

# Welcome

Whoever thought back in March that we would still be battling with Covid now. I had an idea, in April, that I would cancel my holiday and re-book for October 'It's bound to be over by then.' I thought. No chance! We're as deep in the mire now as we were then.

I must take a moment to voice my appreciation of all the cancer nurses that we work with – they have been fantastic. Despite all the difficulties that the hospitals have had to face we have had as many requests for assistance as we had last year. The support, certainly in the East of Scotland, to asbestos related cancer victims has been nothing short of superb. We are delighted to have been able to do our bit in assisting those diagnosed, despite not being able to complete our normal home visit service. Sometimes just having someone on the end of the phone who can help and point you in the right direction can be a big support at a difficult time in one's life.

A slightly worrying trend has been that a few of the referrals have involved sufferers we have previously supported with perhaps an asbestosis or pleural plaque

condition. There is an exceedingly small chance of someone with one of these conditions going on to develop something more serious, but I always get nervous if a pattern seems to develop. Remember, even if you did not succeed with a previous pleural plaques claim, we may still be able to get some form of justice should you go on to develop another condition. Make sure you call us.

With lockdown and all the other challenges that we have had to face, like all charities, donations and sponsored events income has been low. As Asbestos Action is supported primarily by donations, we have really appreciated the support that many of you have given us. We will still be around for a long while yet and, unfortunately, so will asbestos disease.

Best wishes to you all and please stay safe.



John Fearn, Manager

## Benefits delay

Hundreds of claims nationwide are pending to be processed by the Department of Work and Pensions for victims of Asbestosis or Pleural Thickening. Furthermore, it is believed that several victims have, sadly, died before receiving their entitlements.

Whilst we appreciate and commend all the hard work that staff members of the IIDB/WCS unit have done during this unprecedented time to make payments for claimants of terminal conditions, this does not take away the fact that there is an injustice for claimants of Asbestosis and Pleural Thickening.

We demand assurances from the Government that they will take action to resume processing these claims without any further delay.



AsbestosACTION

# News

Helping, supporting, advising -  
to keep you informed

AUTUMN 2020



# LEGAL UPDATE

## The fight to secure better outcomes for asbestos victims continues

Just as we thought the threat of COVID-19 was receding, we are now facing further uncertainty and potentially several more months of restriction. These remain extraordinary and dangerous times. We know that the effects of Covid-19 could be more severe for those with a pre-existing asbestos related lung condition and this could have a bearing on any potential legal claim, so it is worth repeating, if you, or anyone you know is affected, or has any concerns about respiratory symptoms, **DON'T DELAY**, please seek medical advice, and do not hesitate contact AAT who will be glad to provide support and guidance.

Raising and resolving asbestos-related damages claims as quickly as possible remains our priority, to reduce anxiety at this worrying time, avoid evidence being lost and to preserve entitlement to certain damages. Despite current challenges, we have continued to break new ground and have achieved a number of notable successes for AAT members. In particular, in the past 3 months we have recovered substantial damages for clients diagnosed with asbestos-related lung cancer. It can be difficult to prove that lung cancer (as opposed to mesothelioma) is caused by asbestos exposure. It has long been a concern

of asbestos support charities that sufferers may be missing out on benefits and damages because asbestos exposure is sometimes overlooked as a cause of lung cancer. However, provided the right questions are asked by informed clinicians at the time of diagnosis, and if there is a sufficient history of occupational asbestos exposure, there is no reason why specialist investigation cannot be instructed to see if asbestos is the likely cause.

For clients suffering from the most serious asbestos disease, mesothelioma, we have also achieved success in 3 recent cases in securing damages to recover future costs associated with innovative immunotherapy treatment. Such treatment is not yet available under the NHS, it is still very much in the trial stage, and the cost usually runs to tens of thousands of pounds. The courts in Scotland are not accustomed to awarding damages for trial treatment where costs have not yet been incurred and cannot be specified, so we have required to develop new types of agreement, the first of their kind in Scotland, with defenders and insurers to ensure clients have proper financial protection to allow them to make decisions about the best trial treatments to suit their needs, without fear of prohibitive costs.

It is extremely pleasing that our efforts to achieve new and innovative outcomes for asbestos disease sufferers and AAT members continue to be recognised by the leading UK guides to the legal profession. In its most recent edition issued last week, "The Legal 500" guide referred to us as "indisputably market leaders" and special mention was made of the Industrial Disease team as "outstanding and true leaders in their field". This recognition only serves to drive us on to achieve even better outcomes for asbestos victims and their families.

