

CRU FACT SHEET

If you are or have been in receipt of relevant Social Security benefits since the date of your injury or disease, which are paid to you as a result of the accident or disease, any compensation payment you receive, should your case be successful, may be reduced by an amount equal to the Social Security benefits paid to you. This applies to compensation payments made because of injuries or disease arising on or after 1st January 1989. The reason for this is to avoid you receiving double compensation. For example, if you had been receiving social security payments and were able to reclaim full loss of earnings in full, you would be better off by being injured than if no injury had occurred. Please note none of these rules affect the compensation you obtain for the injury itself, it is only compensation for your losses and expenses that this applies to.

Under the scheme, compensators (the body responsible for paying the damages) have to repay to the Department of Social Security the full amount of certain Social Security benefits that have been paid to you because of your accident, injury or industrial disease. The compensator may reduce your compensation to recover the amount of benefit they have to repay to the Department of Social Security. They may only do this when your compensation includes money for: -

- Loss of earnings, cost of care or loss of mobility; and
- Corresponding benefits have been paid.

The following is a list of heads of compensation, together with relevant benefits: -

Compensation for Loss of Earnings following your accident, the following benefits can be deducted from this part of the claim:-

- Disability Working Allowance
- Disablement Pension payable under Section 103 of 1992 Act
- Incapacity Benefit
- Income Support
- Invalidity Pension
- Invalidity Allowance
- Jobseeker's Allowance
- Reduced Earnings Allowance
- Severe Disablement Allowance
- Sickness Benefit
- Unemployment Benefit
- Unemployability Supplement

Compensation for Cost of Care following your accident, the following benefits can be deducted from this part of the claim:-

- Attendance Allowance
- Care Component of Disability Living Allowance
- Disablement Pension increase for Constant Attendance Allowance (Exceptionally Severe Disablement Allowance)

Compensation for Loss of Mobility following your accident, the following benefits can be deducted from this part of the claim:-

- Mobility Allowance
- Mobility Component of Disability Living Allowance

Retirement Pension will not affect your compensation award. However, if after retirement age (60 for women, 65 for men) you carry on getting any of the benefits shown above, they may be subject to recovery.

The period during which the benefits may reduce the amount of compensation begins on the day following the accident or injury, or in the case of a disease, from the date on which the first claim to benefit is received in consequence of the disease in question. It ends on the date the final compensation payment is made or 5 years from the beginning of the period whichever is earlier. Therefore, if your claim takes longer than 5 years to settle, only the benefits you received in the first 5 years will be taken into account.

The deduction is paid direct to the Department of Work and Pensions (DWP) by whoever pays the compensation (the compensator). Often this will be an Insurance Company. When you claim the compensation, the compensator must tell the DWP about your claim.

The DWP will provide us with a detailed certificate confirming the amount which has been paid since the accident. We will forward a copy of the certificate to you and if you do not agree with the information given in the certificate we can ask for the certificate to be reviewed.

If you are getting Income Support, Family Credit, Jobseeker's Allowance, Housing Benefit or Council Tax Benefit, you must tell the office that pays your benefit as soon as you get your compensation.

Certain benefits, such as Income Support are affected by capital payments and you may find that any compensation payment you receive reduces your benefits or makes you ineligible for them. If you require any further advice about this, please contact your local Benefits Agency.

To summarise, under the scheme, your own damages will only be affected if recoverable benefits have been paid in accordance with those listed above and you make a claim for a loss that relates to these benefits.