

Airborne

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Asbestos Newsletter

Asbestos in schools: manage or remove?

The dangers associated with exposure to asbestos dust have been known now for decades. Over the last few years the media has highlighted the issue of asbestos in schools describing it as a 'ticking time bomb'. Even small levels of exposure to asbestos dust can cause mesothelioma however many of do to not appreciate how serious the issue is. We may see asbestos disease as something which affects other people. Not our spouses, children, Mums and Dads, brothers and sisters. However, the reality of the situation is that asbestos disease could affect any one of us. It does not discriminate. Whilst asbestos disease once only affected those working in industry and tradespeople, we are now seeing a new generation of asbestos disease sufferers – many who were potentially exposed by simply working in or attending school.

- although in 2015 the BBC claimed the true figure could be 90%. Many schools have structural columns fire proofed with asbestos. Pipes and boilers were lagged with the material. Asbestos insulation board (AIB) was used for wall panels and under windows, as well as for ceiling tiles, soffits, fascias, in warm air heaters; even for Bunsen burner mats. Asbestos cement sheeting was used for gutters and drainpipes, for roofing on bike sheds, garages and PE blocks. Textured wall coatings contain asbestos. Even floor tiles, blackboards and toilet cisterns sometimes have asbestos content.

Since 2010 and the introduction of The Control of Asbestos Regulations, there has been a duty to manage asbestos in non domestic properties. The HSE initially undertook inspections of schools to assess whether the Regulations were being complied with - although now inspections are not done proactively. Indeed, in a report in February 2017 conducted by the Education Funding Agency it was found that one fifth of

be seeing mesothelioma caused by exposure to asbestos in schools prior to 2012 in 2052.

It must be questioned whether a policy of managing asbestos is sufficient. If asbestos is in good or reasonable condition should it just be left in situ? Many think it should but the simple fact of the matter is that asbestos containing materials release fibres and dust from normal wear and tear. The risk of actual damage to asbestos containing materials in schools is greater because of the nature of the environment. Whether it is children slamming asbestos doors, kicking balls against, punching and picking holes in asbestos sheeted walls, or teachers pinning up artwork on walls with asbestos textured coatings, it is easy to see how easily asbestos containing materials can become damaged in schools.

The human cost of 'managing' asbestos is huge. Over 140 school teachers have died from mesothelioma in the last 10 years; 319 since 1980. This does not take account of the unknown numbers of cleaners, caretakers and other staff. What about pupils? It is thought that children are at an even greater risk because their lungs are still developing. For every teacher that develops mesothelioma it is thought that there will be 9 pupils who are also affected. It has been estimated that 100 people die every year in the UK as a result of asbestos exposure whilst they were at school.

The Government policy on asbestos in schools seems inconsistent. It intends to spend £4.6 million on removing asbestos from the Houses of Parliament and millions more on removing it from Buckingham Palace. Perhaps we should be prioritising the health and safety of the most vulnerable – our children. Last year the Department for Education committed to building 500 new free schools by 2020 - but that leaves existing schools which are still in use to crumble with £6.7 billion needed to bring them up to an adequate standard.

Lucie Stephens lost her Mum Sue to mesothelioma in 2016. Sue was a teacher in schools in Devon for almost 30 years and could not have been exposed to asbestos in any other way. Lucie has worked tirelessly to raise awareness and campaign of removal of asbestos from schools. She considers that:

It is thought that of the **33,600 schools in Britain** more than **75% contain asbestos** - although in 2015 the BBC claimed the true figure could be 90%.

Asbestos was extensively used in the UK as a building material between the 1940s and 1990s. Modular building systems such as CLASP and SCOLA were developed during the post war period from 1945 until approximately 1980 and were widely used for school premises, for speedy and cheap construction. Many of these buildings are still in use today. It is thought that of the 33,600 schools in Britain more than 75% contain asbestos

schools were 'not fully compliant' with over 100 schools being deemed as a 'significant cause for concern'. This may be a considerable underestimation as other studies have shown that most schools have no or inadequate asbestos management policies. Even if we were to accept that the 2012 Regulations are sufficient and working, as mesothelioma develops so many years after exposure, say the median of 40 years, we will still

As a tribute to those suffering from mesothelioma and who have lost their lives due to exposure to asbestos in schools.



Gina Lees



Kirsty List



Chris Wallace



Lisa Doughty



Sue Stephens

Every school should be required to produce an annual report about the type and condition of any asbestos on the premises and share it with parents and staff.

The Government should commit to the phased removal of all asbestos from schools by 2028, starting with the most dangerous forms of asbestos.

