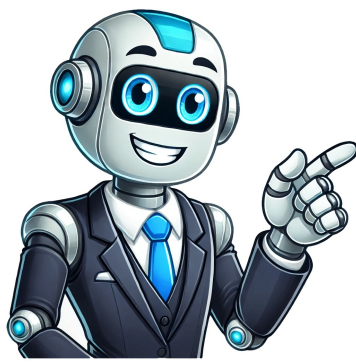


I'm not a robot



























If you have had an accident, injury or a disease for which someone else is to blame, you may have claimed or be thinking about claiming compensation. If you are getting a social security benefit or have had a lump sum payment for certain dust related diseases it may affect the amount of compensation you receive. This guidance tells you how benefits and lump sums may affect your compensation award and which benefits and lump sums they are. If you have a question which is not answered in this guidance or if you just want more advice, see where to get help and advice. To find out: 2. Compensation recovery 2.1 How it works When someone claims compensation, the person or organisation who is likely to pay you compensation (the compensator) must tell the Compensation Recovery Unit (CRU) - part of the Department for Work and Pensions (DWP). Have you: claimed or received compensation? received a social security benefit or lump sum payment because of your accident, injury or disease? If yes to both, the compensator has to pay back to the DWP the amount of social security benefit or lump sum payment you have received as a result of your accident, injury or disease. If you have had an accident, the amount they have to pay equals the total amount of benefit you are paid from the day after the accident or injury up to the date of the final compensation payment or for up to 5 years - whichever is earlier. If you have claimed benefit because of a disease, the amount the compensator has to pay is worked out from the day you first claimed a benefit because of the disease up to the date of the final compensation payment or for up to 5 years - whichever is earlier. If you have claimed a lump sum payment because of a dust related disease, the amount they have to pay is the equivalent to the total amount of the lump sum or the gross amount of the compensation award, which ever is the least. The person or organisation who pays your compensation may, in certain circumstances, reduce the amount they pay to account for any monies they are required to pay to the DWP. See which benefits count and which lump sums count. 3. Which benefits count 3.1 Which benefits count for loss of earnings The person or organisation who pays your compensation can only reduce the compensation you are awarded for loss of past earnings if you have received one of the following benefits to meet the same need: Disability Working Allowance Employment and Support Allowance Incapacity Benefit Income Support Industrial Injuries Disablement Benefit Invalidity Pension Invalidity Allowance Jobseeker's Allowance Reduced Earnings Allowance Severe Disablement Allowance Sickness Benefit Statutory Sick Pay paid before 6 April 1994 Unemployment Supplement Unemployment Benefit Universal Credit 3.2 Which benefits count for cost of care The person or organisation who pays your compensation can only reduce the compensation you are awarded for cost of care in the past if you have received one of the following benefits to meet the same need: Attendance Allowance Disability Living Allowance (care component) Industrial Injuries Disablement Benefit increase for Constant Attendance Allowance or Exceptionally Severe Disablement Allowance Personal Independence Payment (living component) 3.3 Which benefits count for loss of mobility The person or organisation who pays your compensation can only reduce the compensation you are awarded for loss of mobility in the past if you have received one of the following benefits to meet the same need: Disability Living Allowance (mobility component) Mobility Allowance Personal Independence Payment (mobility component) 4. Which lump sums count The person or organisation who pays your compensation can reduce any part of your compensation award (including damages paid for pain and suffering) if you have had a lump sum payment under the: Pneumoconiosis etc. (Workers Compensation) Act 1979 including any extra statutory payments made following the rejection of a claim under the 1979 Act 2008 Diffuse Mesothelioma Scheme 4.1 Retirement Pension Retirement Pension does not have to be paid back from an award of compensation, but if you get any of the benefits or lump sum shown above after retirement age, they may have to be paid back. 4.2 War Pensions If you get a pension from the Veterans Agency (previously the War Pensions Agency), this may go down because of the compensation you receive. 5. If you have a lump sum payment, you must tell the person or organisation who pays your compensation how much benefit or lump sum if any, they have to pay back to the DWP. The information will also be told about this and will receive a copy of the certificate. If you do not agree with the amount they have to repay to the DWP, you have the right to ask for a review. There is information on the certificate that tells you what to do. 5.1 If you do not agree with the decision to reduce your compensation if you do not agree with the decision to reduce your compensation, you can ask CRU to look at the certificate again. This is known as Mandatory Reconsideration. You can only do this after the person or organisation who pays your compensation payment, repays all benefits and lump sums shown on the certificate to the DWP. You must ask for a Mandatory Reconsideration within 1 month of the date that they make the final payment to the DWP via the CRU. You can get more information from the recovery of benefits and lump sums appeal guide (Z2). 5.2 If you are receiving benefit You must tell the office that pays your benefit as soon as you get your compensation payment if you receive: Employment and Support Allowance Housing Benefit Income Support Jobseeker's Allowance Pension Credit Universal Credit Working Tax Credit If you get a pension from the Service Personnel and Veterans Agency, please make sure you let them know. Call the Veterans free helpline on 0800 169 2277. You must tell the local authority as soon as you receive your compensation payment if you receive a reduction in Council Tax. To get more information about Council Tax reduction contact your local authority. 