EXPLANATORY MEMORANDUM TO

The Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 2022
S.R. 2022 No. 84

Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Communities ("the Department") to accompany the Statutory Rule (details above) which is to be laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under sections 108(1) and (2), 109(2) and (3)(a) and 171(1) and (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and is subject to the negative resolution procedure.

Purpose

2.1 These Regulations make changes to the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1986 as recommended by the Industrial Injuries Advisory Council ("IIAC"). The amendments bring the regulations into line with the most up to date guidance from IIAC, amending the prescription for Dupuytren's contracture and providing further specification on the circumstances in which Industrial Injuries Disablement Benefit is payable.

Background

3.1 Industrial Injuries Disablement Benefit ("IIDB") is a non-contributory, non-income related benefit for people who have become disabled as a result of an accident at work or a prescribed disease which was contracted while working in employed earner's employment. The rate of benefit payable depends on the level of disability. The benefit is payable even if the person continues or returns to work, but is not payable until the 91st day following the accident or the onset of the prescribed disease.

3.2 IIAC is an independent statutory body which advises the Secretary of State for Work and Pensions and the Department for Communities on matters relating to IIDB. In particular, having studied the scientific evidence, IIAC advises which diseases should be prescribed or amended for the purpose of claims for IIDB.

3.3 IIAC 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 fingers becoming permanently bent. This stage of the disease is known as Dupuytren's contracture. IIAC found in their command paper Cm8860[1]: "Dupuytren's contracture due to hand-transmitted vibration",

[1] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/308645/dupuytrens-contracture-report.pdf

that there was sufficient evidence for this disease to be prescribed. Subsequent to the publication of their command paper, IIAC reviewed the terms of their proposed prescription to ensure it reflected their recommendations regarding the severity of an individual's symptoms. Dupuytren's contracture was added to the list of prescribed diseases in December 2019.

3.4 Following queries from doctors undertaking assessments, the Department for Work and Pensions asked IIAC for further guidance about these assessments. In response, they produced an information note in May 2020[1]: "Dupuytren's contracture: clarification of intention and amendment of the prescription" to clarify the assessment process and assist healthcare practitioners carrying out those assessments. The revised IIAC guidance goes wider than the prescription as set out in regulations, therefore, it requires secondary legislation to change the prescription for the disease, and, these Regulations reflect those changes. The changes ensure that the prescribed list of diseases for which IIDB may be payable stays up to date in terms of scientific knowledge.

3.5 The previous guidance from IIAC only included reference to changes to finger joints (Interphalangeal joints (IPJ)). The clarification from IIAC includes further detail in relation to IPJ involvement and also includes changes to knuckle joints (Metacarpophalangeal joints (MCPJ)). The new prescription under these Regulations will be satisfied where the occupational requirements are met and there is reliable evidence of changes during or after the period of occupation.

Consultation

4.1 As the Regulations make, in relation to Northern Ireland, only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain they do not have to be submitted to IIAC.

Equality Impact

5.1 In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on proposals for these Regulations and concluded that they do not have significant implications for equality of opportunity or good relations. In light of this, the Department considered that an equality impact assessment is not necessary.

Regulatory Impact

6.1 The Regulations do not require a Regulatory Impact Assessment as they do not impose any costs on business, charities, social enterprises or voluntary bodies.

[1] https://www.gov.uk/government/publications/dupuytrens-contracture-clarification-of-intention-and-amendment-of-the-prescription/dupuytrens-contracture-clarification-of-intention-and-amendment-of-the-prescription

Financial Implications

7.1 Any costs arising as a result of these Regulations are not expected to be significant.

Section 24 of the Northern Ireland Act 1998

8.1 The Department is satisfied that these Regulations comply with section 24 of the Northern Ireland Act 1998 (Convention rights etc.).

EU Implications

9.1 Not applicable.

Parity or Replicatory Measure

10.1 The corresponding Great Britain Regulations are The Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2022 and come into force on 28th March 2022.

10.2 In line with the long-standing policy of parity in social security, the Regulations will come into operation on the same date as the GB Regulations, or as soon as possible afterwards. Parity of timing and substance is an integral part of the maintenance of single systems of social security, pensions and child support provided for in section 87 of the Northern Ireland Act 1998.

Additional Information

11.1 Not applicable.