

# Industrial Injuries Disablement Benefit – information for deaf and hard of hearing people

## About this factsheet

This factsheet is part of RNID's **benefits** range. It is written for deaf and hard of hearing people. We use the term deaf people to refer to deaf, deafened and hard of hearing people throughout this factsheet.

Most of the information in this factsheet will apply to you wherever you live in the UK. However, if you live in Northern Ireland, we advise you to call the Benefit Enquiry Line for Northern Ireland for further advice. You can also contact RNID Northern Ireland. If you live in Scotland or Wales you may also wish to contact RNID Cymru or RNID Scotland for more local advice. For contact details, see *Further information* later in this factsheet.

This factsheet covers:

- What Industrial Injuries Disablement Benefit is and who qualifies for it.
- Occupational deafness.
- Deafness caused by industrial accidents.
- The Analogous Industrial Injuries Scheme (AIIS).
- How to make a claim for Industrial Injuries Disablement Benefit and how to appeal if your claim is turned down.
- Claiming compensation.
- How much Industrial Injuries Disablement Benefit you could receive.
- Additional allowances you may be entitled to and how they are affected by Industrial Injuries Disablement Benefit.

At the end of this factsheet we give you details of organisations you can contact for further information.

If you would like this factsheet on audio tape, in braille or in large print, fill in the *Want to know more?* form at the end of this factsheet and send it to RNID.

## **What is Industrial Injuries Disablement Benefit?**

- Industrial Injuries Disablement Benefit compensates people who have become disabled as a result of an industrial disease or accident at work.
- It is non-contributory, which means that it doesn't matter how much National Insurance contributions you have paid.
- The benefit is not means-tested, which means that you can claim for it regardless of any income or savings you have.
- You can claim it even if you are still working.

## **Can I qualify for Industrial Injuries Disablement Benefit?**

You can qualify for Industrial Injuries Disablement Benefit if you became deaf because you were exposed to noise at work over a period of time. This is called *occupational deafness*. At the end of this factsheet is an *Appendix* which gives 'listed occupations'. Check this to see if your job is included.

You can also qualify for Industrial Injuries Disablement Benefit if your deafness was caused by an accident at work.

## **How can I qualify for it?**

To qualify for Industrial Injuries Disablement Benefit, you must satisfy the following conditions:

- You were an employed earner, and either
- You have a **prescribed industrial disease** (see the *Appendix*), or
- You have suffered a personal injury in an industrial accident, and consequently you suffer from a loss of faculty, as a result of which you are disabled, and
- You make a claim within the relevant time limit.

## **Occupational deafness**

‘Occupational deafness’ means deafness caused by exposure to noise in a listed occupation. It is classified as a *prescribed industrial disease*. You qualify for Industrial Injuries Disablement Benefit under the rules for occupational deafness if:

- The degree of your disablement from hearing loss is at least 20%, and
- You have worked in a listed occupation for at least 10 years, and
- You were working in a listed occupation no more than five years before your claim.

Your deafness can only count as a prescribed industrial disease if it was caused by exposure to noise while you were working in a **listed** occupation (see *Appendix*). If your deafness is because of prolonged exposure in a job that is not on the list, it will **not** be treated as a prescribed disease.

### **How is occupational deafness measured?**

Occupational deafness is defined as ‘sensorineural hearing loss amounting to at least 50 dB in each ear, being the average of hearing losses at 1, 2 and 3 kHz frequencies and being due in the case of at least one ear to occupational noise’. Sound is measured in decibels (dB).

This means that noise at work must have caused your hearing loss in at least one ear. Your overall assessment will be based on hearing loss from *all* causes – including the effects of ageing – which must be at least 50 decibels in each ear. The level of your hearing loss will be assessed by a hearing test.

This table shows how your level of hearing loss (expressed in decibels (dB)) is converted into a disablement percentage.

