Services doctor will examine you and ask you questions about how your disease affects you. They will want to know how disabled you are because of your disease. If necessary, the doctor will visit you at home.

It is important that you do not 'put on a brave face' for the doctors, but explain very clearly how your disease affects you. Think about how your disease affects you at night, when seated and standing, dressing and undressing and when walking. Explain what you cannot do now compared to what you used to be able to do. Tell them if you are in pain and if it is difficult to catch your breath. Don't tell them how well you can cope but how difficult it is to cope. They will not understand the cost to you of 'coping' if you try and 'be brave' about the effects of your illness.

The doctors will decide how disabling your disease is, partly from your answers and partly from your medical records and their own examination. You have to have 14% disability to get benefits for diffuse pleural thickening and asbestos-related lung cancer. But, you only have to have 1% level of disability to get benefits for asbestosis or mesothelioma. They may decide to award a final settlement for life, or for a fixed period of time. If it is for a fixed period you will have to attend another medical at the end of that period.

NOTE. As from 29 July 2002 mesothelioma sufferers, and from April 6th 2006 asbestos-related lung cancer sufferers, will not have to see a Medical Services doctor. A specialist nurse or doctor's report will be accepted as evidence of the diagnosis and 100% disability assessment will be given automatically.

What if the Jobcentre Plus refuses me Industrial Injuries Disablement Benefit or I do not agree with the amount of Benefit that has been awarded?

You can request that the decision is looked at again by the Jobcentre Plus and then by an APPEAL TRIBUNAL. You should get expert advice first because you can end up with less benefit or being told that you are not suffering from an asbestos-related disease.

You must write to the Jobcentre Plus within one month of the date of the letter containing the decision and state that you wish to appeal against the decision. *For example: If the date of the letter is 4<sup>th</sup> November 2002 you will have until the 3<sup>rd</sup> December 2002 to deliver your letter to any Jobcentre Plus office. It can be hand*

*delivered on this day.*

If more than a month has passed since the decision was made it is still worth while writing a letter because appeal tribunals CAN accept appeals up to 13 months after the decision is made. There have to be special reasons causing the delay and not all late appeals are accepted.

### **What should you put in the letter?**

You have to state clearly the reasons why you are appealing. It is best to get advice on this from a Citizens Advice Bureau or your Asbestos Victim Support Group or Law Centre.

### **What is the Appeal Tribunal like?**

There will be one doctor present at the appeal who is a chest specialist, and a solicitor or barrister who will lead the procedure at the tribunal hearing. The legally qualified person should ensure that the law is followed and that the doctor only asks you relevant questions and considers relevant evidence. However it is important to have a Welfare Rights specialist act as your representative so as to ensure that both the doctor and the legally qualified person ask only appropriate questions and follow proper procedures at the hearing.

### **What can I do if I lose the Appeal?**

If you lose the appeal or do not receive as much benefit as you think you should get you may appeal further under special legal circumstances to a Social Security Commissioner or apply for another tribunal hearing but it is not always possible to do this. *You should always seek expert advice before considering such an appeal because you can end up with less benefit.*

### **What if I was exposed to asbestos as a member of HM Armed Forces?**

If you are suffering from an asbestos related illness through military service you may be entitled to claim a War Disablement Pension.

For further information contact:

Service Personnel and Veterans Agency

Norcross

Blackpool

FY5 3ZZ

Helpline Tel: 0800 169 22 77 or

Veterans Welfare Service

Albert Bridge House

Bridge Street

Manchester,

M60 9DF

Helpline Tel: 0161 831 2195/6

### **What if I worked with asbestos before the 5<sup>th</sup> July 1948**

If you were exposed to asbestos before 5<sup>th</sup> July 1948 you can claim an allowance under early legislation. For information telephone the DWP on 0845 603 1358 and ask for the *Old Schemes Section*.

### **Can I claim IIDB after someone has died?**

It is possible to claim IIDB in respect of someone who was entitled to IIDB, but died before being able to make a claim. This is called a 'posthumous' claim.

### **How to make a posthumous claim**

If you wish to make a posthumous claim you should write to your local Jobcentre Plus office requesting to be appointed to act on behalf of the deceased person. You should then complete the form BI100PD to make a claim just as if the person were still living and send the form plus an original death certificate (interim or full) with your letter to the Jobcentre Plus.

