

Debate Pack
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Debate on Covid-19 vaccines and the Vaccine Damage Payment Scheme

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1 Background

A debate has been scheduled in Westminster Hall from 4.30-5.30pm on Tuesday 6 September 2022 on 'Covid-19 vaccines and the Vaccine Damage Payment Scheme'. The debate will be opened by Sir Jeremy Wright MP (Conservative).

1.1 What is the vaccine damage payment scheme?

The Vaccine Damage Payment Scheme (VDPS) was established under the [Vaccine Damage Payments Act 1979](#).

It provides a one-off, tax-free, lump sum payment of £120,000, out of public funds. It is accessible to people over the age of 2 years who are (or were, immediately before their death) "severely disabled" as a result of vaccination against specific diseases (see Box 1) or, in certain circumstances, through contact with a person who has been vaccinated against any of those diseases.¹

Successive governments have emphasised that it is not a compensation scheme but is instead intended to "ease the present and future burdens of those suffering from severe vaccine damage, and their families."²

- Details of the scheme are set out by the Government at [Vaccine Damage Payment - GOV.UK \(www.gov.uk\)](#).
- Information is also available at: [Vaccine Damage Payment Scheme | NHSBSA](#)

¹ For example, section 1(3) of the 1979 Act states that the Act applies in cases where a person is "severely disabled" as a result of a vaccination given to the person's mother while pregnant.

² See for example [HL Deb 26 June 2007 c15GC](#)

2 Eligibility

2.1 What vaccines are covered by the vaccine damage payment scheme?

Box 1 lists the diseases, against which people have been vaccinated, that are covered by the VDPS. They are mostly those diseases that are protected against through routine childhood vaccination programmes. There are, however, exceptions. For example, the [Vaccine Damage Payments \(Specified Disease\) Order 2020](#) added Covid-19 to the list of diseases to which the 1979 Act applies.

1 Vaccines covered by the VDPS

- coronavirus (COVID-19)
- diphtheria
- haemophilus influenzae type b (Hib)
- human papillomavirus
- influenza, except for influenza caused by a pandemic influenza virus
- measles
- meningococcal group B (meningitis B)
- meningococcal group C (meningitis C)
- meningococcal group W (meningitis W)
- mumps
- pandemic influenza A (H1N1) 2009 (swine flu) - up to 31 August 2010
- pertussis (whooping cough)
- pneumococcal infection
- poliomyelitis
- rotavirus
- rubella (German measles)
- smallpox - up to 1 August 1971
- tetanus

- tuberculosis (TB)

Source: [Vaccine Damage Payment: Eligibility - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/vaccine-damage-payment-eligibility), not dated [accessed 8 August 2022]

2.2

When and where must the vaccine have been given?

To be eligible for the scheme, the vaccination must have taken place in the UK, or the Isle of Man, and the vaccine must usually have been given to the person before they turned 18 years old, or during an outbreak of a disease.³ There are, however, exceptions to these statements. For example:

- The 1979 Act applies to vaccines given to “serving members of Her Majesty’s forces or members of their families” while abroad, so long as it was provided as part of their armed forces medical treatment.⁴
- Conditions relating to the age or time at which the vaccination was carried out do not apply to the following vaccines:
 - coronavirus (COVID-19)
 - poliomyelitis
 - rubella
 - meningococcal group C
 - human papillomavirus
 - pandemic influenza A (H1N1) 2009 (swine flu)
 - meningococcal group W before your 26th birthday
 - influenza⁵

Time limits also apply to making a claim: a claim can be made any time up to the age of 21 (or, if they have died, the date on which they would have

³ [Vaccine Damage Payments Act 1979 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1979/26/section/2(1)(b)), Section 2(1)(b)

⁴ [The Vaccine Damage Payments Regulations 1979 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukreg/1979/1000/regulation/5), Regulation 5

⁵ [Vaccine Damage Payment: Eligibility - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/vaccine-damage-payment-eligibility), not dated, accessed 8 August 2022

reached 21) or within 6 years of the date the vaccination was given, whichever is later.⁶

2.3

What does ‘severely disabled’ mean?