1, 2, 3 kHz average	Pure tone hearing loss	Worse ear								
		50-53	54-60	61-66	67-72	73-79	80-86	87-95	96-105	106+
Better ear	50-53	20	22	24	26	28	30	32	34	36
	54-60	22	30	32	34	36	38	40	42	44
	61-66	24	32	40	42	44	46	48	50	52
	67-72	26	34	42	50	52	54	56	58	60
	73-79	28	36	44	52	60	62	64	66	68
	80-86	30	38	46	54	62	70	72	74	76
	87-95	32	40	48	56	64	72	80	82	84
	96-105	34	42	50	58	66	74	82	90	92
	106+	36	44	52	60	68	76	84	92	100

### How do I work out my disablement percentage?

The numbers in the grey area are the disablement percentages. To read the chart, you need to know your hearing loss in your worse ear and

your better ear and then you can find out your disablement percentage. For example, if you have a hearing loss of between 80-86 dB in your worse ear, and your better ear has a hearing loss of between 54-60 dB, then your disablement percentage would be 38%.

## **Industrial accidents**

The qualifying conditions are different from the rules for occupational deafness if your deafness was caused by an accident at work. You can qualify under the rules for industrial accidents if:

- Your hearing loss was caused by an accident sustained 'out of and in the course of your employment', and
- The degree of your disablement is at least 14%, and
- 15 weeks have passed since the date of the accident.

Unlike occupational deafness, you don't need to have worked in a specified occupation to qualify under the rules for industrial accidents. A sudden acoustic shock – for example, an explosion or a head injury which affects your hearing, can count as an industrial accident. You must report the accident to your employer as soon as possible. Tell your employer about it even if you are not sure whether the accident will result in permanent damage to your hearing.

The following table is part of the guidance for how deafness in cases of industrial accidents should be assessed.

<b>Degree of hearing attained</b>	<b>For both ears used together (%)</b>
Shout not beyond 1 metre	80
Conversational voice not over 30 cms	60
Conversational voice not over 1 metre	40
Conversational voice not over 2 metres	20
Conversational voice not over 3 metres	
<ul style="list-style-type: none"> <li>• with one ear totally deaf</li> <li>• otherwise</li> </ul>	<p>20</p> <p>less than 20</p>

## **The Analogous Industrial Injuries Scheme**

If your deafness was caused by an accident or exposure to noise while you were taking part in a Government funded course, such as work-based training for adults, you can claim Industrial Injuries Disablement Benefit through the Analogous Industrial Injuries Scheme. To find out more about the scheme, contact the Department for Education and Skills (DfES). See *Further information* later in this factsheet for contact details.

## **How can I make a claim for Industrial Injuries Disablement Benefit?**

### **Where can I get a claim form?**

- You can download the claim forms and leaflets we mention in the following sections from [www.dwp.gov.uk](http://www.dwp.gov.uk)
- You can also get copies from the Benefit Enquiry Line, your local Jobcentre Plus, or Social Security office for these publications.

### **Occupational deafness**

- If you are claiming Industrial Injuries Disablement Benefit for occupational deafness, you should get form BI100-OD *Industrial Injuries Disablement Benefit for occupational deafness*.
- You must claim within five years of the date you last worked in a listed occupation. Claims for occupational deafness cannot be backdated under any circumstances.
- If your claim for occupational deafness is refused on disablement grounds, you can't make another claim for a further three years. However, if waiting three years takes you outside the five-year time limit, then you can re-claim earlier.

### **Industrial accident**

- If you are claiming Industrial Injuries Disablement Benefit because of an industrial accident, you should get form BI100A *Industrial Injuries Disablement Benefit for an accident at work*.
- Your claim can be automatically backdated one month. However, the earliest date from which you can be awarded Industrial Injuries Disablement Benefit is 15 weeks after your accident.

## **How do I challenge the decision on my claim?**

- If you are not happy with the decision on your claim, you have one month to ask for an explanation, or apply for a 'revision' or 'appeal'. This one month period after the decision is called the 'dispute period'.
- If you ask for a written statement of reasons, the dispute period is extended by a further two weeks.
- If you ask for a revision within the dispute period, Jobcentre Plus will look at your case again and give you another decision. If there are special reasons which made it difficult for you to apply for a revision in time, a late application can be accepted within 13 months.
- If you are outside the one-month dispute period, you can apply for a 'supersession' on limited grounds – for example, if you can provide new evidence. Jobcentre Plus calls both revisions and supersessions 'reconsiderations'.
- Following a decision on revision, or a superseded decision, you have a further month in which to appeal, or you can appeal straight after your initial decision without having to go through the revision process.
- An independent tribunal will hear your appeal. You stand a better chance of winning your appeal if you opt for an oral hearing and take a representative with you. An oral hearing is when the people involved in the case go to the tribunal and get the chance to ask questions and give information.
- If you want more details about the dispute process, you should get the leaflet GL24 *If you think our decision is wrong*.