6. Where to get help and advice 6.1 Compensation Recovery If you have any questions about the Compensation Recovery Scheme you can contact the CRU. 6.2 Social security benefits To get more information about social security benefits you can contact Jobcentre Plus. Quick Answer: Yes, personal injury compensation can affect your means tested benefits – but it depends on how the money is managed. If the compensation is placed in a personal injury trust, your benefits are protected. Without a trust savings above £6,000 may reduce your entitlement, and over £16,000 could stop it completely. Trustpilot If you currently receive state-funded benefits, such as Universal Credit or similar, making a claim for personal injury compensation could impact your benefits entitlement and the amount of benefit payments you receive. Below we'll explain the potential impacts, the thresholds you need to be aware of, and strategies to protect your benefits while still pursuing fair compensation. Understanding the potential impact of a compensation settlement on your benefits is important for making informed decisions about your claim and financial future. The relationship between compensation and benefits is complex and depends on various factors, including the type of benefits you receive and the amount of compensation awarded. Compensation settlements can affect means-tested benefits, which include: Universal Credit Income-based Jobseeker's Allowance Income-related Employment and Support Allowance Income Support Housing Benefit Council Tax Support As of 2023, the key thresholds to be aware of are: £6,000: If your savings (including compensation) exceed this amount, it may affect the amount of benefits you receive. £16,000: If your savings exceed this amount, you may lose entitlement to means-tested benefits altogether. Some benefits are not affected by compensation settlements, including: Personal Independence Payment (PIP) Disability Living Allowance (DLA) Attendance Allowance Child Benefit If you receive a compensation settlement exceeding the £6,000 threshold, you must declare it as savings. However, it's impossible to determine if your benefits claim would be affected until you know how much compensation you'll receive. If your compensation settlement is less than £6,000, it generally won't affect your benefits. For example, a minor whiplash claim settling within 6-8 weeks would typically fall below this threshold. Settlements in this range may reduce your benefit entitlements. The DWP assumes you have an income of £1 per week for every £250 of savings between £6,000 and £16,000. If your settlement exceeds £16,000, you may lose entitlement to means-tested benefits until your savings fall below this threshold. In most cases, anyone injured in a non-fault accident should pursue their legal right to seek compensation regardless of any benefits they receive. If you had a huge settlement of millions, it would mean you could stop it completely. True, but if you currently receive state-funded benefits, such as Universal Credit or similar, making a claim for personal injury compensation could impact your benefits entitlement and the amount of benefit payments you receive. Below we'll explain the potential impacts, the thresholds you need to be aware of, and strategies to protect your benefits while still pursuing fair compensation. Understanding the potential impact of a compensation settlement on your benefits is important for making informed decisions about your finances and your future. If you would like to find out a little more about how you could claim compensation after an accident and not lose your benefits entitlement, just drop us a line on 01225 432085, or if you prefer, We've been helping claimants win compensation for over 28 years. We're happy to discuss your circumstances in confidence and help you to better understand whether claiming compensation could have any undue effect on your existing benefits claim. Ideally, you should set up the trust as soon as possible, preferably before receiving the settlement. However, you generally have 52 weeks from receipt of the compensation to set up a trust. Yes, funds from the trust can be used for any purpose, but all expenditures must be approved by the trustees. No, the state pension is not a means-tested benefit and won't be affected by compensation payments. Interim payments are treated the same way as final settlements. If they exceed the relevant thresholds, they could affect your benefits unless protected in a trust. Yes, personal injury trusts can be set up for claims involving children, with parents or guardians typically acting as trustees until the child reaches 18. No, you do not have to pay back Personal Independence Payment (PIP) after receiving a compensation settlement. PIP is not a means-tested benefit and is based on your care and mobility needs, not your financial situation. Your compensation settlement should not affect your entitlement to PIP. The Department for Work and Pensions (DWP) cannot directly take your compensation. However, if you receive means-tested benefits, your compensation could affect your entitlement to these benefits if you are not protected for elements of the material in the public domain or where your use is permitted by an applicable exemption or limitation. No warranties are given. The license may give you all of the permissions necessary for your intended use. For example other rights such as publicity, privacy, or moral rights may limit how you use the material. If you have had an accident, injury or a disease for which someone else is to blame, you may have claimed or be thinking about claiming compensation. If you are getting a social security benefit or have had a lump sum payment for certain dust related diseases it may affect the amount of compensation you receive. 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