The HSE must reinstate pro-active inspections of asbestos in schools to assess the condition of asbestos and the quality of management.

Having acted for people who have developed mesothelioma due to asbestos in schools whilst working as teachers, caretakers, cleaners, dinner ladies and support staff as well as pupils, my colleagues and I know only too well what the devastating consequences are of the presence of asbestos containing materials in schools.

We can choose to deny the problem and continue to 'manage' asbestos in schools in line with HSE guidelines or we can work together, highlight the issue and push for removal of asbestos from all schools within a set timeframe.

As with many things, asbestos removal comes down to funding. Who will pay? It isn't going to happen overnight but it must happen. My view is we can never truly manage asbestos in schools because we will never be able to predict or anticipate when an asbestos containing material may become damaged, expelling millions of asbestos fibres into the air. The Government must face up to the facts and take positive action. As long as schools contain asbestos, our children, teachers and other school staff are at risk. It has been said that asbestos in schools is a story of complacency, neglect and turning a blind eye. The only option is removal and for every year that removal is delayed, there will be more exposure and more fatalities.

Jennifer Seavor, Associate

Daughter of woman who died from mesothelioma receives compensation after her first solicitor dropped her case

Jennifer Seavor, a specialist asbestos disease solicitor in our Personal Injury team, has recently concluded a compensation claim for her client Gaynor Davies whose mum, Gerda Jones, sadly died in August 2013 from mesothelioma. Before we were instructed, another firm of solicitors attempted to pursue the claim but after almost three years of investigation they advised Gaynor that the claim was unlikely to be successful and that they could not continue acting for her. Gaynor sought a second opinion from us and in just short of six months, the claim has settled and Gaynor received compensation.

Gerda Jones lived in Dukinfield in Cheshire. Born in 1939 in Dortmund in Germany, Gerda moved in England in 1956 to obtain employment. Over the years she worked at a number of cotton mills and on factory production lines including at a cigarette factory and at a factory that made nappies. In 1979 Gerda began working for Hulbert Fabric Printing Co Limited in Ashton-Under-Lyne as a silk screen printer. The company printed logos on products including t-shirts, sweatshirts and tea towels. The company was subsequently bought by new owners in the mid-1980s and the name changed to J.K.G. Prints Limited. Gerda continued working for the company until 1996 doing the same job - after which time she retired.

Sadly in 2011, Gerda began to notice some unusual symptoms. She has a metallic taste in her mouth and loss of appetite. She also began to lose weight. Gradually she began to notice pain in her side and breathlessness. Eventually, Gaynor convinced Gerda to go to the GP. She was sent to Tameside Hospital for tests. It was subsequently discovered in December 2011 that she had developed mesothelioma. During the next year Gerda was in and out of hospital for surgery, drug trials, radiotherapy and chemotherapy. She was determined to remain independent and tried to keep a positive outlook on life. However, by late 2012 her symptoms had progressed and Gerda was admitted to Willow Wood Hospice. After six weeks she was discharged home. At the time, Gaynor lived in North Wales and was travelling to and from her mum's home in Manchester daily to assist her with her needs. It became unsustainable and sadly Gerda was admitted to a local authority care home in Stalybridge. She lost her battle with mesothelioma on 19 August 2013.

When diagnosed with mesothelioma, Gerda knew that she had been exposed to asbestos whilst working for Hulbert Fabric Printing Company Limited and J.K.G. Prints Limited in the 1980s. She applied for relevant benefits from the government but did not feel well enough to consider pursuing a legal claim for compensation. On her death, Gaynor decided to seek legal advice and instructed a firm of solicitors in Blackburn to pursue the claim. They attended Gaynor at home on 27 September 2013 and over the course of almost three years advised Gaynor that the claim enjoyed good prospects of success. Then, out of the blue in July 2016, just prior to the expiry of limitation (the time limit for settling the claim or commencing court proceedings), they advised Gaynor that the prospects of the claim being successful were no better than 50/50 and as such they could not commence Court proceedings or continue acting for her. They informed Gaynor that they were closing their file of papers.

By December 2016 we had obtained an admission of liability from the company's former employer's liability insurers and they made Gaynor an interim payment of £50,000. Terms of settlement were agreed and **Gaynor received further compensation in February 2017**. In addition, we were able to recover almost £15,000 for Willow Wood Hospice who cared for Gerda during her illness.



