

## Claim assessment

# Meaning of 'loss of faculty', 'disablement' and 'incapacity'

These terms are not defined in the Social Security legislation but from decisions of the UK Courts and the Social Security Commissioner they have been interpreted as follows:

### Loss of faculty

This is best described as any loss of power or function of an organ or part of the body which is a cause of inability to do things. A loss of faculty may be physical or mental.

Any reference to loss of faculty is taken as including reference to disfigurement whether or not accompanied by any actual loss of physical faculty.

### Disablement

Any restriction or lack (resulting from an impairment) of ability to perform an activity in the manner or within a range considered normal for a human being

Sum of disabilities by comparison with a normal person is then expressed as a percentage.

### Incapacity

Inability to do things or to do them equally well as a person of the same age and sex whose physical condition is normal, which arises from a loss of faculty.

The Commissioner has said that the availability of artificial aids should be taken into account in deciding whether and for how long a loss of faculty would result in incapacity. This is usually where spectacles are prescribed for the correction of errors of refraction and, as far as their use can be tolerated, contact lenses. A successful joint replacement would normally be taken into account in the assessment of incapacity.

The inconvenience of having to use spectacles or a hearing aid may itself be regarded as an incapacity, but the wilful refusal to use a suitable and available aid to mitigate a loss of faculty must not lead to a higher assessment than that given to a person who reasonably agrees to make use of such an aid.

The overall effect of the relevant incapacity, i.e. the overall inability to perform the normal activities of life - the loss of health, strength and power to enjoy a normal life.