

# Welcome

The coronavirus situation has certainly changed the way that most organisations currently must operate. Asbestos Action is no exception.

As a charity our number one aim is to ensure that sufferers of asbestos related illness receive the maximum emotional and practical support that we can offer.

**Social isolation and financial hardship** are major challenges that sufferers of asbestos disease tend to be faced with and our ongoing home visits and benefit advice service is designed to alleviate this.

The coronavirus pandemic has meant that we have had to keep in touch with our cancer sufferers and their families by telephone rather than personal visits. We encourage them to contact us as soon as a situation arises rather than wait for us to call them and quite a few have done so. We are happy to take calls at any time. We want you to keep being you and not allow this dreadful disease to dominate us.

The legal representatives that the charity deals with have also been brilliant in doing what they can to make achieving justice for victims as simple and straight forward

for their client as they can. The complexities of these cases and the sometimes intransigence of defenders are, in the main, kept out of sight of those whose health has been damaged through no fault of their own.

Once again, we must give a big vote of thanks to the amazing work of the respiratory consultants and cancer nurse specialists in the NHS. Unbelievable! We have always held them in the highest regard but now that has gone off the scale.

So many events have had to be cancelled and our annual conference has been but one of these. Hopefully, we will be able to announce a new date later this year with the V&A Dundee once again the venue.

We were disappointed that a meeting with the Dundee Community Respiratory Nurses also had to be cancelled as I think both sides would have gained something.

Best wishes to everyone and stay safe.



*John Fearn, Manager*

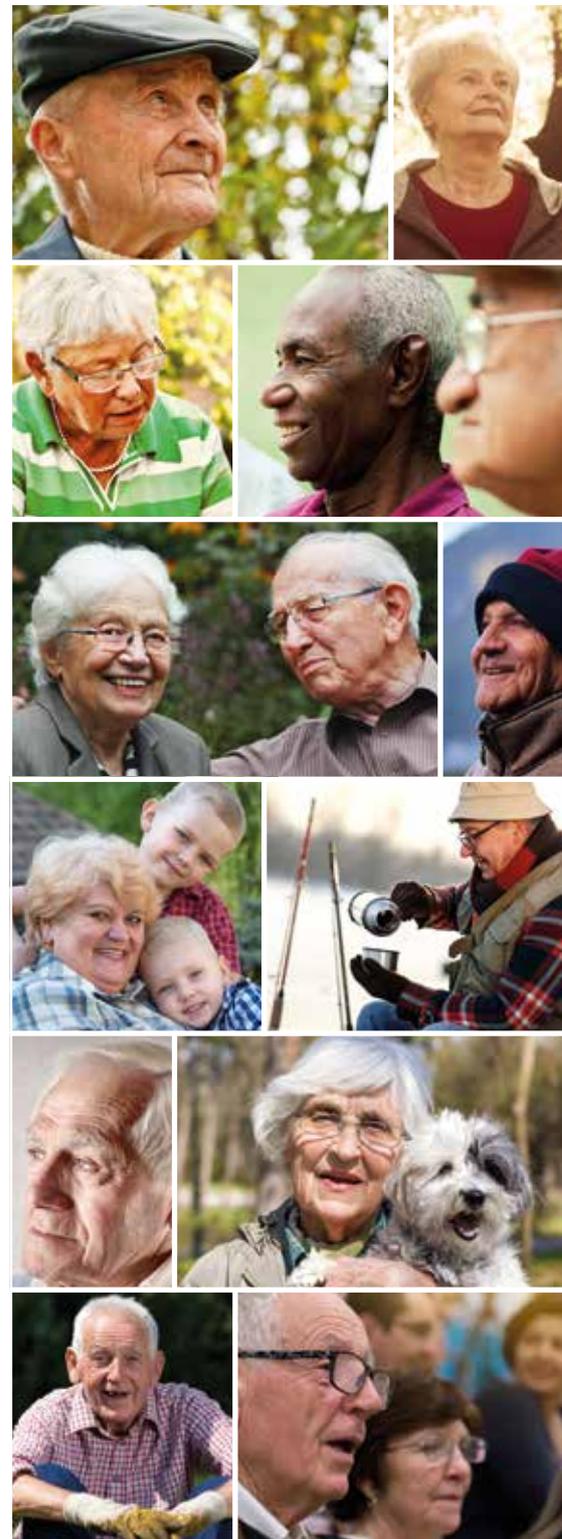


**Asbestos**ACTION

# News

Helping, supporting, advising -  
to keep you informed

SUMMER 2020



## Our Commitment to You

We have now produced a concise charter of our commitment to sufferers of asbestos related mesothelioma and lung cancer.

The charity has always been proud of its support to the NHS by supplying a service to asbestos sufferers that is not currently available by any other means.

From our initial contact with a newly diagnosed cancer sufferer through to our ongoing emotional and practical support we provide a commitment that covers all aspects of easing financial hardship and social isolation. These are two of the greatest challenges that sufferers and their families face at an exceedingly difficult time in their lives.

# LEGAL UPDATE



## COVID-19: Scottish courts show willingness to progress asbestos disease cases

As the threat of COVID-19 continues to impact on us all, these are extraordinary and dangerous times, particularly for those affected by asbestos related conditions. The effects of Covid-19 could be more severe for those with a pre-existing asbestos related lung condition. This could have a bearing on any potential legal claim. If you, or anyone you know is affected, please contact us for legal advice.

