

EXPLANATORY MEMORANDUM TO
THE SOCIAL SECURITY (INDUSTRIAL INJURIES) (PRESCRIBED DISEASES)
AMENDMENT REGULATIONS 2019

2019 No. 1241

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 This instrument will add Dupuytren’s contracture to the list of prescribed diseases for which Industrial Injuries Disablement Benefit (“IIDB”) is payable by amending the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985¹ (the “1985 Regulations”). The 1985 Regulations describe the entitlement to IIDB in relation to the prescribed diseases.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business.

4. Extent and Territorial Application

- 4.1 The extent of this instrument is Great Britain.
4.2 The territorial application of this instrument Great Britain.
4.3 The Department for Communities in Northern Ireland will be making the same provisions for Northern Ireland.

5. European Convention on Human Rights

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

- 6.1 The Secretary of State for Work and Pensions has accepted the recommendation of the Industrial Injuries Advisory Council, that the disease Dupuytren’s contracture should be added to the list of prescribed diseases for which IIDB may be payable. This

¹ <http://www.legislation.gov.uk/ukSI/1985/967/part/I/made>

recommendation is set out in their Command Paper Cm8860²: “Dupuytren’s contracture due to hand-transmitted vibration”. This instrument ensures that the 1985 Regulations, reflect this new prescribed disease.

7. Policy background

What is being done and why?

- 7.1 The Industrial Injuries Advisory Council (“The Council”) is a non- departmental public body³. Its functions are set out in Part XIII of the Social Security Administration Act 1992⁴. The Council advises the Secretary of State for Work and Pensions on matters solely related to industrial injuries benefits, including IIDB. In particular, the Council advises the Secretary of State on the diseases which it recommends should be listed (or “prescribed”) within the 1985 Regulations as conditions capable of giving rise to entitlement to IIDB. The Council uses the most relevant scientific evidence available to advise the Department.
- 7.2 A disease can only be prescribed under the 1985 Regulations, if it is considered to be caused by an individual’s occupation. The policy position is that; the occupation linked with said disease must also create a doubling of risk in developing the disease before it can be prescribed.
- 7.3 The Council reviewed the link between work involving the use of hand-held vibratory tools and Dupuytren’s disease, in which thickening of fibrous tissue in the palm and tendons of the finger leads, in more advanced cases, to the digits becoming permanently bent. This stage of the disease is known as Dupuytren’s contracture. The Council found in their command paper Cm8860, that there was sufficient evidence for this disease to be prescribed.
- 7.4 Subsequent to the publication of their command paper, the Council reviewed the terms of their proposed prescription to ensure it reflected their recommendations regarding the severity of an individual’s symptoms. The prescription set out in this instrument, reflects changes agreed by the Council in April 2019.
- 7.5 This change ensures that the prescribed list of diseases for which IIDB may be payable stays up to date in terms of scientific knowledge. This change will mean that around 4,000 awards in total, between the introduction of Dupuytren’s contracture as a prescribed disease and the end of financial year 2025/26, to both new and existing IIDB claimants. This is in the context of a total IIDB caseload of 235,000 as of December 2018.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

- 8.1 This instrument does not relate to withdrawal from the European Union.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/308645/dupuytren-contracture-report.pdf

³ <http://www.legislation.gov.uk/ukpga/1965/52/enacted>

⁴ <http://www.legislation.gov.uk/ukpga/1992/5>

9. Consolidation

9.1 Informal consolidated text of instruments is available to the public free of charge via ‘the National Archive’ website <http://www.legislation.gov.uk/>⁵.

10. Consultation outcome

10.1 There is no duty to consult on these changes and a consultation has not been carried out. These changes are being made following recommendations by the Industrial Injuries Advisory Council to the Secretary of State on the basis of published scientific evidence.

11. Guidance

11.1 A guidance bulletin detailing these changes will be issued to claims processors in the Barnsley, Barrow and Bradford offices of the Department for Work and Pensions with responsibility for processing new claims for IIDB. The list of prescribed diseases for IIDB as set out within the IIDB Technical Guidance, and published on the Gov.uk site⁶, will be updated. These measures will be undertaken in advance of this statutory instrument coming into force.

12. Impact

12.1 There is no or no significant impact on the business, charities or voluntary bodies.

12.2 The impact on the public sector is low. The Department’s analysis estimates that there will be 30,000 additional new claims in total, between the introduction of Dupuytren’s contracture as a prescribed disease and the end of financial year 2025/26.

12.3 An Impact Assessment has not been prepared for this instrument because the level of impact is low.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 No specific monitoring or review of new claims volumes will be undertaken, beyond that which is already undertaken as part of the Department’s routine data collection.

15. Contact

15.1 Lucy Wood at the Department for Work and Pensions Telephone: 0113 366 8421 or email: lucy.wood@dwp.gov.uk can be contacted with any queries regarding the instrument.

15.2 Louise Everett, Deputy Director for IIDB Policy, at the Department for Work and Pensions can confirm that this Explanatory Memorandum meets the required standard.

15.3 Justin Tomlinson, Minister for Disablement People, Work and Health at the Department for Work and Pensions can confirm that this Explanatory Memorandum meets the required standard.

⁵ <http://www.legislation.gov.uk/>

⁶ <https://www.gov.uk/government/publications/industrial-injuries-disablement-benefits-technical-guidance>