

How to make a Vaccine Damage Payments claim

Brief overview

In 1979, the UK government set-up the [Vaccine Damage Payment Scheme](#) (Scheme). The Scheme was created in response to the safety scare of the government-recommended [whooping cough \(pertussis\) vaccine](#), distributed in the 1970's. More recently many of claims have been made in relation to the MMR and swine flu vaccines.

This is a statutory payment scheme to help individuals who have suffered injury, or been rendered disabled due to a vaccine. As a statutory scheme, a claim is assessed on a 'no-fault' basis. This means a claimant does not have to establish negligence on the part of the vaccine manufactures.

What is a Vaccine Damage claim

Under the [Vaccine Damages Payments Act 1979 Section 2](#) an individual that has been rendered disabled due to a vaccination could be entitled to a statutory payment.

This is a one-off tax-free payment of £120,000.

The Scheme is operated by the Department of Work & Pensions (DWP).

Who can make a Vaccine Damage Payment claim

You may be eligible to receive this payment if you received a vaccination in the UK, or Isle of Man, and you have suffered:

- a) Mental, and/or
- b) Physical disability

And the resulting disability was caused by vaccinations against ANY of the below diseases:

1. Diphtheria
2. Measles
3. Haemophilus influenzae type B (HIB)
4. Meningitis C
5. Mumps
6. Whooping cough
7. Pneumococcal infection
8. Rubella (German measles)
9. Poliomyelitis
10. Tetanus
11. Tuberculosis
12. Rotavirus
13. Human papillomavirus
14. Influenza, except influenza caused by a pandemic influenza virus
15. Smallpox (prior to 1 August 1971)
16. [H1N1 2009 \(swine flu\) \(prior to 31 August 2010\)](#).

Combined vaccinations also qualify under the Scheme. These include DTP (diphtheria, tetanus and pertussis) or [MMR \(measles, mumps and rubella\)](#).

Note: This Scheme covers individuals who are disabled in utero, as a result of their mother being immunised against one of the above diseases during pregnancy.

[Excluded from the Scheme](#)

The Scheme does not apply to people who have:

- a) received vaccinations as part of the Armed Forces medical services.
- b) received the vaccinations over the age of 18 years old.

Note: There is no upper age limit for vaccinations against polio, rubella, HPV, Meningitis C or swine flu.

[When to make a claim](#)

A claim must be made:

- a) after a child has turned 2 years old, or
- b) 6 years from the date of the vaccination, or
- c) before the person's 21st birthday.

Note: The Scheme is not available to injuries caused to a child under the age of two years old.

[How to make a claim](#)

An injured party, parents of an injured party or solicitor can make a claim by completing the application claim form. This form is available at [Vaccine Damage Payment website](#).

[How it is assessed](#)

A claimant must qualify as 'severe' or '60%' disabled to obtain an award. And, there be evidence that the vaccine caused, or contributed to the onset of a disability.

The disablement will be assessed by a medical adviser of the DWP. Further, the medical adviser will assess, on the balance of probabilities, if the vaccination caused the disability.

The assessment of disability and causation are difficult elements to establish in the claimants favour. Since 2007/2008 to 2017 there have been [759 claims and only 11 awards](#) made.

What can be awarded

The Scheme can award a one-off tax-free payment of £120,000. Payment will be made directly to the claimant, if they can manage their own financial affairs. If not, the payment will be made to trustees. This will usually be a parent or guardian.

A claimant cannot make more than one claim to the Vaccine Damage Payment Scheme.

Effects on other benefits

A payment received from the Vaccine Damage Payment Scheme may affect the following benefits:

1. Income Support
2. Income Support Jobseekers Allowance
3. Working Tax Credit
4. Child Tax Credit
5. Universal Credit
6. Pension Credit
7. Housing Benefit
8. Council Tax Reduction
9. Employment Support Allowance

More information on the possible effects on benefits is available at [Vaccine Damage Payment Scheme](#).

Appeal a decision

If a claimant disagrees with a decision they have a right of appeal to the DWP. This is termed a mandatory reconsideration or reversal.

There is no time limit for requesting a mandatory reversal.

It is possible to make more than one mandatory reversal request to the DWP.

How to appeal

If the decision was made after 27th October 2013, a claimant must write to:

Vaccine Damage Payments Unit
Palatine House
Lancaster Road
Preston
PR1 1HB

What to include in the appeal letter

The letter must include the below:

1. Why you feel the decision is incorrect
2. Include additional evidence to support the claim – this must be new evidence and not included in the previous claim

3. Include the date of the original decision
4. Name and address
5. Date of birth of the individual who was injured
6. National insurance number if applicable to the injured claimant

[Right to a higher appeal](#)

If a claimant disagrees with the mandatory reversal decision, they may appeal to the Social Security and Child Support Tribunal system.

This Tribunal is impartial and independent of the government. Therefore, they operate independently of the DWP.

The case will heard before a panel of one legally qualified professional and two medically qualified professionals.

A claimant can appeal to the Tribunal via [Court Form](#).

If you require assistance with a claim to the Vaccine Damage Payments Scheme or guidance in completing an appeal to the Social Security and Child Support Tribunal we can assist. Please go to the contact page.