Gaynor was shocked by the advice and contacted us at the end of July 2016 for a second opinion. Whilst the need to issue Court proceedings was imminent, we obtained her file of papers from her first solicitor and decided that, whilst significant further investigations needed to be undertaken, we would proceed. Within a week we issued proceedings in the specialist asbestos division in the High Court to protect Gaynor's position in respect of limitation. We then set about investigating the companies that Gerda had worked for to consider the best route to pursue the claim. We were able to trace and take a supportive statement from a man who had worked with Gerda at J.K.G. Prints Limited in the 1980s. He confirmed that Gerda worked on a heating machine which was purpose made for drying the products that had been printed. The machine was clad with asbestos insulation board which was cracked and in disrepair. It emanated asbestos dust and fibres. In addition, when operating the machine, a piece of asbestos cloth was used a manual conveyor belt to pull products through the drying machine to help the print set. The asbestos cloth was old and damaged. Asbestos dust and fibres were released as Gerda handled it.

Whilst the company was no longer trading we were able to track down their former employer's liability insurers and present the claim to them. By December 2016 we had obtained an admission of liability from the company's former employer's liability insurers and they made Gaynor an interim payment of £50,000. Terms of settlement were agreed and Gaynor received further compensation in February 2017. In addition, we were able to recover almost £15,000 for Willow Wood Hospice who cared for Gerda during her illness.

Jennifer Seavor who acted for Gaynor said:

"I was so very happy to be able to pursue the claim successfully for Gaynor and obtain justice for her mum who died at the young age of 74. Gerda was exposed to asbestos in the workplace in the 1980s, at a time when the dangers of asbestos were already well known. She could have easily been protected. Gaynor's first solicitors advised her that she had a good claim to pursue but then dropped her claim only weeks before limitation leaving Gaynor not knowing what to do. This case really does go to show how important it is to use a specialist solicitor to pursue your asbestos claim as Gaynor's claim would have failed if she had accepted the advice of her original solicitor."

Gaynor was delighted with the outcome and feels that justice has been done for her mum. Gaynor said:

"Jennifer has been totally professional and caring with our situation. She knows what she is doing and gets things done. I can honestly say that I have found it so refreshing that some people like myself are genuine and there to help. No false promises just professional people. Even though the compensation will not bring mum back, it has changed our lives."

If you or a member of your family has been diagnosed with an asbestos related disease please contact us for free without obligation advice.



Action Mesothelioma Day – July 2017

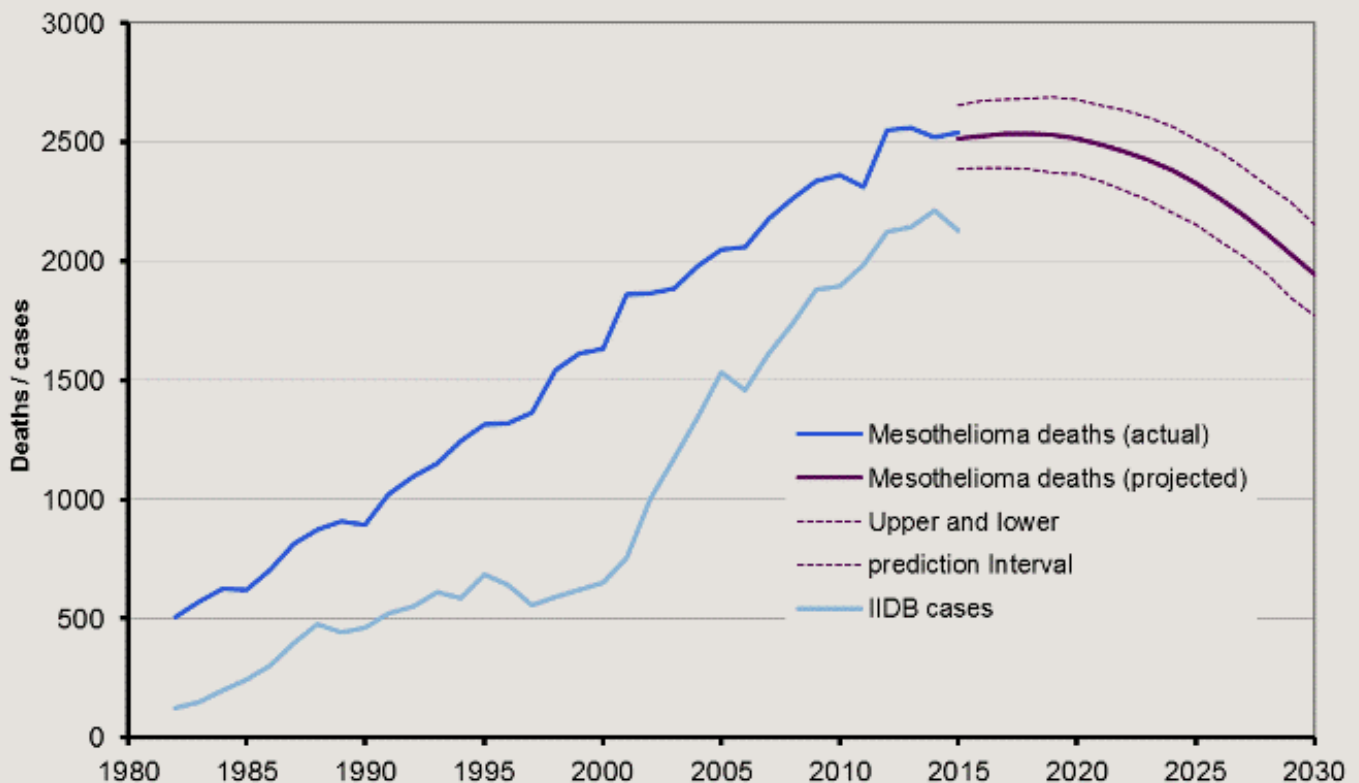
To mark Action Mesothelioma Day 2017 we organised a service in Queens Park in Swindon, a town which has been disproportionately affected by mesothelioma due to its industrial heritage, in particular the railway works which has left a legacy of asbestos disease.