### **Time Limits that apply to a posthumous claim**

There are time limits for making a posthumous claim for IIDB. You should apply to be the 'appointed person' within 6 months of the date the death certificate was issued. You then have 6 months to make a claim. However, the absolute nature of the 6 month time limit has been removed so that you have 12 months to complete both actions, but the longer you take to apply to be the appointed person, the shorter the time you will have to lodge your claim.

### **Payment of arrears**

For payment purposes, a posthumous claim is treated as if it had been made by the deceased person on the day they died. The maximum amount of back payment is 13 weeks.

### **Can I make posthumous claims for other benefits?**

Constant Attendance Allowance and Exceptionally Severe Disablement Allowance can also be paid posthumously.

### **Change of Circumstances rule**

If someone dies as a result of an asbestos disease it is possible, if their disability assessment is less than 100%, to request that their disability benefit is increased to 100% for three months prior to death. This request must be made within one month of death.

### **What benefits other than IIDB can I claim?**

You may be able to get the following extra allowances once you have IIDB:

- Employment Support Allowance/Incapacity Benefit
- Constant Attendance Allowance (see below)
- Exceptionally Severe Disablement Allowance
- Reduced Earnings Allowance

Other benefits which you may be able to claim are:

- Incapacity Benefit
- Disability Living Allowance
- Attendance Allowance
- Income Support or Pension Credit, Housing Benefit and Council Tax Benefit
- Carer's Allowance
- Home Responsibilities Protection

- Bereavement Benefits
- Child Tax Credit/Working Tax Credit

### **Reduced Earnings Allowance**

You can get this allowance if your disease started before 1.10.1990 and the disease was prescribed before 10.10 1994. Your disablement has to be assessed at least at 1%. You must be unable to return to your regular occupation and the objective of the allowance is to make up for any reduced earnings capacity. You can claim even if you are over pension age. It is best to get advice about claiming this benefit.

**Constant Attendance Allowance.** The form to apply for Constant Attendance Allowance is sent automatically to mesothelioma sufferers because they will be awarded 100% disablement. Mesothelioma patients may feel that the questions about their current disablement are not relevant to them. They may wish to put the form on one side and claim this allowance later. See page 30.

### **Industrial Injuries Disablement Benefit Weekly Rates**

The weekly payments listed below are taken from information provided by the Jobcentre Plus, and are to be taken as a guide to the payment you may be paid.

**Industrial Injuries Disablement Benefit Weekly Rates** on following page.

### Industrial Injuries Disablement Benefit Weekly Rates

Disablement Benefit	
Disablement	aged over 18
100%	£143.60
90%	£129.24
80%	£114.88
70%	£100.52
60%	£86.16
50%	£71.80
40%	£57.44
30%	£43.08
20%	£28.72
<b>Pensions for pneumoconiosis, byssinosis and mesothelioma assessment:</b>	
1% to 10%	£14.36
11% to 19%	£28.72

## **Benefits to Replace Basic Earnings**

If you are unable to work because of your illness you may be able to claim one of the following:

- **STATUTORY SICK PAY; or**
- **EMPLOYMENT SUPPORT ALLOWANCE; or**
- **INCAPACITY BENEFIT; or**
- **CARER'S ALLOWANCE; or**
- **BEREAVEMENT BENEFIT**

### **STATUTORY SICK PAY**

This is paid and administered by the employer and the Inland Revenue, not the Dept. for Works and Pensions, and is taxable. Your employer is legally required to pay Statutory Sick Pay during the first 28 weeks of sickness unless you are no longer in their employment or your earnings are too low. You will need to notify your employer promptly of any sickness.

### **EMPLOYMENT SUPPORT ALLOWANCE/INCAPACITY BENEFIT**

Incapacity Benefit will gradually be replaced by Employment Support Allowance by 2010. Incapacity Benefit is currently paid to those who claimed before 27th October 2008, having paid enough National Insurance contributions, and being no longer entitled to Statutory Sick Pay. There are two different rates depending on how long you have been incapable of work.

Employment Support Allowance (ESA) replaces Incapacity Benefit (IB), and Income Support (IS) for those who are too sick to work, for new claimants from 27 October 2008. ESA (Contribution Based) replaces Incapacity Benefit, whilst ESA (Income Related) replaces Income Support for those who are sick.

