

Disability and Carers Service

Vaccine damage payments

Do you, or someone you know, have a severe disability which you think was caused by a vaccination?

Who can claim

If you think you, or someone you know, have been severely disabled by a vaccine, the disabled person may be able to get a one-off payment of £100,000 tax free.

You can claim if you think the disability was caused by vaccination against any of these diseases:

- Diphtheria
- Tetanus
- Pertussis (Whooping Cough)
- Poliomyelitis
- Measles
- Mumps
- Rubella (German measles)
- Tuberculosis (TB)
- Haemophilus Influenzae (type b) Hib
- Meningococcal Group C
- Smallpox (up to 1st August 1971).

The disabled person may have received a combined vaccination against a number of diseases listed e.g. DTP (diphtheria, tetanus and pertussis) or MMR (measles, mumps and rubella).

You can also claim if the disabled person is thought to be severely disabled because:

- their mother was vaccinated against one of the above diseases while she was pregnant, **or**
- they have been in close physical contact with a person who has been vaccinated against poliomyelitis with orally administered vaccine.

What is severe disablement?

Disablement is worked out as a percentage and severe disablement means at least 60 per cent disabled. This could be a mental or physical disablement. For example, total loss of sight or hearing is usually 100 per cent.

What are the conditions?

- The child must be two or more years old before you can claim.
- Vaccination must have taken place before their 18th birthday, unless it was against poliomyelitis, rubella (German measles) or Meningococcal Group C, or during an outbreak within the UK or the Isle of Man.
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If the vaccination was given outside the UK, you may still claim if the vaccination took place as part of the armed services medical facilities.

The claim must be made by whichever is the later of the following dates:

- on or before the disabled person's 21st birthday (or, if they have died, the date they would have reached 21); or
- within six years of the date of the vaccination to which the claim relates.

Changes to the VDP Act and further claims

Important changes to the Vaccine Damage Payments Scheme came into effect from 16 June 2002:

- The level of disablement that is defined as severe has been reduced from 80 per cent to 60 per cent.
- The period of time during which a claim must be made has increased.

These changes mean that some people who have been disallowed in the past may be able to make another claim. Another claim can be made in the following circumstances:

- The initial claim was disallowed because the disabled person was not considered to be 80 per cent disabled.
- The initial claim was disallowed because it was made outside the time limits in force when it was made but before the disabled person reached the age of 21.
- The customer is able to provide evidence that they were advised not to make a claim because they would not have satisfied the level of disablement or time limit conditions in force at that time.

If you have previously made a claim and were turned down because of one of the above criteria you should contact the Vaccine Damage Payments Unit.

A further claim under one of the above criteria must be received before 16th June 2005.

How the claim is decided

Once a claim has been accepted, the Vaccine Damage Payments Unit will obtain medical evidence. A claim will be successful where it is accepted that the disabled person's disablement was caused by vaccination and the level of disablement that can be directly attributed to the vaccination is at least 60 per cent.

The result of the claim will be given to you in writing. If the claim is turned down because the disabled person is not considered to be severely disabled or because their disablement is not considered to have been caused by vaccination and you disagree with the decision, you can ask for the decision to be looked at again and/or you can appeal to an independent appeal tribunal.

If you consider that relevant information has not been taken into account or new information becomes available you can ask for the decision to be looked at again by the Vaccine Damage Payments Unit.

Payment

A payment will be made if it is accepted that the disabled person is severely disabled as a result of vaccination. If the disabled person is under 18 or cannot manage their own affairs, payment will be made to trustees. If the disabled person lives with their family, the parents may be appointed as trustees.

Effect on benefits/tax credits

A payment under the scheme can affect:

- Income Support
- Income-based Jobseeker's Allowance
- Pension Credit
- Working Tax Credit
- Child Tax Credit
- Housing Benefit
- Council Tax Benefit.

The actual effect depends on a number of things, including whether the payment is put into a trust and, if so, the type of trust and the type of payments made from it.

You can get more information from the office that pays the benefit.

A payment under the scheme has no effect on other benefits – for example, Incapacity Benefit.

How to claim

If you think you may qualify for a payment under the scheme, you can telephone or write for a claim form to:

Vaccine Damage Payments Unit
Palatine House
Lancaster Road
Preston, PR1 1HB
Tel: 01772 899944.

Complete the claim form and return it with any information you have about the disability and how it was caused. Send the claim form back straight away even if you do not have any more information. The Vaccine Damage Payments Unit will get medical evidence from the doctors or hospitals involved.

If the disabled person is under 18, the parent or guardian should make the claim. If the disabled person is an adult, they should fill in the claim form if possible. If they cannot, someone else can fill it in for them.

Other help

The main benefit available specifically for disabled people is Disability Living Allowance. People who provide a substantial amount of care to a disabled person may get Carer's Allowance.

You may also qualify for other benefits such as Income Support, Housing Benefit or Council Tax Benefit.

You can get more information, leaflets and advice about benefits from your local social security office (the number is in the phone book under Jobcentre Plus, social security or Jobcentre), or you can ring the Benefit Enquiry Line (BEL) on 0800 88 22 00. The phone call is free.

If you are disabled you may get special help from the social services department of your local council. The help available depends on local circumstances and their assessment of your needs.

This leaflet gives general guidance only and should not be treated as a full and authoritative statement of the law.

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