Patients and their family and friends joined us, together with the Mayor of Swindon, Councillor Maureen Penny, Robert Buckland QC, MP for South Swindon and representatives from Prospect Hospice and other local charities, for the ceremony in the Mesothelioma Memorial Garden in Queens Park. The aim was to remember those who have lost their lives to mesothelioma and to raise awareness of the devastating consequences of asbestos exposure. The garden was opened by Councillor Stan Pajak in 2003 and he attended and gave a speech.

Julien Lloyd the widow of Cliff Lloyd who died from mesothelioma in 2012 aged 77 after working for more than 20 years as a welder, released white doves and messages on white doves were placed on a memorial tree. Dr Suzanne Bartington attended in honor of her late father Geoffrey who died from Mesothelioma in 2008. She spoke at the ceremony and stressed the importance of raising awareness of mesothelioma.



Mesothelioma in Great Britain – Helen Childs provides an analysis of this years HSE publication



The HSE recently released the most up to date statistics analysing the mortality arising from mesothelioma between 1968 and 2014. They show that the impact of mesothelioma from asbestos exposure many decades ago is not yet in decline.

The number of deaths from mesothelioma has been over 2500 p.a since 2012, and is expected to remain at that level until the end of the decade. The anticipated decline is then expected to be at about the same rate as the increase, with the burden of asbestos related deaths in 2030 being approximately that in the early 2000's.

The number of women dying from mesothelioma is still rising and not expected to peak for several more years, at the moment the predicted peak is anticipated to occur in 2026.

The ratio of male to female deaths in 2014 was 5:1. Men who worked in the building trade in the 1950's 1960's and 1970's are most at risk of developing mesothelioma, with the highest rates of mesothelioma occurring in men aged over 75. At least 88% of mesotheliomas could be considered to be as a result

of occupational asbestos exposure, as more than 2200 applications for Industrial Injuries Disablement Benefit were made for mesothelioma in 2014. IIDB is not payable for those who were exposed as a result of environmental exposure (eg living near asbestos factories) or exposure from other family members work clothes, or for those who were exposed in the armed forces before 1986, which may account for the difference between the number of mesothelioma deaths and the number of applications for IIDB.

The way data is collected and recorded can lead to difficulties in attributing mesothelioma to occupational asbestos exposure, because only the last occupation not the culpable occupation is recorded on an individual's death certificate. For a client of mine who started his working life as a docker and logger, but went on to become the head of a large insurance company, the death certificate would provide no valuable information at all about where he was exposed to asbestos. Similarly the young woman who died aged 31 having been exposed due to the fallout of a big fire at an MOD depot in Telford in the 1980's, or anyone exposed to asbestos as a child at school who goes on to develop mesothelioma decades later.

