

Industrial Injuries scheme simplification

Equality impact assessment

October 2011

DWP Department for
Work and Pensions

Equality impact assessment for Industrial Injuries scheme simplification.

Brief outline of the policy or service

1. The proposal is to standardise and simplify the way people claim Industrial Injuries Benefits from 2012 by amalgamating elements of the scheme and reducing the number of “special cases” without radical change of the fundamental scheme.

~~4.2.~~ It will simplify the Industrial Injuries scheme by:

- Incorporating those parts of the scheme that deal with people injured as trainees and those injured by work before 5 July 1948 into the main scheme (Industrial Injuries Disablement Benefit - IIDB);
- Paying all people injured at work the same rate irrespective of their age;
- Removing the right to apply for an accident declaration separately from a claim to benefit (which is often a nugatory process);
- Remove the right to claim Industrial Death Benefit which has become redundant.

3. We are doing this because the Industrial Injuries scheme needs to be rationalised and simplified. The scheme has been developing since 1948 and its detailed and varied rules make it complicated to understand.

~~3.4.~~ These proposals will simplify the scheme for customers and staff and reduce legislation relating to the scheme which will continue to be administered by Jobcentre Plus.

~~3.5.~~ No one will suffer financial loss by these changes and the main IIDB scheme will be extended to cover:

- Trainees on courses currently covered under the analogous scheme
- Those injured by work before 5 July 1948.

6. In addition people under age 18 will continue to qualify in the same way as those aged over 18 but the lower payment rate for under 18s rate will be removed. The removal of the right to apply for an accident declaration, which is often a nugatory process, will not result in any financial loss. Nor is there likely to be any financial loss caused by the removal of the right to claim Industrial Death Benefit. This is

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because the removal can only apply to widows or widowers of a person who died as result of industrial accident or disease before 11 April 1988 and is therefore now considered redundant.

Consultation and involvement

7. There has not been any public consultation. The Industrial Injuries Advisory Council (IIAC) has been informed of the proposals. IIAC is an independent, scientific advisory body that advises the Secretary of State for Work and Pensions on matters relating to the Industrial Injuries Scheme. The Council consists of independent members made up of specialists in occupational medicine, epidemiology, toxicology and lawyers. There are also four members representing employers and four representing employees.

Impact of the Industrial Injuries Scheme simplification measures

8. The new policy will come into effect in 2012 and should only impact on some 150 claimants who previously claimed a pre-1948 scheme benefit and a very small number who may claim in future. The other changes are not expected to impact on claimants because of the nil/negligible forecasted caseload on those benefits.

Disability

9. The definition of disability for the purposes of equality impact assessment is now that contained in the Equality Act 2010, and was previously that defined by the Disability Discrimination Act. The vast majority of Industrial Injuries Benefit recipients will be defined as disabled according to the Equality Act and DDA definitions. Therefore these changes are more likely to affect disabled people than non-disabled people.

| **9.10.** These changes mean that all people injured in the workplace will now be covered by one scheme making the claiming process easier for customers to claim and staff to administer. By removing the under age 18 rate the Industrial Injuries Benefit scheme will be further simplified making it easier for everyone to understand how much may be paid and for successful claimants under 18 to receive more.

| **9.11.** Amalgamating the pre-1948 schemes into IIDB will lead to claimants on the 'partial rate' now receiving a higher benefit amount on IIDB. It is estimated that around 120 of the 150 people who are moved onto IIDB will benefit from an increase in payments of about £5/week in 2012/13. Claimants already receiving the 'total rate' will still receive the same amount under IIDB.

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Race

12. The right to claim under any of the elements of the Industrial Injury scheme does not relate to ethnicity. It is linked solely to the nature of the work related injury. The proposed measures do not change this approach. They simply bring the separate elements of the scheme for trainees and those injured before 1948 under one main scheme.
13. Jobcentre Plus does not collect figures for numbers of people from ethnic minorities making a claim under the Industrial Injuries scheme and there are no plans to do so.

Gender

14. All the proposals to simplify the Industrial Injuries scheme will apply equally to men and women, although there may be more impact on men because they are the main beneficiaries under the scheme due to the predominance of male employment in those heavy industries where the likelihood of injury is and has been higher.

14.15. Currently the Industrial Injuries scheme makes weekly payments to people who have been injured or made ill by work. The current Industrial Injuries scheme includes:

- The main IIDB scheme for disablement caused by an accident at work, or due to certain prescribed diseases caused by employment on or after 5 July 1948.
- The pre 1948 schemes for those injured by work before 5 July 1948.
- The Analogous scheme for trainees on work based courses.
- Industrial Death Benefit paid to widows and widowers in respect of deaths caused by an industrial accident or prescribed disease before 11 April 1988.

