Introduction

The Vaccine Damage Payment Scheme (VDPS) provides a single, tax-free payment. A decision to offer vaccine should be based upon the recommendations in the Green Book and must **not** be influenced by vaccine’s eligibility for a VDPS settlement. The VDPS payment is provided to people or their families who have suffered severe mental and/or physical disablement as a result of immunisation against one or more of the following diseases:

- diphtheria
- Haemophilus influenzae type b (Hib)
- measles
- meningitis C
- mumps
- pertussis
- pneumococcal
- poliomyelitis
- rubella
- tetanus
- tuberculosis (TB)
- smallpox (up to 1 August 1971)
- human papillomavirus (HPV)
- pandemic influenza A (H1N1) 2009 (swine flu) (up to 31 August 2010).

The scheme also covers those found to be severely disabled because their mother was immunised against any of the specified diseases while she was pregnant, or because they have been in close physical contact with a person who has been immunised with oral poliomyelitis vaccine.

The payment is not compensation but is designed to ease the present and future burdens of the vaccine-damaged person and their family. The amount payable is £120,000 for claims made on or after 12 July 2007.
The decision-making process

Decisions on claims are made on the basis of a medical officer’s assessment on behalf of the Secretary of State for Work and Pensions. The medical officer assesses the balance of probability that the disability is the result of the immunisation, and the percentage level of disablement attributed to immunisation. If a claim is disallowed, the claimant may, at any time, request an appeal against the decision of the Secretary of State by an independent vaccine damage tribunal.

The claimant may also request a reversal of the decision of the Secretary of State, or that of the vaccine damage tribunal, by writing to the Vaccine Damage Payments Unit giving an explanation of why they believe the decision to be wrong. Such a request must be received within six years of the date of notification of the Secretary of State’s determination, or within two years of the date of notification of the decision of the tribunal, whichever is later.

Time and age limits

The disabled person must be over two years of age and must have been immunised in the UK or the Isle of Man. The scheme also applies to individuals or their families if one or any of the immunisations listed above were given as part of the Armed Forces’ medical services outside of the UK.

Claimants must have been immunised before their eighteenth birthday, unless the immunisation was against polio, rubella, meningitis C, human papillomavirus or pandemic influenza A (H1N1) 2009 for which there is no upper age limit. In addition, individuals of any age are eligible if immunised against any of the other listed diseases during an outbreak within the UK or the Isle of Man.

The claim must be made within six years of the date of vaccination, on or before the disabled person’s 21st birthday, or, if they have died, the date on which they would have reached 21 years of age – whichever is the later.

Payments are made direct to disabled persons aged 18 or over who are capable of managing their own affairs. In other cases, payment will be made to trustees. If the disabled person lives with their family, the parents may be appointed as trustees. If the disabled person has died, payment will be made to their personal representative.
The percentage disability test

A widely accepted test prescribed in the Industrial Injuries Scheme is used to assess the percentage of disablement. Under this scheme, 60% disablement equates to, for example, lower leg amputation, loss of one hand or deafness where the individual cannot hear a conversational voice beyond a distance of one metre. A vaccine-relevant example would be paralysis of a limb after oral poliomyelitis vaccine.

Doctors who advise on claims under the VDPS have received special training in disability assessment. This enables them to reach a balanced judgement on the claimant’s overall level of disability in comparison to the accepted test used to assess the severity of disablement.

How to claim

Claimants can get a claim form from:

Vaccine Damage Payments Unit
Department for Work and Pensions
Palatine House
Lancaster Road
Preston PR1 1HB

Tel: 01772 899944 or 899756
E-mail: CAU-VDPU@dwp.gsi.gov.uk

The claim form is also available for downloading and printing from the website: www.direct.gov.uk/disability-vdp

Further information

The leaflet Vaccine damage payments provides more information about the VDPS. Copies are available from the Vaccine Damage Payments Unit (see ‘How to claim’ above) or your local benefits office. You can also obtain more information at www.direct.gov.uk.