New claims for ESA are made by telephone. If Incapacity Benefit was paid in the last 104 weeks, or Income Support in the last 52 weeks, it is best to reclaim IB or IS, because ESA is generally the worst option of the two.

Extra payments through "premiums" or "additions" as for Income Support or Pension Credit can be paid along with Employment Support Allowance (Income Related), if the claimant or their partner is disabled or entitled to certain other benefits such as Carers Allowance or DLA. Please ask about these premiums as listed below:

- Enhanced Disability Premium
- Severe Disability Premium
- Pensioner Premium
- Carer Premium

### **CARER'S ALLOWANCE**

This benefit is paid to someone who is caring for a person who is ill or disabled. **It is important to obtain full expert advice before claiming Carer's Allowance. This is because when the main carer receives this allowance it may cause the disabled person to lose some or all of their Income Support, Employment Support Allowance (IR) or Pension Credit, Housing Benefit or Council Tax**

### **Benefit.**

- Carer's Allowance is paid if you fulfil the following requirements:
- You are spending at least 35 hours per week caring for someone who receives either:
- Disability Living Allowance (Care) at the middle or higher rate; **or**
- Attendance Allowance at either rate; **or**
- Constant Attendance Allowance at one of the 3 upper rates paid with a War or Industrial Disablement Benefit, Worker's Compensation or equivalent Benefit; **and**
- You are aged 16 or over; **and**
- You are not studying for more than 21 hours per week; **and**
- You do not earn more than £95.00 net per week after deductions and other work related expenses.

### **Savings, earnings and other income**

You do not need to have paid any National Insurance contributions to claim Carer's Allowance. It can be paid on top of any amount of savings and most benefits except the following:

- Employment Support Allowance (IR)
- Incapacity Benefit
- Widow's and Bereavement Benefits
- Retirement Pension

If you are already receiving one of the above because you are incapable of work yourself or widowed or retired you will be paid the higher of the two. However it is still worth claiming Carer's Allowance because it can give you extra Income Support or Employment Support Allowance (IR) or Pension Credit, or Housing Benefit, or Council Tax Benefit.

### **Carer's Allowance is taxable**

Claim on form **DS700** from your Jobcentre Plus office.

### **BEREAVEMENT BENEFITS**

If your wife or husband died on or after 9<sup>th</sup> April 2001 you may be entitled to benefit if you are under age 60 (women) and 65 (men). Benefits are:

- Bereavement Payment; **and**
- Widowed Parent's Allowance; **or**
- Bereavement Allowance

Women whose husband died prior to 9<sup>th</sup> April 2001 may be entitled to the old Widow's Benefit. Unfortunately, men can only claim the new Bereavement Benefits mentioned below.

### ***Bereavement Payment (one-off payment)***

This is a single payment of £2000.00 paid to either a woman or a man under pension age, 60 (women) 65 (men). If you are over this age you may still be able to claim if your late partner was not entitled to a Retirement Pension on their own contributions.

- Your spouse died on or after the 9<sup>th</sup> April 2001 **and** your spouse
- had paid enough National Insurance Contributions **or**

- Your spouse died as a result of an asbestos related illness caused by their job or working conditions/environment.

**The £2000.00 must be claimed within 12 months of death and can be paid in addition to one of the Allowances mentioned below.**

***Widowed Parent's Allowance***

This is a weekly allowance paid to a man or a woman whose spouse died on or after 9<sup>th</sup> April 2001 and you are now caring for a child for whom you get Child Benefit **and**

Your spouse had paid enough National Insurance Contributions or s/he died as a result of an asbestos-related illness caused by their job or working conditions/environment.

***Bereavement Allowance***

This is a weekly allowance paid for a period of 52 weeks (or up to pension age if this is less) to a man or a woman whose spouse died on or after 9<sup>th</sup> April 2001. For this allowance you must be **age 45** or over at the time of death **and**

Your spouse had paid enough National Insurance Contributions **or** s/he died as a result of an asbestos-related illness caused by their job or working conditions/environment.

**Savings, earnings and other income.**

You can only get one of the above allowances in addition to the Bereavement Payment. There is no limit to the amount that you can earn and they can be paid on top of any amount of savings. However these allowances will reduce any Income Support and Housing Benefit and Council Tax Benefit that you may receive.