These remain worrying times with many of us feeling anxious about the future. Our specialist solicitors are here to help and to answer any questions we can. 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*

# Maggie's centres

As a charity Asbestos Action is committed to one to one support for sufferers of asbestos related cancer. Without visiting you in your home or hospital how can anyone expect to get an overall view of a sufferers emotional or practical needs.

We know that when you're diagnosed with mesothelioma or other cancers you need much more than just medical treatment. You might need information about how treatment will affect you and a place to go where you and your family can meet and talk to people who are going through the same things. The Maggie's Centres may be just the place.

Maggie's is there for anyone with cancer and their family and friends, whatever kind of cancer, and whatever stage they are at. Their support is free, and no appointment or referral is needed.

Maggie's isn't part of the NHS – Like us, they are an independent charity – but their centres are beside major cancer hospitals across the UK. Many of their staff are NHS-trained and all their Cancer Support Specialists have expert knowledge about cancer and treatment.

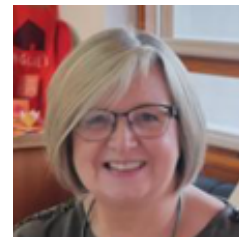
The centres also have psychologists and benefits advisors who are available for anyone with cancer and those close to them. They also work with experts who provide exercise groups, yoga, nutrition advice and much more. Maggie's workshops, courses, one-to-one and group supports help people to change the way they live with cancer.

They focus on the things that really make a difference, help with stress and depression, managing side-effects and relationship and family

support. Their support has been shown to improve physical and emotional wellbeing and to help people take control when cancer turns life upside down.

Asbestos Action board member Nancy Rattray works in the Maggie's Centre in Dundee. Nancy says:

*'Maggie's has the same outlook as Asbestos Action. Our whole aim is to keep you being you.'*



Nancy Rattray



## Case study

When we first got a call from Jackie Wilson and her husband Norman in 2018 they were going through a really bad time. Christmas was coming, Norman had just been diagnosed with mesothelioma and the family finances were looking grim. They had been given one of our leaflets from the hospital and decided to give us a ring.

We arranged a home visit and advised them as to what benefits they were entitled to, completed all the forms for them and put in place what ongoing support they felt they might need.

To the surprise of Jackie the financial entitlements came through very quickly and the family

could enjoy a somewhat happier Christmas.

We had also put them in touch with one of our legal panel, Digby Brown Solicitors, to see if there was any potential in a civil claim against previous employers. Recently, after a power of work by the legal team, an award for compensation was made.

Norman and Jackie took advantage of this and decided that because of Norman's situation they would waste no time in enjoying life. They purchased a motor home! In this vehicle they could travel and feel safe in a secure environment during the corona virus crisis. It gladdens our hearts when we hear

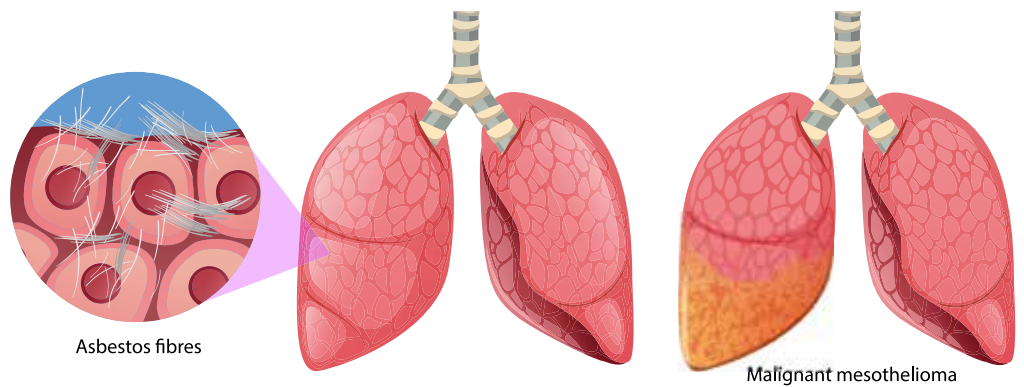
stories like this as we know that it is not the same for everyone.

Money cannot bring back health but it may make life that bit easier at a terrible time for families. At the very least it brings an element of justice for someone's health being damaged horribly through no fault of their own.





# What is mesothelioma



In the UK more than **2,700 people** are diagnosed with mesothelioma each year.

Mesothelioma is a cancer of the mesothelium. This is a thin lining that covers the outer surface of many of our organs. The mesothelium has different names depending on where it is in the body. For example, the mesothelium of the chest is called the pleura and the mesothelium of the abdomen is called the peritoneum.

Cancer of the mesothelium is called malignant mesothelioma. Mesothelioma in the chest is called pleural mesothelioma and mesothelioma in the abdomen is called peritoneal mesothelioma. Pleural mesothelioma is much more common than peritoneal.