## **How can I claim compensation?**

Whether you claim Industrial Injuries Disablement Benefit or not, you could also claim compensation for hearing loss caused by your job



through the civil courts. You must claim within three years of your industrial accident or when your occupational deafness first occurs.

The compensation you receive may be reduced if you have been receiving Industrial Injuries Disablement Benefit – see leaflet GL27 *Compensation and social security benefits*.

If you want to find out more about the process of claiming compensation, have a look at our factsheet *Making a personal injury claim or medical negligence claim if you have tinnitus*.

## **How much Industrial Injuries Disablement Benefit could I get?**

The amount of benefit you get depends on the extent of your disablement. The following table indicates the weekly amount of benefit you *may* receive, in relation to your age.

Lower percentages are rounded to the nearest multiple of 10% for the purposes of payment. For example, an assessment of 24% is rounded down to 20%; an assessment of 25% is rounded up to 30%, and so on. An assessment of 14%, in industrial accident cases, is rounded up to 20%.

## Weekly rates of Industrial Injuries Disablement Benefit

These rates only apply from 1 April 2003 to 31 March 2004.

Degree of disablement (%)	Amount if you are under 18 (£)	Amount if you are over 18 (£)
100	71.55	116.80
90	64.40	105.12
80	57.24	93.44
70	50.09	81.76
60	42.93	70.08
50	35.78	58.40
40	28.62	46.72
30	21.47	35.04
20	14.31	23.36

### Additional allowances

If you are awarded Industrial Injuries Disablement Benefit, you may also qualify for the following additional allowances:

- Constant Attendance Allowance.
- Exceptionally Severe Disablement Allowance.
- Reduced Earnings Allowance.
- Retirement Allowance.

### Constant Attendance Allowance

- You may qualify for Constant Attendance Allowance if your disablement percentage is 100%, and you need someone to look after you constantly because of your hearing loss.
- Constant Attendance Allowance is paid at the following weekly rates:
  - Part-time – £23.40.
  - Normal maximum – £46.80.

- Intermediate – £70.20.
- Exceptionally severe – £93.60.

### **Exceptionally Severe Disablement Allowance**

- You may qualify for Exceptionally Severe Disablement Allowance if you are entitled to Constant Attendance Allowance at one of the two higher rates (intermediate and exceptionally severe), and you are likely to qualify to claim for Constant Attendance Allowance at these rates permanently.
- If you qualify for Exceptionally Severe Disablement Allowance you will get £46.80 a week.

### **Reduced Earnings Allowance**

- You only qualify for Reduced Earnings Allowance if your industrial accident or the start of your occupational deafness happened before 1 October 1990.
- As a result of your hearing loss, you must be unable to do your normal job or an equivalent job.
- You must also be under pension age, or still in regular employment.
- The rate of Reduced Earnings Allowance you receive will depend on whether your current earnings or potential earnings are less than you received in your old job.
- The maximum Reduced Earnings Allowance payable is £46.72 a week.

### **Retirement Allowance**

- If you are over pension age, you have given up a regular job and you are no longer getting Reduced Earnings Allowance, then you may be able to get Retirement Allowance. This is basically a reduced rate of Reduced Earnings Allowance.

- The maximum amount payable is £11.68 a week.

For more details about these extra allowances, see the leaflet SD7 *Disabled because of an accident at work?* For current rates, see the leaflet GL23 *Social security benefit rates*.

## **How does Industrial Injuries Disablement Benefit affect other benefits?**

- Benefits for industrial injuries may affect other benefits you receive.
- You can get Industrial Injuries Disablement Benefit, Reduced Earnings Allowance, and Retirement Allowance in addition to other non-means tested benefits, except War Disablement Pension.
- Industrial Injuries Disablement Benefit, Reduced Earnings Allowance, and Retirement Allowance are taken into account as income for means-tested benefits, such as Income Support and Housing Benefit.
- Constant Attendance Allowance and Exceptionally Severe Disablement Allowance are ignored as income for means-tested benefits.
- Constant Attendance Allowance can affect the amount of Disability Living Allowance (DLA) you receive.