# **Compensation from your employer**

## **Civil Compensation**

Employers, owners of premises, manufacturers, and others, all have a general duty of care to people who work and to those that may be affected by their operations. If you were exposed to asbestos as an employee and suffer an asbestos disease or if you have been affected as a non-employee by the activities of others, you may be able to claim compensation through the courts.

If you sue someone for negligence you do so through the civil courts. You will ask for compensation because you have suffered harm as a result of their negligence. Civil courts cannot punish any one who is guilty of negligence by fining them or sending them to prison, they can only order them to pay compensation.

If you have worked in a job where you were exposed to asbestos you will have to explain where and how you were exposed to it. You will also have to explain how your employer failed to protect you from asbestos dust. Sometimes this can be difficult since it may be many years since you worked with or came into contact with asbestos, and it can take many years for an asbestos disease to develop. However, until well into the 1970s, employers generally failed to protect their employees from asbestos dust. Even today some employers fail to adequately protect their employees and members of the public from exposure to asbestos dust.

## **Suing your employer for negligence**

Although you may successfully sue your employer for negligence, it is your employer's insurance company that will actually pay compensation. If your employer has gone out of business it might still be possible to sue if the insurance company can be traced. If that is possible, then a solicitor can 'bring the company back to life' for the purposes of claiming compensation. Most cases do not actually go to court, although the case might continue right up to the day of the court appearance. Because asbestos cases can be complex it is essential that you have a solicitor who specialises in asbestos cases.

Your Asbestos Victim Support Group can give you information about solicitors who are experts in asbestos claims.

Since it is no longer possible to get Legal Aid for personal injury cases you will have to get a solicitor to take on your case on a 'no-win-no-fee' basis. This is called a 'conditional fee agreement'.

If you are a member of a Trade Union you should ask for legal representation as it will mean that you will not have to pay any money up front.

## **Conditional Fee Agreement**

### **Before you sign an agreement**

It is usual for a solicitor to make preliminary enquiries to see if you have a good case before a conditional fee agreement is offered. This should not take a long time. Your solicitor should be able to tell you if you have a case within about two weeks, although sometimes it may take longer. It is possible that you will be charged some money for these enquiries that may include getting work, insurance or hospital records. Make sure that your solicitor makes very clear to you what you might have to

pay for these enquiries. However, solicitors on asbestos support groups' Panels do NOT charge anything whatsoever for asbestos victims who come to them through the groups.

### **How the conditional fee agreement works**

You take out an insurance policy so that in the event of you dropping or losing your case you will not have to pay the other side's legal charges or your own solicitor's charges or money your solicitor has laid out to others ("disbursements") during the case – these will be covered by your insurance policy.

If you win, your solicitor claims his/her charges, money laid out to others and the cost of buying insurance for you, from the other side.

Also, if you win, your solicitor may be entitled to a "success fee" for taking on the risk of your case which will be paid by the other side, not by you.

### **The Insurance Policy**

You purchase an insurance policy. The cost of the policy will vary depending on the complexity of your case. Your solicitor may pay this for you and recover the cost from the other side if you win. Solicitors on the Asbestos Victim Support Group's panel of solicitors will ensure that your inability to pay for the insurance policy does not prevent you from taking legal action. If, for any reason, you are unable to pursue a claim because you cannot afford the insurance policy let your Asbestos Victim Support Group know.

### **Court fees and experts fees**

Once court action has started court fees have to be paid and it is likely that experts' reports will also have to be paid for. Money paid to others, such as court fees and experts' reports are called 'disbursements'. These can cost a lot of money that may be difficult for you to pay. Your solicitor should pay these fees for you. If you win, your solicitor claims them back from the other side and if you lose your insurance policy will pay them. Make sure you ask your solicitor who is responsible for paying court fees and for experts' reports.

**It is possible that some of these expenses may not be fully recoverable. Your solicitor must explain this to you and let you know how much you may have to pay. They should be able to quote you a figure. If you think it is too much, speak to another solicitor or contact the asbestos support group.**

### **The success fee**

Your solicitor will charge a success fee if you win. **The success fee is now no longer taken out of your compensation, but is paid by the other side.**

### **Compensation**

Compensation is paid for the damage you have suffered because you have an asbestos disease, e.g. loss of earnings, pain and suffering etc. These damages are put in categories called 'heads of compensation'. You can be paid compensation under the following heads:

1. Pain and suffering
2. Loss of earnings
3. Care for you by someone else
4. Medical expenses

5. Special equipment
6. Loss of pension

### **Provisional compensation**

It is possible to claim compensation for some asbestos diseases, but reserve the right to apply again to the court for further compensation if your disease gets worse or you get a more serious disease. The damages you receive are then called 'provisional damages'. You may decide to take a final settlement which will be greater than a provisional one but you will not be able to seek further damages.