With women the data is more difficult to analyse because fewer women were directly working with asbestos – and although they may have been exposed at work it is usually through the work of others – like a client of ours who was a receptionist for a scaffolding firm who provided scaffolding for power station refit work. Her latest occupation was clerical/secretarial. It is thought by the HSE that only a third of mesotheliomas for women are attributable to occupational or domestic exposure, with the exposure for the remaining 2/3 not being readily identifiable. My view is that the 1/3 figure is an under estimate, with families often not appreciating the relevance of the work being done by all family members. An example of this relates to a claim for mesothelioma I concluded last year, for a man whose brother had been an apprentice with the CEGB when they were both teenagers. It turned out their mother had also developed and died from mesothelioma in 2013, but at the time nobody had considered the son's employment, concentrating instead on the husband's work – which did not involve exposure to asbestos. **[Continued]**

The rate of diagnosis of mesothelioma for men aged under 65 are said by the HSE to have been falling for some time. Anecdotally, however, we are seeing an increase. Previously it would have been very rare to have a client aged in their 50's – at the moment we have several, and more still aged under 65. One of our clients died when only in his 40's – and despite the tighter controls that should have occurred in the building industry from the 1970's onwards, he was extensively exposed doing construction work as a very young man in the 1980's. We are also seeing more clients who were exposed at school – whether as pupils or teachers.

As the Personal Injury market becomes tougher, we have noticed a trend for firms who are not asbestos specialists to take on these cases – and often the results would have been an unsuccessful claim if we had not taken on the case. An example is a case we took on in August last year for the family of a woman who had worked as a screen printer and who had died of mesothelioma in September 2013. A non specialist firm had been instructed during the client's lifetime and had made very little progress, even suggesting at one stage that the claim should be put into the portal for fast track employers liability claims. We issued protective proceedings, took a

statement from a workmate, secured an admission within weeks and the case has now settled for a 6 figure sum. Even the large claimant disease firms are missing perfectly good cases – we have just been instructed by the family of a man who was a logger in the 1950's and who died aged 91. The firm he instructed dropped the case – it's not quite clear why, but we suspect that with paralegals or inexperienced staff doing the majority of the work, it fell foul of some kind of checklist driven assessment system, which ruled out early exposure or couldn't cope with the fact there was another source of exposure as he was also in the Royal Navy at the end of WWII. This case illustrates one of the inequities of the MOD mesothelioma payments fund, which is that an application is only possible during the individual's lifetime. This means that the 99 year old widow would have been left with no recompense or assistance with her care costs had she followed the advice of her previous solicitors.

The burden of mesothelioma arising out of exposure to asbestos continues to rise. Indeed, as time goes on the exposure sustained by our clients is more likely to have occurred at a time when the risks of even relatively low level exposure to asbestos should have been appreciated. The cost in human suffering is enormous.

This suffering is exacerbated if the proper legal advice is not sought or given, and families are left without recompense.

For each successful claim concluded for an individual or family with mesothelioma, the government is also typically able to recoup over £15,000 in lump sum payments and IIDB/care related benefits.

We welcome the APIL accredited occupational/industrial disease specialist status – which should only be awarded to experienced specialist lawyers, and should ensure that anyone affected by mesothelioma is properly advised about the legal recourse open to them.



Helen Childs, Partner,
Head of Industrial Disease

British Thoracic Oncology Group (BTOG) 2017



In January 2017 Helen Childs, Jennifer Seavor and Rachel James in our Industrial Diseases team attended the British Thoracic Oncology Group (BTOG) conference in Dublin. Bringing together over 700 professionals involved in the care of mesothelioma and lung cancer patients across the UK.

Helen, who is also head of our Industrial Diseases team, says: "For us, this is an invaluable opportunity to meet the doctors and nurses that are involved in the diagnosis, treatment and care of our clients. It was wonderful to catch up with so many of the clinicians we already know and meet new contacts. In addition it was truly inspiring to hear about the developments in treatment and see the dedication of clinicians."

We sponsored 10 nurses and doctors to attend BTOG through our bursary scheme, offered in memory of our late

client Clifford Lloyd (read Clifford's story here). Two of them won prizes for their posters on the cutting edge work they are doing to improve the diagnosis of and care for lung cancer patients. Jenny Mitchell, an Advanced Nurse Practitioner in Thoracic Surgery with the Oxford University Hospitals NHS Trust said: "I just want to say thank you very much for the support given to me from The Clifford Lloyd Education Fund which enabled me to attend BTOG. The conference was excellent with many very interesting sessions of relevance to my practice."

Sithembiso Wilcox, a Clinical Nurse Specialist at the London Cancer Centre said:

"I am a Clinical Nurse Specialist in Oncology and in my profession I encounter individuals challenged by lung cancer and mesothelioma. I have been in this job position for over seven years. I am also a member of the National Lung Cancer Forum for Nurses, as well as The British Thoracic Oncology Group.