## **Further information**

- If you have an enquiry about benefits you should first contact the **Benefit Enquiry Line**.
- If you need help filling in a form or want to speak to someone in person, contact the **Benefit Enquiry Line** or your local **CAB**. Alternatively, contact your local **Jobcentre Plus** or **Social Security** office. They may be able to arrange for a visiting officer to come and see you in your own home.

- If you still need further help after contacting these organisations please contact the **RNID Information Line** or your **RNID** office in **Northern Ireland, Scotland or Wales**.
- If you are a benefits adviser please contact the **RNID Casework Service**.

### **Benefit Enquiry Line (BEL)**

BEL is a free advice line run by the Department for Work and Pensions.

Tel: 0800 882200. Textphone 0800 243355.

(Monday-Friday, 8.30am-6.30pm. Saturday, 9am-1pm.)

Northern Ireland: Tel: 0800 220674. Textphone: 0800 243787.

(Monday-Friday, 9am-5pm.)

Form filling service helpline: 0800 44 11 44.

### **Citizens Advice Bureau (CAB)**

Your local CAB will give free advice. See your phonebook for your nearest CAB or you can do an online search at [www.nacab.org.uk](http://www.nacab.org.uk)

### **Department for Education and Skills (DfES)**

Contact the DfES for information about the Analogous Industrial Injuries Scheme.

Department for Education and Skills, Analogous Industrial Injuries Scheme, Room N3, Moorfoot, Sheffield S1 4PQ.

Tel: 0800 590395. (Monday-Friday, 10am-4pm.) Fax: 0114 2593544.

E-mail: [aiis.sheffield@dfes.gsi.gov.uk](mailto:aiis.sheffield@dfes.gsi.gov.uk) Website: [www.dfes.gov.uk](http://www.dfes.gov.uk)

### **Department for Work and Pensions (DWP)**

The DWP's Public Enquiry Office can direct you to the most relevant department for your query.

Department for Work and Pensions Correspondence Unit, Room 540,  
The Adelphi, 1-11 John Adam Street, London WC2N 6HT.

Tel: 0207 712 2171. (9am-5pm Monday-Friday). Fax: 0207 712 2386.

Website: [www.dwp.gov.uk](http://www.dwp.gov.uk)

### **Disability Alliance**

The Disability Alliance produces a range of information about benefits.

Disability Alliance, Universal House, 88-94 Wentworth Street,  
London E1 7SA.

Advice line tel: 0207 247 8763. (Monday and Wednesday 2pm-4pm.)

Tel: 020 7247 8776. Textphone: 020 7247 8776. Fax: 020 7247 8765.

E-mail: [office.da@dial.pipex.com](mailto:office.da@dial.pipex.com) Website: [www.disabilityalliance.org](http://www.disabilityalliance.org)

### **Law centres**

The Law Centres Federation can give you the details of your local law  
centre. Law centres provide free advice and representation.

Law Centres Federation, 18-19 Warren Street, London W1P 5DB.

Tel: 020 7387 8570. Fax: 020 7387 8368.

E-mail: [info@lawcentres.org.uk](mailto:info@lawcentres.org.uk) Website: [www.lawcentres.org.uk](http://www.lawcentres.org.uk)

### **Social Security Agency for Northern Ireland**

If you live in Northern Ireland you may find it useful to look at the Social  
Security Agency's Agency for Northern Ireland's website

[www.ssani.gov.uk](http://www.ssani.gov.uk) which gives you information about benefits.

### **Welfare rights advice centres**

See your phonebook for details of your local welfare rights advice  
centre.

## **Further information from RNID**

The RNID Information Line offers a wide range of information on many aspects of deafness and hearing loss. You can contact us for further copies of this factsheet and the full range of our information factsheets and leaflets. Alternatively, fill in the *Want to know more?* order form at the end of this factsheet and return it to RNID.