At first the COVID-19 crisis brought personal injury cases in the Scotland's courts to a grinding halt. Hearings of evidence were cancelled and cases were put on hold. New court actions could not be commenced. This presented particular difficulty for many of our clients, classed as vulnerable individuals due to age or underlying respiratory conditions and who have been adhering strictly to the Government's shielding requirements. This was of great concern to the Industrial Disease Team at Digby Brown.. Having cases raised and resolved as quickly as possible is of critical importance, to reduce anxiety at this worrying time, avoid evidence being lost and to preserve entitlement to certain damages.

However, in recent weeks the courts have listened to our concerns. We are now able to commence new court actions on behalf of our asbestos disease clients. Hearings with Judges are taking place by telephone, video-link or other remote means. Despite opposition from some insurers' solicitors, we have persuaded the court to bring the dates of hearings in some serious cases forward by several months. We argued that not doing so would likely result in serious and permanent prejudice to these clients.

In one case for an Asbestos Action member diagnosed with mesothelioma, the insurer's solicitor expressed confidence that the court hearing scheduled for 12th May could not possibly take place and would require to be postponed, and showed no inclination to agree uncontroversial evidence or engage in constructive settlement discussions. Their position rapidly changed when it became apparent the court agreed with our concerns and was willing to make special arrangements to hear the case. This resulted in settlement of

the case for a sum in excess of **£300,000** a few days before the hearing was due to take place!

Resources permitting, the courts are starting to demonstrate a commendable willingness to embrace technology to ensure access to justice for those with asbestos related diseases is not affected by the pandemic. By taking a proactive approach, and working with the courts, we have been able to protect the interests of our clients during these very challenging times.

We know these are worrying times, and we know that many people will be feeling anxious about the future. Our specialist solicitors are here to help, to answer any questions we can and to offer reassurance. If you have any questions, please contact **Asbestos Action** on **0808 1961861** and where appropriate, they will pass you on directly to one of our specialist team who will contact you without delay.



*Fraser Simpson, Partner  
Digby Brown*

## Beware of scams

Unfortunately, some people are taking advantage of this unusual time to carry out scams.

Here are some of the scams we are aware of:

- People offering miracle cures or vaccines – there is no vaccine or cure currently available
- Home cleaning services
- People offering 'home-testing' kits for coronavirus – this is a scam as these are only offered by NHS
- Emails saying that you can get a refund on taxes, utilities or similar are usually bogus and are just after your personal and bank details
- Lots of fake products available to buy online that say they can protect you against coronavirus - these will not help
- Fake calls from people claiming to be from the police or your bank - please note your bank or the police will never ask for your bank details over the phone
- People offering to do your shopping or collect medication and asking for money upfront and then disappearing.

Be cautious and listen to your instincts, don't assume everyone is genuine. Don't be afraid to hang up, bin it, delete it or shut the door.

To report a scam call **Action Fraud** on **0300 123 2040**.

## The UK asbestos forum



The UK Asbestos Forum of which the charity is a member has continued to campaign on behalf of asbestos victims over the coronavirus period.

Meetings have been held on Zoom and campaigning has been achieved through a variety of methods.

One of the main issues of concern was the possibility of a trade deal with the United States which would have meant a repeal of the asbestos ban. We have been told that this will not be the case, which is reassuring – at least for the moment.

## If your condition changes

Please remember to contact us if your asbestos related condition changes. Once someone is diagnosed with pleural plaques, and contacts us, we turn to our legal colleagues as a civil remedy is the only option open for justice to be obtained.

However, if a few years later perhaps pleural thickening or asbestosis is confirmed then we can assist further through pursuing an Industrial Injury Claim with the DWP and our legal partners will be happy to advise on whether anything further can be done on the Civil Claim side.

## Our 'new man'



Our latest recruit Pete Yeaman joined us a little while ago and some of you may have spoken to him already.

Pete is a sufferer with pleural plaques so he knows exactly what it is like to have an asbestos condition and the worry that this can cause.

He is a well-known figure in Dundee due to his sporting achievements in his younger days and his work as a director with painting and decorating firm PT Roberts.

Pete will be dealing with cases such as pleural plaques, asbestosis and pleural thickening.

## Macmillan Welfare

A big thank you to the Macmillan welfare teams throughout our area of operations. They have been incredibly supportive of us.

East Lothian in particular, during the coronavirus pandemic, were extremely helpful and were really appreciated by our sufferers.



# How you can help - donations:

## How to donate

- Complete the **form below** and send cheque to "Asbestos Action"
- JustGiving - [www.justgiving.com](http://www.justgiving.com)
- **Standing order** (contact us for information)

### Your details

NAME:

ADDRESS:

POSTCODE:

TELEPHONE:

EMAIL:

### Donation amount - I wish to donate (please tick):

£10     £20     £30

OTHER £:

**GIFT AID – important** (please tick):

#### Boost your donation by 25p for every £1 you donate

I want to Gift Aid my donation and any donations I make in the future or have in the past four years, to Asbestos Action. I understand that I must pay an equal amount of UK income tax at least equal to the tax that Asbestos Action will claim in my donations in each year (*currently 25p for every £1*).



SIGNATURE:

DATE:



**Asbestos**ACTION

## About Asbestos Action

Asbestos Action is a charity that relies almost entirely on donations from appreciative sufferers and their families.

The charity was founded in 2002 by a small group of sufferers to assist those diagnosed with an asbestos-related condition.

We are committed to helping anyone affected by an asbestos-related condition, from supporting sufferers and their families after diagnosis to home visits to help fill in complicated benefits forms.

With a small staff of five the charity punches well above its weight in providing this emotional and practical support.

You're the reason we can keep providing our vital service, so no one has to face asbestos-related disease alone.

Donating can help us to support more sufferers and their families who have been affected through no fault of their own.

## Contact details

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Asbestos-Action-Tayside