16. The table below shows the proportion of men and women who claim under the Industrial Injuries scheme, and the proportion of men and women who will gain from amalgamating the pre-1948 elements of the scheme with IIDB.

Benefit	Gender	
	Male	Female
All Industrial Injuries Benefits	78%	22%
Gainers from pre 1948 scheme	87%	13%

17. The majority of people making a claim to the Industrial Injuries scheme are men who make up 78% of the current caseload. This is because it is men who usually work in the industries where an accident is most likely to happen such as manufacturing, construction and mining. Men are therefore more likely to benefit from the proposals.

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Age

18. The latest figures show that 330,000 claims were in payment under the Industrial Injuries scheme. The way in which the benefit is structured tends to favour claims from older people. This is mainly related to the backward looking nature of the scheme, where long term scientific evidence needs to be collected before a disease or condition can be included in the prescribed list. In addition many people claim the benefit for a long time.

18.19. The below table shows the age breakdown of people who claim under the Industrial Injuries scheme, and the age breakdown for those who will gain from amalgamating pre-1948 schemes with IIDB.

Age	All Industrial Injuries Benefits	Gainers from pre 1948 scheme
Under 20	0%	0%
20 – 24	0%	0%
25 – 29	0%	0%
30 – 34	1%	0%
35 – 39	2%	0%
40 – 44	4%	0%
45 – 49	7%	0%
50 – 54	9%	0%
55 – 59	11%	0%
60 – 64	15%	0%
65 – 69	15%	0%
70 – 74	14%	0%
75 – 79	11%	0%
80 – 84	7%	40%
85 and over	4%	60%

20. The policy changes on amalgamating the schemes will slightly increase the number of older people paid under the main scheme by the transfer of the pre 1948 schemes and increase the number of younger people by the transfer of trainees. None of the 660 trainees will lose out financially as they will continue to receive the same rate of payment. The nature of the pre-1948 scheme means that those benefiting from amalgamating the scheme with IIDB are older people (at least 80 years old). 120 people transferring from the pre 1948 scheme will gain about £5 /week (2010/11 figures).

20.21. In addition the abolition of a separate payment rate for those under age 18 will mean that everyone will be paid on the same higher rate scale irrespective of their age.

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Sexual Orientation

22. The Department does not hold information on its administrative systems on the sexual orientation of claimants. The Government does not envisage an adverse impact on these grounds.

Religion or Belief

23. The Department does not hold information on its administrative systems on the religion or beliefs of claimants. The Government does not envisage an adverse impact on these grounds.

Marriage and Civil Partnership

24. The Department does not hold information on its administrative systems on the civil partnership status of claimants. The Government does not envisage an adverse impact on these grounds.

Pregnancy and Maternity

25. The Department only holds data on pregnancy and maternity where it is the primary reason for incapacity. It cannot therefore be used to accurately assess the equality impacts. The Government does not envisage an adverse impact on these grounds.

Gender Reassignment

26. The Department does not hold information on its administrative systems on transgender persons. The Government does not envisage an adverse impact on these grounds.

Monitoring and evaluation

27. The material in this Equality Impact Assessment covers the equality groups currently covered by the equality legislation, i.e. age, disability, gender (transgender), ethnicity, religion, sexual orientation, pregnancy/maternity and civil partnerships. DWP is committed to monitoring the impacts of its policies and we will use evidence from a number of sources on the experiences and outcomes of the protected groups.

- a) We will use administrative datasets, including the Department for Work and Pension's Work and Pensions Longitudinal Study (WPLS), to monitor trends in the benefit caseloads for the protected groups and in the level and distribution of benefit entitlements. The administrative data will provide robust material for age and gender although not, as a rule, for the other protected groups. Where it is practical we will endeavour to incorporate information for the other protected groups.
- b) We will use survey data, such as the Family Resources Survey (FRS) and Labour Force Survey (LFS), to assess trends in the incomes of the protected

groups and in their employment outcomes. Both the FRS and LFS will collect information on age, disability, gender, ethnicity, sexual orientation, religion and civil partnerships.

- c) We will use qualitative research and feedback from stakeholder groups to assess whether there are unintended consequences for the protected groups, and whether the policy is likely to result in adverse consequences for particular groups.
- d) We will utilise feedback from Departmental employee networks and internal management information. For example we will monitor the level of complaints in order to assess the broader impact of the policy.
- e) We will draw on broader DWP research where appropriate, as well as any research commissioned specifically as part of the evaluation of the measure.

28. As part of our actions in the context of the data requirements under the Equality Act, we are looking across DWP activities to identify and address further gaps in data provision wherever reasonable.

Next steps

29. We expect to revise this EIA as the Bill goes through its Parliamentary stages and in more detail as the policy develops in regulations.

Contact details

30. Susan Parker at the Department for Work and Pensions Tel: 01253 332748 or email to susan.m.parker@dwp.gsi.gov.uk