### **RNID Information Line**

RNID Information Line, 19-23 Featherstone Street, London EC1Y 8SL.  
Tel: 0808 808 0123. Textphone: 0808 808 9000. Fax: 020 7296 8199.  
E-mail: [informationline@rnid.org.uk](mailto:informationline@rnid.org.uk) Website: [www.rnid.org.uk](http://www.rnid.org.uk)

### **RNID offices in Northern Ireland, Scotland and Wales**

We have offices throughout the UK. For more local advice if you live in Northern Ireland, Scotland or Wales contact:

#### **RNID Northern Ireland**

RNID Northern Ireland, Wilton House, 5 College Square North,  
Belfast BT1 6AR.  
Tel: 028 9023 9619. Textphone: 028 9031 2033. Fax: 028 9031 2032.  
E-mail: [maria.king@rnid.org.uk](mailto:maria.king@rnid.org.uk)

#### **RNID Scotland**

RNID Scotland, Crowngate Business Centre, Brook Street,  
Glasgow G40 3AP.  
Tel: 0141 554 0053. Textphone: 0141 550 5750. Fax: 0141 554 5837.  
E-mail: [rnidscotland@rnid.org.uk](mailto:rnidscotland@rnid.org.uk)

#### **RNID Cymru**

RNID Cymru, Tudor House, 16 Cathedral Road, Cardiff CF11 9LJ.  
Tel: 029 2033 3034. Textphone: 029 2033 3036. Fax: 029 2033 3035.

E-mail: [rnidcymru@rnid.org.uk](mailto:rnidcymru@rnid.org.uk)

### **RNID Casework Service**

If you are a benefits adviser please contact the RNID Casework Service. RNID Casework Service, 19-23 Featherstone Street, London EC1Y 8SL. Telephone: 0808 808 0123. Textphone: 0808 808 9000.

Fax: 020 7296 8199.

E-mail: [caseworkteam@rnid.org.uk](mailto:caseworkteam@rnid.org.uk)

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### **Appendix**

#### **Occupational deafness – listed occupations**

*Any occupation involving:*

- (a) the use of powered (but not hand powered) grinding tools on metal (other than sheet metal or plate metal) in the metal producing industry, or work wholly or mainly in the immediate vicinity of those tools whilst they are being so used; or



- (b) the use of pneumatic percussive tools on metal, or work wholly or mainly in the immediate vicinity of those tools whilst they are being so used; or
- (c) the use of pneumatic percussive tools for drilling rock in quarries or underground or in mining coal or in sinking shafts or for tunnelling in civil engineering works, or work wholly or mainly in the immediate vicinity of those tools whilst they are being so used; or
- (ca) the use of pneumatic percussive tools on stone in quarry works, or work wholly or mainly in the immediate vicinity of those tools whilst they are being so used; or
- (d) work wholly or mainly in the immediate vicinity of plant (excluding power press plant) engaged in the forging (including drop stamping) of metal by means of closed or open dies or drop hammers; or
- (e) work in textile manufacturing where the work is undertaken wholly or mainly in rooms or sheds in which there are machines engaged in weaving man-made or natural (including mineral) fibres or in the high-speed false twisting of fibres; or
- (f) the use of, or work wholly or mainly in the immediate vicinity of, machines engaged in cutting, shaping or cleaning metal nails; or
- (g) the use of, or work wholly or mainly in the immediate vicinity of, plasma spray guns engaged in the deposition of metal; or
- (h) the use of, or work wholly or mainly in the immediate vicinity of, any of the following machines engaged in the working of wood or material composed partly of wood, that is to say: multi-cutter moulding machines, planing machines, automatic or semi-automatic lathes, multiple cross-cut machines, automatic shaping machines, double-end tenoning machines, vertical spindle moulding machines (including high-speed routing machines), edge banding machines, bandsawing machines with a

blade width of not less than 75 millimetres and circular sawing machines in the operation of which the blade is moved towards the material being cut; or