I attended the 15th Annual British Thoracic Group Conference held in January 2017 in Dublin, through an award from Royds Withy King, courtesy of The Clifford Lloyd Education Fund. This was a huge and diverse 3-day conference that provided excellent insight on advances in research on lung cancer management and state-of-the-art treatments. It also provided an opportunity to interact and share practical/clinical experience and developments with various professionals who had the same aim of delivering safe healthcare and improving patient outcomes through excellence, thus assisting patients, their families and carers during the challenging lung cancer journey. I was impressed by the size of the conference and the input by various professionals. I am pleased and grateful to have attended this conference as it did not only create awareness, but it also armed me with invaluable knowledge and confidence that will be of great value in my career. As a nurse, a large part of my role is the prevention and management of side effects of therapy, as well as the support of all the stakeholders in the cancer journey. This conference has increased my knowledge about improved outcomes from new treatment options such as immunotherapy, which is proving to be a success; as such, there is great hope for the future.

I am already applying the knowledge gained in my job role, with beneficial results. Thanks to all that made this possible."

Jonathan French, a Junior Doctor at Bristol Royal Infirmary won a prize for an abstract he submitted entitled:

"Intra-operative frozen Sections – is video-link technology equivalent to an on-site service?" Jonathan said:

"I am a junior doctor who worked as part of the thoracic surgery team in Bristol. I was responsible for carrying out the day-to-day management of our patients, the majority of whom were admitted for lung cancer surgery. Our centre is one of the first in the UK in thoracic surgery to use the internet to transmit digital pictures to a nearby hospital during surgery, in order to get a diagnosis within the same operation. I presented a summary of our experience using this system at BTOG 2017.

This was my first scientific conference; therefore personally I gained a huge amount. It was interesting to hear of the progress being made in treating a whole array of lung cancers. More broadly, it was valuable to experience and gain a deeper understanding of the scientific process, which can be applied to any field.

I am grateful for the funding of The Clifford Lloyd Education Fund, and had a great experience through it."

We are looking forward to BTOG 2018. See you in Dublin!

Jennifer Seavor achieves Occupational Disease and Asbestos Specialist Accreditation

Jennifer Seavor, Associate in our Personal Injury Department has been accredited as an Occupational Disease and Asbestos Specialist by the Association of Personal Injury Lawyers (APIL) – the only lawyer in Bath and Wiltshire to have received this accreditation.

Jennifer who has recently transferred to work out of our Bath and Swindon offices, has been awarded APIL's coveted Senior Litigator status alongside her accreditation. She has worked exclusively on asbestos-related compensation claims for almost a decade. Her clients include those who were exposed to asbestos in the workplace many years earlier and who have gone on to develop serious asbestos-related illnesses.

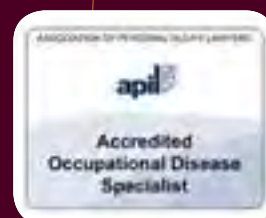
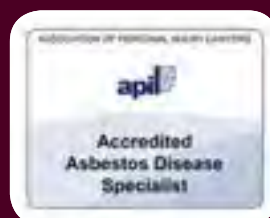
Jennifer, who specialises in mesothelioma, asbestos-related lung cancer, asbestosis and diffuse pleural thickening claims, said:

"I am delighted to have been recognised by our industry body APIL for my work in this specialised field. This is a highly sensitive and complex area which really does need to be handled by empathetic people with a thorough understanding of these debilitating conditions and the options available to those suffering from occupational diseases as well as their families."

According to APIL, 'specialist' accreditation shows that an APIL accredited asbestos disease lawyer has achieved a very high standard of expertise and competence and actually specialises in this area of the law. There are currently 43 of these 'specialists' in the UK.



Jennifer Seavor
Personal Injury Associate





Mesothelioma and lung cancer education day – 6 October 2017

In October, we held the first - of what we hope will be many - study days for nurses and clinicians involved in the diagnosis, treatment and care of patients with mesothelioma and lung cancer.

The event took place in our London office at 69 Carter Lane, near St Pauls Cathedral. Accredited by the Royal College of Nursing and Royal College of Physicians, we welcomed over 40 delegates.

Speakers included:

Dr Vidan Masani, Consultant in Respiratory and General Medicine at the Royal United Hospital in Bath opened the day by giving a talk on diagnosing mesothelioma and lung cancer.

Mr Eric Lim, Consultant Thoracic Surgeon at the Royal Brompton Hospital provided delegates with an update on

surgical trials in particular MARS2 for which he is the UK Chief Investigator. Eric used the analogy of sex to help the delegates understand the role of surgery in mesothelioma. He concluded with his view that the only type of surgery worth doing for mesothelioma is that done in the setting of a randomised clinical trial.