### **Time limits**

You must start legal proceedings to claim compensation within three years from the date that you could be expected to know that you have an asbestos disease.

Do not assume it is too late after 3 years. Get advice about this because judges have in many cases allowed cases to be brought after more than 3 years.

### **Compensation Recovery**

Money paid by the DWP in benefits is recoverable from your compensation. This money cannot be recovered from compensation paid to you for pain and suffering. If you receive compensation for loss of earnings, mobility, cost of care, the corresponding DWP benefits under these 'heads of compensation' will have to be repaid. If the benefits you have been paid, say for mobility, are more than the compensation you have received for mobility, your compensation for other 'heads of damages' cannot be reduced to make up the short fall.

Here is an example:

*An injured person is awarded £12,000 compensation for past loss of earnings and £10,000 for pain and suffering. The person has previously received £15,000 of Incapacity Benefit and £5,000 Disability Living Allowance (care) from the DWP – a total of £20,000 of recoverable benefits.*

In this case the injured person's compensation for loss of earnings will be reduced to NIL, but they will receive the full £10,000 compensation for pain and suffering. It is up to the person paying the compensation to make up the full £20,000 of benefits.

Clawback of benefits stops on settlement of the case. It is therefore very important to have a solicitor with sufficient experience to conclude cases at the earliest date possible.

### **Choosing a Solicitor**

It is very important to choose a solicitor who has experience of personal injury claims.

The Asbestos Victim Support Group Forum has prepared a panel of specialist asbestos solicitors. We have carefully vetted solicitors to ensure that they are experts in their field and do not work for defendants.

We do not have any special relationship with any of the solicitors on the panel. We are a completely independent, voluntary organisation. Please let us know how you are treated by any solicitor you choose from our panel to help us review their

performance.

When choosing a solicitor be careful not to use 'claim handlers' or similar organisations who advertise on TV and radio who may have thousands of clients and will not give you a personal service. They are sometimes more interested in doing a deal with the insurer rather than getting the best deal for you.

### **Questions you should ask your solicitor**

If you do not choose a specialist solicitor from the Forum's panel of solicitors, you should ask any solicitor you chose the following questions to make sure that they have the expertise to manage your case:

- Does the solicitor specialise in asbestos cases?
- How many asbestos cases has the solicitor handled?
- Is a conditional fee agreement being offered and what is the success fee?
- Will the solicitor pay for your insurance policy?
- Will the solicitor pay for all the court costs and experts' fees for you? (The solicitor can claim these back).
- Is the solicitor a member of the Law Society's Personal Injury Panel?
- How soon does the solicitor expect to start a court action? This should be done quickly to put pressure on the insurance company.

## **Benefits to Top up a Low Income**

### **INCOME SUPPORT**

If your income is below a certain level and you have savings of less than £16,000, Income Support may be payable. You may be able to claim this benefit if you are **either** caring for 35 hours a week or more for somebody who is in receipt of Disability Living Allowance care component at the middle or higher rate, or of Attendance Allowance, **or** if you are a lone parent and responsible for a child aged under 12 years, **or** if you are pregnant and incapable of work because of pregnancy, **or** certain other categories of people such as students in full-time non advanced education and in one of the categories not excluded from IS. Please check to see if you come into any one of these, or other, categories.

### **PENSION CREDIT**

You may be able to claim this allowance if you, or your partner, are aged 60 or over and your income is below a certain level. Pension Credit is more generous than Income Support and there is no cut-off at any specified level of savings. If you are aged 65 or over you may also get an extra Savings Credit.

Certain benefits, ie. Disability Living Allowance/Attendance Allowance can give you extra Pension Credit. There is no age limit to claiming Carer's Allowance, but remember to get advice on claiming Carer's Allowance since payment may affect your Pension Credit, Employment Support Allowance or Income Support, or that of the person being cared for.