The Government webpage on the VDPS states that “disablement is worked out as a percentage, and ‘severe disablement’ means at least 60% disabled”.⁷ It adds that this could be “a mental or physical disablement and will be based on medical evidence from the doctors or hospitals involved in your treatment”.⁸

The [Vaccine Damage Payments Regulations 1979](#) provide further detail about what type of evidence a person may need to submit as part of their claim. It indicates that ‘severe disablement’ (at least 60% disabled) is demonstrated through medical evidence from the treating clinician(s) of the applicant. The applicant may also have to undertake a medical examination by a medical practitioner, appointed by the Department of Health and Social Care, for the purposes of determining whether the applicant is severely disabled as a result of vaccination:

Information to be given when making a claim

3. Every person who makes a claim shall furnish such certificates, documents, information and evidence for the purpose of determining the claim as may be required by the Secretary of State.

Obligations of disabled person

4.—(1) Subject to the following provisions of this regulation, every disabled person in respect of whom a claim has been made under section 3 of the Act shall comply with every notice given to him or, where he is not the claimant, to the claimant by the Secretary of State which requires such disabled person to submit himself to a medical examination either by a medical practitioner appointed by the Secretary of State or by **[F2an appeal tribunal]** for the purpose of determining whether he is severely disabled as a result of vaccination against any of the diseases to which the Act applies.

(2) Every notice given under the preceding paragraph shall be given in writing and shall specify the time and place of examination and shall not require the disabled person to submit himself to examination before the expiration of the period of fourteen days beginning with the date of the notice or such shorter period as may be reasonable in the circumstances.⁹

⁶ [Vaccine Damage Payments Act 1979 \(legislation.gov.uk\)](#), Section 1(3)

⁷ [Vaccine Damage Payment: Eligibility - GOV.UK \(www.gov.uk\)](#), not dated, accessed 8 August 2022, see also Section 1(4) of the [Vaccine Damage Payments Act 1979](#) (as amended)

⁸ [Vaccine Damage Payment: Eligibility - GOV.UK \(www.gov.uk\)](#), not dated, accessed 18 January 2022

⁹ Regulations 3 & 4, [Vaccine Damage Payments Regulations 1979](#)

3

Responsibility for the scheme

Until recently, the Department for Work and Pensions (DWP) and the Department of Health and Social Care (DHSC) had joint responsibility for the VDPS. Health Ministers were responsible for the policy intent and legislation relating to the scheme, while DWP Ministers were responsible for the operation and administration of vaccine damage claims, payments and disputes about decisions.¹⁰

In November 2021, full responsibility for the scheme transferred to the DHSC, with the NHS Business Services Authority operating the VDPS from 1 November 2021.¹¹

During oral health questions on 6 December 2021, the Secretary of State for Health and Social Care stated that the VDPS processes were being reviewed which would lead to the modernisation of the VDPS.¹² Further information on the matter was provided in response to a Parliamentary Question:

The NHS Business Services Authority began operating the Vaccine Damage Payment Scheme (VDPS) from 1 November 2021. The NHS Business Services Authority have since focussed on the safe transfer of the scheme and recruiting and training additional staff to undertake the administration of VDPS claims. It will review the Scheme's processes to improve claimants' experiences through increasing personalised engagement, reducing response times and providing general support. The NHS Business Services Authority will also work with the Department on service improvements and further digitalisation, including an online claim form to increase accessibility. This will allow the modernisation of the VDPS and continue to promote confidence in vaccines.¹³

Covid-19 Vaccine Damage Bill

Sir Christopher Chope MP (Conservative) sponsored the [Covid-19 Vaccine Damage Bill](#) – a private members' bill – during both the 2021-22, and 2022-23 sessions. The Bill would “require the Secretary of State to establish an independent review of disablement caused by Covid-19 vaccinations and the adequacy of the compensation offered to persons so disabled; and for connected purposes”.

The start of the [Second Reading of the 2021-22 bill took place in September 2021](#) but was interrupted and not completed before the 2021-2022 session of Parliament prorogued. The Bill therefore made no further progress in the

¹⁰ [PQ 216654](#) [on Vaccination: Compensation], 8 December 2014

¹¹ [Statement UIN HCWS297](#) [on Machinery of Government], 21 September 2021

¹² [HC Deb, 6 December 2021, c70](#)

¹³ [PQ 88622](#) [on Vaccine Damage Payment Scheme], 10 December 2021

2021-22 session. At the time of writing, the Second Reading of the 2022-23 Bill is scheduled for 28 October 2022.