Mavis and Ray Nye joined us and spoke about their story of Ray's work and asbestos exposure at Chatham docks which led to Mavis' diagnosis of mesothelioma in 2009. Mavis spoke about her journey and treatment with the immunotherapy drug, pembrolizumab (Keytruda) as well as the aims of the recently launched Mavis Nye Foundation. Mavis is such an inspirational person and the delegates were full of praise for her and everything she and Ray have done to help others who have mesothelioma and to raise awareness of the dangers of asbestos exposure.

Nadza Tokaca, Research Fellow at the Royal Marsden Hospital shared her research on the adequacy of image guided rebiopsies in non-small cell lung cancer, for which she had won first prize for her poster abstract at BTOG 2017.

Patrick Kerr, barrister at 12 Kings Bench Walk spoke to the delegates about causation in asbestos related lung cancer and the relevance of smoking history, making the point that if a patient has been diagnosed with lung cancer – even if they have been a lifelong heavy smoker, if they have also had heavy exposure to asbestos, their lung cancer may have been caused by both carcinogens. Asbestos often gets missed as a potential cause. It is always advisable to ask if a patient has had exposure and if they have, recommend they seek legal advice.

Lorraine Creech, Mesothelioma UK Clinical Nurse Specialist discussed palliative care including symptom control and management of treatment related side effects for mesothelioma and lung cancer patients.

Peter Slozarek, Consultant in Medical Oncology at the Bart's Cancer Institute explained to delegates how immunotherapy treatment works and how it can benefit mesothelioma and lung cancer patients.

Helen Childs, partner at Royds Withy King gave the final talk of the day, providing delegates with an overview of asbestos related disease claims, benefits and the Diffuse Mesothelioma Payment Scheme.

All of the delegates rated the education day as excellent or good. Feedback included:

"The training was fascinating and it was so interesting to learn about the legal aspects of mesothelioma and how you advocate on behalf of patients to get them the compensation they are more than entitled to. I came away feeling very inspired."

"It was a very well organised study day and was extremely interesting with an excellent range of lectures. I will be recommending it to fellow health professionals in future."

"Absolutely brilliant. Very educational. Thank you so much. A very inspirational team."

We are intending to run further education days in 2018 in our Bath and Oxford offices. To book a place or register your interest please email: events@roydswithyking.com



Swindon drop in clinics and Swindon and Wiltshire Asbestos Support Group (SWASG)

We are continuing to offer drop-in legal advice clinics to mesothelioma and asbestos disease sufferers and their families at our office at 34 Regent Circus, Swindon, every Thursday from 10am until 4pm. No appointment is necessary.



In addition we have relaunched the Swindon and Wiltshire Asbestos Support Group. The group meets on the last Friday of each month between 3pm – 5pm. Meetings are held in the garden room at Christ Church Community Centre, 26 Cricklade Street, Swindon, SN1 3HB. Refreshments are provided.

In September we #raisedamug and fundraised for Macmillan Cancer Support.

For further information about these events, please contact jennifer.seavor@roydswithyking.com



Other recent successes...

Woman with mesothelioma receives compensation following exposure to asbestos from washing her husband's overalls

In July 2016 we were instructed by Iris a 79 year old lady from Chertsey in Surrey who had recently been diagnosed with mesothelioma.

We attended Iris and two of her daughters at home to discuss her life and employment history to try and work out where she had been exposed to asbestos. It became apparent that her first husband had worked for British Rail as a locomotive fireman. Iris met her first husband in the early 1950s and they were married in 1958. Her husband continued to work as a fireman on steam locomotives until the late 1960s. Iris could vividly remember seeing her first husband on trains shovelling coal in to the boiler. He came home every day absolutely filthy, often covered in dust from head to toe. Iris was responsible for washing his work clothes. As they were so pitted with dust she shook the overalls outside first to try and remove the worst of the dust before putting them into the washing machine. She remembered there being clouds of dust in the air when she did this task.

As specialist asbestos disease solicitors, we knew from experience and from

other claims we had pursued before that boilers and pipework in steam trains were insulated with asbestos lagging which regularly had to be removed and replaced due to leaking pipes and general deterioration of the lagging. No doubt, Iris's husband, in his role as a fireman would have been present when the asbestos lagging was removed.

On this basis, a claim against the Department of Transport was intimated. By early October, the Department of Transport had confirmed that they accepted that Iris had negligently been exposed to asbestos dust as a result of her late first husband's employment at British Rail. Subsequently, upon receipt of a medical report from an expert in support of the claim, they agreed to make Iris an interim payment of £50,000.