As with Income Support, you should ask the Pensions Service about additional payments if you are disabled, which are:

Severe Disability Addition  
Carer's Addition

## **Benefits to Assist with Walking**

### **DISABILITY LIVING ALLOWANCE - MOBILITY COMPONENT**

You may be able to claim this allowance at the higher rate if you have not yet reached your 65<sup>th</sup> birthday and you can only walk a short distance before you feel severe discomfort. It is therefore not just for wheelchair users.

You may be able to claim this allowance at the lower rate if you have not yet reached your 65<sup>th</sup> birthday and you can walk without severe physical discomfort but always need to be accompanied by another person.

The allowance can be paid on top of any income or savings including Pension Credit, Income Support and Housing Benefit and Council Tax Benefit. It may even help to increase your Income Support. It is tax free and you do not have to have paid any National Insurance Contributions.

### **Exemption from Road Tax**

Exemption from road tax is available for those vehicles used exclusively by, or for the purposes of, people receiving the higher rate of the mobility component of Disability Living Allowance or War Pensioners' Mobility Supplement. Application forms (V188 Exemption from Vehicle Excise Duty for Disabled People) can be obtained from main post offices.

### **Blue Badge Scheme**

The Blue Badge for parking concessions is automatically available for the use of those receiving higher rate mobility component of Disability Living Allowance, and may also be available to those in receipt of the lower rate mobility component, but you should seek advice in this instance. In both instances, the application form is available from the local authority. Ask for the department dealing with the Blue Badge Scheme.

## **Benefits to Assist with Housing Costs**

### **HOUSING BENEFIT & COUNCIL TAX BENEFIT**

You may be able to get help with your rent and council tax if you are on low income. You may still qualify if you are working or retired and have savings of less than £16,000.

You need to be in rented accommodation to get Housing Benefit but you can be in rented accommodation or be an owner occupier to get Council Tax Benefit.

People on Income Support, Pension Credit or Employment Support Allowance (IR) generally receive full Housing Benefit and Council Tax Benefit unless they have non-dependants living with them, or they have savings of over £6,000, in which case they may receive a reduced rate. People on the guarantee credit part of Pension Credit may receive some Housing Benefit and Council Tax Benefit even if they have over £16,000 in savings, although they may also receive a reduced rate of benefit if they have non-dependants living with them.

## **Benefits to Assist with Care Needs**

### **DISABILITY LIVING ALLOWANCE - CARE COMPONENT**

You may be able to claim this allowance at one of 3 rates if you have not yet reached your 65<sup>th</sup> birthday and you need care and attention from another person. You do not have to show that you are getting the care. People living alone who are struggling to do things because of pain and/or fatigue may qualify

### **ATTENDANCE ALLOWANCE**

You may be able to claim this allowance at one of 2 rates if you are age 65 or over and you need care and attention from another person. You do not need to show that you are getting the care. People living alone who are struggling to do things because of pain and/or fatigue may qualify.

The allowance is paid instead of DLA (Care Component) but again is tax free and can be paid on top of any savings or income including Income Support, Pension Credit and Housing Benefit and Council Tax Benefit. It can help you get more of these benefits. It is tax free and you do not have to have paid any National Insurance Contributions.

### **CONSTANT ATTENDANCE ALLOWANCE**

You should claim this allowance if you think that your care needs are due to the effects of an industrial illness and you have claimed Industrial Injuries Disablement Benefit and been awarded 100% assessment.

It will be paid instead of one of the above allowances in this Section but you should get expert advice because it will depend on the nature of your care needs as to which allowance will give you the most money.

## **Benefits for Terminal Illness**

### **Terminal Illness**

If you are terminally ill the benefit rules are, in some cases, relaxed. It is recognised that there may not be time to qualify for certain benefits and it can be distressing to make applications under such circumstances.

For Disability Living Allowance and Attendance Allowance you can claim under the special rules if you are terminally ill. This means that you do not have to complete all the sections of the form. But you must ask your doctor to complete the form DS1500 which should be sent to the DLA Unit with the application form. Your application form will be fast-tracked if special rules apply. It is acceptable for someone other than the person who is ill to make the application.

If you are already getting Disability Living Allowance or Attendance Allowance you just write to the DWP for your award to be superseded in order to get a higher rate. Under the special rules there is no qualifying period for Disability Living Allowance or Attendance Allowance and you automatically qualify for the higher rates. However, if you are claiming DLA it is the care component only that is paid automatically, you have to meet the normal rules to get the mobility component.