4

Claims

Parliamentary Questions (PQs) have been tabled regarding operation of the VDPS. A recent PQ, for example, asked about the speed at which claims submitted to the VDPS, for all vaccinations, are processed: specifically, Kirsty Blackman (SNP) asked the DHSC “how many and what proportion of claims submitted to the Vaccine Damages Payment Scheme have (a) started processing, (b) been referred for medical assessment and (c) been settled as on 13 July 2022”. The Minister for Vaccines and Public Health, Maggie Throup MP, responded:

As of 13 July 2022, there are 2,249 registered active claims relating to all vaccinations, with all active claims processed in accordance with the criteria of the Scheme. Of these, 167 claims or 7% have been referred for medical assessment, following the award of the contract for medical assessments in March 2022 to increase capacity. As of 13 July 2022, 25 claim decisions or 1% had been communicated to claimants.¹⁴

PQs have also been tabled about the operation of the VDPS in relation to Covid-19 vaccines. Hannah Bardell (SNP) questioned “whether any payments have been made under the Vaccine Damage Payment Scheme relating to covid-19 vaccinations”. The Government responded on the 5 January 2022:

There have not been any Vaccine Damage Payment Scheme (VDPS) payments relating to COVID-19 vaccinations to date.

Claims relating to COVID-19 are taking longer to investigate and process as the related vaccines are new and establishing a relationship between them and their purported side effects takes time. Since taking over the administration of the scheme in November 2021, the NHS Business Services Authority have started processing COVID-19 vaccinations claims and will update claimants on progress. Other VDPS claims continue to be processed as usual.¹⁵

The British Medical Journal (BMJ) has since reported that the first payment to families who have been bereaved, or to people who have been injured, as a result of a Covid-19 vaccine has now been made.¹⁶ The article adds that, while Covid-19 claims have taken longer, in general, the average time taken to process a claim is 6 months “from the date a claimant’s medical records are requested, because of the need to gather records from the claimants’ GPs, medical care providers, local authorities, or other relevant healthcare providers”.¹⁷

¹⁴ [PQ_35968](#) [on Vaccine Damage Payment Scheme], 2 August 2022

¹⁵ [PQ_92985](#) [on Coronavirus: Vaccine Damage Payment Scheme], 5 January 2022

¹⁶ [Covid-19: UK makes first payments to compensate injury or death from vaccines | The BMJ](#), 24 June 2022

¹⁷ [Covid-19: UK makes first payments to compensate injury or death from vaccines | The BMJ](#), 24 June 2022

A PQ answered in August 2022 provides further details about the progress of Covid-19 vaccination related claims:

As of 15 July 2022, NHS Business Services Authority (NHSBSA) had submitted 174 claims relating to the COVID-19 vaccinations containing full medical records to Crawford and Company for assessment. Of these, 11 claims had been fully concluded and claimants had been notified of the outcome.¹⁸

Crawford and Company is a claims management company and provides medical assessment of the claims passed to it by the NHSBSA.

¹⁸ [PQ 38896](#) [on Vaccine Damage Payment Scheme], 19 August 2022

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News items

BMJ

24 June 2022

[Covid-19: UK makes first payments to compensate injury or death from vaccines](#) [BMJ 2022;377:o1565]

BBC News online

23 June 2022

[Vaccine Damage Payment Scheme: The battle for compensation](#)

Times [subscription required]

27 February 2022

[Covid vaccine claims hit £110m but families struggle to prove their cases](#)

6 Parliamentary material

6.1 Debates

10-Minute Rule Bill: Covid-19 Vaccine Damage Payments

HC Deb 29 March 2022 | Vol 711 c725-

Bill [fell awaiting Second Reading]

Commons Adjournment Debate: Vaccine Damage Payments Act 1979

HC Deb 2 March 2022 | Vol 709 c1145-

6.2 PQs

Vaccine Damage Payment Scheme

Asked by: Chope, Sir Christopher

To ask the Secretary of State for Health and Social Care, how many claims for payments under the Vaccine Damage Payment Scheme have been (a) assessed and (b) concluded by the Government contractor Crawford and Company.

Answering member: Maggie Throup | Department: Department of Health and Social Care

As of 15 July 2022, NHS Business Services Authority (NHSBSA) had submitted 174 claims relating to the COVID-19 vaccinations containing full medical records to Crawford and Company for assessment. Of these, 11 claims had been fully concluded and claimants had been notified of the outcome.

NHSBSA and the Department have reviewed the definitions used in correspondence for the Vaccine Damage Payment Scheme (VDPS). To ensure consistency of reporting, from July 2022, VDPS claims will only be classed as 'concluded' once NHSBSA have notified the applicant of the outcome of their claim. Previously, claims had been classed as "concluded" as soon as NHSBSA had received an initial decision from the third-party medical assessor.