Iris wanted the claim to be settled during her lifetime. We assessed the value of her claim and advised her regarding making an offer of settlement to the Department of Transport. Terms were subsequently agreed in February 2017 and Iris's claim was therefore settled in her favour during her lifetime as she had requested and without the need for court proceedings.

Iris's daughter said:

"We are very satisfied with the service we received. Jennifer Seavor was very professional, totally helpful and put us all at ease. Thank you."

Rachel was able to negotiate settlement of William's claim for **£162,500 within four months** of first being instructed by him, having first secured a large sum of benefits for him and an interim payment of £50,000 earlier in the proceedings.

Compensation for mesothelioma sufferer in four months

William recently instructed Rachel James, Associate in our Personal Injury Department following his diagnosis with malignant mesothelioma.

William had worked for Sidney Brown (Plasterers – Worksop) Limited as a carpenter in the late 1950s to the late 1970s. He exposed to asbestos through the construction of corrugated asbestos cement buildings, primarily farm buildings where he used a handsaw to cut the corners off the cement asbestos

sheets. William was widowed with no other dependents, therefore needed settlement to be agreed in his lifetime to ensure he recovered compensation for pension loss for the remainder of his life had it not been shortened by mesothelioma.

Rachel was able to negotiate settlement of William's claim for £162,500 within four months of first being instructed by him, having first secured a large sum of benefits for him and an interim payment of £50,000 earlier in the proceedings.



Fatal mesothelioma claim concluded where family did not know how the Deceased had been exposed to asbestos

We were recently instructed by the family of Roy who had recently passed away from malignant mesothelioma.

Roy's family knew that he had worked as a carpenter for George Potter Limited but did not know how he had been exposed to asbestos. We were able to find insurers for George Potter Limited and after much research located notebooks held at Horsham library archive which contained

details of work carried out by George Potter Limited.

These dated back to the 1960's and 1970's and showed the regular use of asbestos containing materials. We took witness statements from Roy's son and his sister, who were able to confirm that he worked both within the joinery shop where he cut up asbestos boarding with a bench saw and on-site, where he cut up asbestos boarding with a hand saw. Settlement of the claim was agreed to his family's satisfaction for a substantial sum.

Claim for secondary exposure settles for £70,000

Maggie Powell of our specialist Industrial diseases team in Bath has recently settled a claim for the family of Mrs R, who died of mesothelioma in 2014. Mrs R never worked with asbestos herself, but her late husband was a surveyor working on the construction of the now much maligned Thamesmead housing estate in the late 1960's/early 1970's. Thamesmead used significant quantities of asbestos in its construction, and we alleged that Mr R brought home asbestos on his work clothes which Mrs R would launder. The claim was issued and was settled shortly before the date the court had fixed for the defendants to "show cause" why judgment shouldn't be entered against them.

Maggie said *"the dangers of asbestos were well known by the mid 1960's – by which stage employers should have appreciated the dangers of allowing their employees to go home with asbestos contaminated clothing."*

Unfortunately working practices lagged behind the knowledge, and as a result we are increasingly being instructed by the families of tradesmen who worked with asbestos who have themselves gone on to develop mesothelioma. I am very pleased to have been able to settle this claim on behalf of Mr and Mrs R's two sons"

Mother and son both killed by asbestos

Helen Childs concluded a claim for Mr M last year, following his exposure to asbestos as a result of sharing a bedroom with his older brother, who was an apprentice with the London Electricity Board in the late 1960's. The use of asbestos in the power generation industry was very widespread, and apprentices were frequently expected to undertake all the dirtiest and most unpleasant jobs. The London Electricity board's

successors admitted responsibility and settled the claim for Mr M late in 2016, with Mr R sadly dying within a year of his diagnosis.

Mr R's mother also died of mesothelioma in 2003. She used to do the laundry for the family, including for her son when he was an apprentice.

The timelimit for bringing a claim for mesothelioma is usually 3 years from the date of death, so Mrs M's claim was at least 10 years out of time. However the courts have a discretion to extend the 3 year timelimit if it can be shown that the defendants are not prejudiced by the delay. We are also representing the family in relation to Mrs M's claim and are arguing that as the defendants have only just investigated and admitted blame in relation to Mr M's claim, there can be no prejudice to them in investigating the identical circumstances of exposure in relation Mrs B's claim. Indeed the defendants have already admitted they breached their duty towards Mrs B by allowing her son to come home in asbestos contaminated overalls.

"the dangers of asbestos were well known by the mid 1960's"

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