- (i) the use of chain saws in forestry; or
- (j) air arc gouging or work wholly or mainly in the immediate vicinity of air arc gouging; or
- (k) the use of band saws, circular saws or cutting discs for cutting metal in the metal founding or forging industries, or work wholly or mainly in the immediate vicinity of those tools whilst they are being so used; or
- (l) the use of circular saws for cutting products in the manufacture of steel, or work wholly or mainly in the immediate vicinity of those tools whilst they are being so used; or
- (m) the use of burners or torches for cutting or dressing steel based products, or work wholly or mainly in the immediate vicinity of those tools whilst they are being so used; or
- (n) work wholly or mainly in the immediate vicinity of skid transfer banks; or
- (o) work wholly or mainly in the immediate vicinity of knock out and shake out grids in foundries; or
- (p) mechanical bobbin cleaning or work wholly or mainly in the immediate vicinity of mechanical bobbin cleaning; or
- (q) the use of, work wholly or mainly in the immediate vicinity of, vibrating metal moulding boxes in the concrete products industry; or
- (r) the use of, or work wholly or mainly in the immediate vicinity of, high pressure jets of water or a mixture of water and abrasive material in the water jetting industry (including work under water); or
- (s) work in ships' engine rooms; or

- (t) the use of circular saws for cutting concrete masonry blocks during manufacture, or work wholly or mainly in the immediate vicinity of those tools whilst they are being so used; or
- (u) burning stone in quarries by jet channelling processes, or work wholly or mainly in the immediate vicinity of such processes; or
- (v) work on gas turbines in connection with
  - (i) performance testing on test bed;
  - (ii) installation testing of replacement engines in aircraft;
  - (iii) acceptance testing of Armed Service fixed wing combat planes; or
- (w) the use of, or work wholly or mainly in the immediate vicinity of
  - (i) machines for automatic moulding, automatic blow moulding or automatic glass pressing and forming machines used in the manufacture of glass containers or hollow ware;
  - (ii) spinning machines using compressed air to produce glass wool or mineral wool;
  - (iii) continuous glass toughening furnaces.

*Schedule 1, Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985. Amended 1988, 1989, 1994, 1996.*

## **RNID Information, April 2003**

## Want to know more?

This factsheet is available in **audio tape**, **braille** and **large print**. We can also send you more information on many of the subjects covered in this factsheet. Just tick the boxes below, tell us what you particularly need to know about, or see our website at **[www.rnid.org.uk](http://www.rnid.org.uk)**

### Please send me:

***Industrial Injuries Disablement Benefit – information for deaf and hard of hearing people***  audio tape  braille  large print

The RNID *Publications Catalogue*.

Information about RNID Typetalk and BT TextDirect.

Details of RNID communication services in my area.

RNID's fundraising leaflet. RNID relies heavily on donations from, individuals, companies, trusts and fundraising events. Our leaflet shows how *you* can help.

Details on supporting RNID's future work with a legacy.

Information on how to take part in RNID campaigns.

A copy of the RNID Sound Advantage *Solutions* catalogue, giving details of equipment for deaf and hard of hearing people.

Other information – please tell us what you would like to know.

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We are always keen to know what our customers think about our publications. If you have any suggestions for ways we could improve this factsheet you can use the space below. Please send your suggestions to the address overleaf.

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Please send this information to: (Please write clearly using block capitals)

**Title (Mr/Mrs/Ms/Miss) First Name** \_\_\_\_\_

**Surname** \_\_\_\_\_

**Address** \_\_\_\_\_

**Postcode** \_\_\_\_\_ **E-mail** \_\_\_\_\_

**Telephone** \_\_\_\_\_ **Textphone** \_\_\_\_\_

Your contact details will be held on our database so that occasionally we can send you information on our work. Please tick this box if you do not wish your details to be kept on the database.

We will use any information you give below to monitor requests for this factsheet and help us tailor our services to your needs. You do not have to give this information, but if you do, please tick this box to confirm we may keep it on our database.

**Tick all boxes that apply**

**Is the information:**

- For you
- For a friend or family member
- A professional enquiry

**Are you?**

- At school or below school age
- A student
- Working age
- Retired

**How would you describe yourself?**

- Profoundly/severely deaf
- Hard of hearing
- Hearing
- Hearing aid user
- I have tinnitus
- I have balance problems

**If we could provide it, would you like to receive information in a different format? Please use number 1, 2 or 3 to show your preferred choice.**

- Videotape in British Sign Language (BSL) and with subtitles
- E-mail
- Face-to-face

**If we could provide it, would you like information in another language?**

- Yes. Please tell us which one.

**Please return this form to: RNID Information Line, 19-23 Featherstone Street, London EC1Y 8SL or order from our website at [www.rnid.org.uk](http://www.rnid.org.uk)**