HC Deb 19 August 2022 | PQ 38896

[Coronavirus: Vaccination](#)

Asked by: Huq, Dr Rupa

To ask the Secretary of State for Health and Social Care, whether he has a timetable for reviewing the maximum compensation amounts available to people who have suffered severe adverse reactions to covid-19 vaccines.

Answering member: Maggie Throup | Department: Department of Health and Social Care

The Vaccine Damage Payment Scheme (VDPS) provides a one-off, tax-free payment to claimants who have been found on the balance of probabilities to have been harmed by a vaccine for a disease listed in the Vaccine Damage Payment Act 1979. COVID-19 was added to the Vaccine Damage Payment Act in December 2020. The initial payment amount of the VDPS was set at £10,000 in 1979 and this has been revised periodically by Statutory Sum Orders, with the current level set at £120,000 on 12 July 2007. There is currently no formal plan to review the payment amount for the VDPS. However, the VDPS is not a compensation scheme and therefore no compensation payments are being made.

HC Deb 19 July 2022 | PQ 33874

[Coronavirus: Vaccination](#)

Asked by: Holden, Mr Richard

To ask the Secretary of State for Health and Social Care, what recent steps his Department has taken on vaccine damage payment policy in respect of the families of those who died as a result of receiving a covid-19 vaccination.

Answering member: Maggie Throup | Department: Department of Health and Social Care

The Vaccine Damage Payment Scheme (VDPS) provides a one-off tax-free payment, currently £120,000, to individuals whose health was damaged by a vaccine, including COVID-19 vaccines. The VDPS can be applied for on behalf of someone who has died. To be eligible in such cases, the applicant should manage the estate of the deceased, with each case assessed against the legal requirements of the Scheme and considered on its own merits.

The Department and the NHS Business Services Authority are improving the VDPS through a simplified process and greater accessibility for all claimants. This includes the digitisation and modernisation of the claims process,

including the VDPS claim form and more regular communications on the progress of claims.

HC Deb 23 June 2022 | PQ 21310

- [Coronavirus: Immune Thrombocytopenic Purpura](#)

Asked by: Chope, Sir Christopher

To ask the Secretary of State for Health and Social Care, pursuant to the Answer of 21 December 21 to Question 86034 on Coronavirus: Immune Thrombocytopenic Purpura, what steps his department is taking to investigate the 427 suspected cases of major thromboembolic events with concurrent thrombocytopenia; and if the Government will make it its policy to those affected by those suspected cases of the availability of the Vaccine Damage Payment Scheme.

Answering member: Maria Caulfield | Department: Department of Health and Social Care

The Medicines and Healthcare products Regulatory Agency (MHRA) has reviewed each Yellow Card report of suspected events of thrombosis with thrombocytopenia syndrome (TTS). All reports are followed up for further details of the event to allow a robust assessment. Following a scientific assessment of all the available data and a review by the Commission on Human Medicines' COVID-19 Vaccines Benefit Risk Expert Working Group, it was determined that an association between the AstraZeneca COVID-19 vaccine and TTS was likely. As a result, the vaccine product information was updated to make the public and healthcare professionals aware of this adverse event and provide advice on the signs, symptoms and actions to be taken in a TTS event. All suspected reports of TTS continue to be monitored and the MHRA will take further regulatory actions and inform patients and prescribers if new evidence emerges.

All Vaccine Damage Payment Scheme claims are clinically assessed on a case-by-case basis by a third party, seeking further medical expertise as required.

HC Deb 01 March 2022 | PQ 100420

Date tabled: 10 Jan 2022 | Date for answer: 13 Jan 2022 | Date of holding answer: 13 Jan 2022 | Date answered: 01 Mar 2022

- [Vaccine Damage Payment Scheme](#)

Asked by: Bardell, Hannah

To ask the Secretary of State for Health and Social Care, whether the Vaccine Damage Payment Scheme for covid-19 vaccinations will prioritise the processing of claims where the claimant's diagnosed condition has an association acknowledged by inclusion in the Product Information warnings provided by MHRA.

Answering member: Maria Caulfield | Department: Department of Health and Social Care

All claims submitted to the Vaccine Damage Payment Scheme are clinically assessed on a case-by-case basis once all the claimant's medical records are gathered. The NHS Business Services Authority, who administer the scheme, have established a team of caseworkers to ensure all claims are processed as quickly as possible.

HC Deb 23 February 2022 | PQ 125317

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