Pleural mesothelioma – the lungs sit within the chest, on either side of the heart. They supply oxygen to the organs and tissues of the body.

The lungs are covered by a lining called the pleura, which has two layers. The inner layer covers the lungs. The outer layer lines the rib cage and a sheet of muscle called the diaphragm. The diaphragm separates the chest from the abdomen.

The pleura produces a small amount of fluid. This fluid acts as a lubricant, which allows the lungs to move in and out smoothly and helps you to breathe easily.

Mesothelioma in the pleura starts as tiny lumps that are usually spread throughout the pleura. These eventually grow together, causing the layers of the pleura to become thicker. This means the lungs and chest cannot move as freely causing you to feel breathless. Fluid may also collect between the two layers of the pleura. This is called a pleural effusion.

Mesothelioma does not usually develop until many years after exposure to asbestos. This can take from 15 to 60 years. The average is about 30 to 50 years after exposure to asbestos for pleural mesothelioma. It can take less time for peritoneal.

Asbestos fibres are exceptionally fine and can get into the smallest airways of the lung. Once they are in the lungs the bodies defence mechanisms try to break them down and remove them. This leads to inflammation of the lung tissue. The asbestos fibres can also travel through the lung tissue and settle in the outer lining of the lung (the pleura). Over many years these fibres can cause pleural mesothelioma or other lung conditions to develop.

Asbestos fibres can also be swallowed and some of the fibres can get stuck in the digestive system. They can then move into the outer lining of the abdomen (the peritoneum). Here they cause swelling and thickening of the

lining. This can lead to peritoneal mesothelioma.

The people most likely to have been exposed to asbestos are joiners, construction workers, plumbers, electricians and shipbuilders. Mesothelioma is five times more likely in men than in women although family members have been known to get the condition from people who brought the dust home on their clothes. Also, people who lived near asbestos factories or lived or worked in buildings that contained asbestos that was damaged or disturbed.

Some of the symptoms of pleural mesothelioma may include – Shortage of breath, heavy, dull chest pain, high temperature, tiredness, weight loss, night sweats and a cough that will not go away.

As a charity we don't hesitate when we get someone with mesothelioma contacting us. We will get all entitlement forms completed immediately to secure the sufferers finances and then put our support package into place. This is where a home visit is usually vital. We can assess whether there is close family support or if the sufferer needs more regular visits from ourselves and partnership organisations.

# Meet the specialists



As part of our on-going 'Meet the specialists' series we caught up with Aberdeen Royal Infirmary based Tracy Petrie.

From her Aberdeen base Tracy covers the NHS Grampian, Orkney and Shetland regions. Tracy has been caring for patients within her Lung Cancer Clinical Nurse Specialist role for the last six years.

Prior to her appointment as a Lung Cancer CNS Tracy had experience in a number of senior nurse roles, including seven years within the palliative care setting.

## We asked Tracy

- Q.** What she likes most about her job  
**A.** Getting to know people & helping to make their journey run as smoothly as possible
- Q.** Biggest work challenge  
**A.** At present not being able to see my patients face-to-face
- Q.** How she likes to relax away from work  
**A.** Spending as much time as possible with my four gorgeous grandchildren
- Q.** Ideal holiday  
**A.** A cruise with a good ballroom & the opportunity to dance every evening
- Q.** Favourite film  
**A.** Dirty Dancing
- Q.** Favourite meal  
**A.** Macaroni cheese especially the way my grandma used to make it
- Q.** Person she would most like to meet  
**A.** I'm football daft so Cristiano Ronaldo
- Q.** Her favourite guilty pleasure  
**A.** A whole box of Maltesers

So now we know what to get her for Xmas - and it's not a cruise!

Thanks Tracy – keep up the great work. Tracy can be contacted via the Navigator service on **01224 551551**.

## Leigh Day go around the UK...virtually

Those of you who attended our last Conference in the V&A Dundee (seems a lifetime away now) will remember the highly informative, and entertaining, talk given by one of our legal partners Leigh Day Solicitors Industrial disease specialist Kevin Johnson.

Kevin explains the thinking behind the virtual tour project; We at Leigh Day know the tireless and invaluable work that all the support groups put in to assist people suffering from life changing asbestos disease. We see

day in and day out the help provided to our clients. With this in mind, we decided to dedicate June 2020 to raising funds and awareness for all the asbestos support groups of England, Scotland and Wales, covering 1,500 miles in the process!

Well done and thanks Kevin and hopefully see you at our next conference (preferably not in these shorts though), whenever that might be.



# 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