### **Making a Will**

It is sensible for everyone to make a will, irrespective of their state of health. Settling financial affairs after death can be very difficult for families if a will has not been made.

## **Inquests and Coroners Courts**

Deaths which may be caused by an industrial disease, such as asbestos related diseases, must be referred to a Coroner. The main reason for this is to provide information to Government on the number of people who die from such diseases.

The incidence of death due to industrial diseases is an important public policy issue. Families who have been affected by a work related disease generally want this fact to be publicly acknowledged and recognised.

### **The Inquest**

When an asbestos-related death is reported to the Coroner, the Coroner's Officer will visit the family in order to ask about the deceased's work history and exposure to asbestos. This information will assist the Coroner in deciding whether to hold an inquest. The inquest is to establish the cause of death. For many families the inquest will answer a vital question: what caused their loved one's death. The Coroner's Officer will give the family a booklet about Coroner's Inquests and answer any questions they may have.

### **The Post Mortem**

In order to establish the cause of death the Coroner may decide to hold a post mortem. In some cases the Coroner will insist on a post mortem if that is the only way to establish the cause of death. It may, however, be possible to decide on the cause of death without a post mortem and the Coroner may be sensitive to a family's wishes.

As well as determining the cause of death, a post mortem may also provide information that will help to decide whether a claim for compensation is a possibility. So it is important for a family to consider carefully whether a post mortem should be carried out as it will not be possible, at a later date, to provide evidence that only a post mortem can give.

### **Interim Death Certificate**

An Interim Death Certificate will be issued by the Coroner so that the funeral is not delayed if an Inquest is necessary. This interim certificate will also help families to claim appropriate benefits. On completion of the inquest a full certificate will be provided.

### **The Inquest Procedure**

Although the Coroner's inquest can be very beneficial to a family it occurs during a very stressful time and the prospect of an inquest can be daunting and frightening. Ask the Coroner's Officer about the inquest so that you know what to expect and talk to your Asbestos Victim Support Group if you want support at the inquest.

There will be a jury at an inquest if the person who died was currently working for an employer. In most cases, sufferers of asbestos diseases will have retired from work, as it can take so long for the disease to develop.

### **Representation at the Inquest**

Your solicitor is permitted to attend the inquest on your behalf and to ask witnesses questions, in accordance with the rules, to assist in determining the cause of death. If

you do not have a solicitor, the Coroner may allow a representative to ask questions of witnesses.

The main purpose of the inquest is to establish the cause of death and the Coroner will give a 'conclusion' or verdict on the cause of death. This verdict does not however imply that anyone is guilty of an offence and does not suggest the criminal or civil liability of any person.

Although the conclusion or verdict given by the Coroner is not binding on any other authority, it is, inevitably, very important to the family of a person who has died of an asbestos-related disease.

'Death by Industrial Disease' is the usual verdict in the case of an asbestos-related disease. This verdict provides some comfort to a family when the fact that the cause of the death is industrially related is publicly acknowledged.

Unfortunately, there are occasions when the deceased's work history and exposure to asbestos is not taken fully into account and undue reliance is placed on asbestos fibre counts. In these cases there is an understandable feeling of injustice if the verdict is not 'Death by Industrial Disease'. It is therefore important for the Coroner to have a full work history. If you have a solicitor then a statement can be provided to the Coroner. If you do not have a solicitor try and make sure that the Coroner has as much information as possible about the work history and exposure to asbestos.

Generally, Coroners apply a low burden of proof in cases of industrial disease and families will leave an inquest feeling that there has been a proper and thorough inquest into the death of a family member. The conclusion of an inquest is usually the end of the formalities to do with a death and hopefully a time when families feel that the truth has been established as to the cause of death.

### **Civil Compensation**

If a Coroner does not give a verdict of 'Death by Industrial disease' this does NOT mean that you are unable to claim compensation through the courts. The Home Office Guide which the Coroner's Officer will give you explains that evidence given at an inquest may assist in a claim for compensation and advises that you may want to consider seeking legal advice before the inquest.

This is important advice. If possible, you should talk to a solicitor who specialises in asbestos cases so that you have proper representation at an inquest.