

Airborne

Asbestos awareness & advice newsletter

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Remembering our veterans. Lest we forget



Following the Remembrance Day commemorations in November, Helen Childs from our specialist mesothelioma team helps us to understand how those in the armed forces with mesothelioma need to be supported.

It's 100 years since the armistice brought WW1 to an end. In poignant and moving ceremonies in November many thousands gathered to remember those whose lives were cut short, or who were affected by physical or mental injuries sustained during their armed service.

Anyone who has ever visited the WW1 cemeteries in Flanders is shocked by the enormity of the loss, which is simply too huge to comprehend. On the bloodiest single day of the conflict, 1 July 1916, over 19,000 British troops lost their lives in the doomed offensive that marked the beginning of the battle of the Somme. It is only right and proper that we all should pause and pay tribute.



There is, however, one group of veterans who are continuing to die even now as a result of serving their country, but whose names do not appear on any war memorial, roll of honour, or on the commemorative wall of the Falkland Islands memorial chapel at Pangbourne. The numbers affected are continuing to grow, so much so that Helen Wilkes – a specialist nurse, was recently appointed in Southampton to help and advise them. These veterans are those whose duties brought them into contact with asbestos and who are now going on to develop mesothelioma many decades later.

We are proud to be helping Mesothelioma UK in their support of these veterans. The impact of a mesothelioma diagnosis is devastating. Whilst treatments can hold the illness in check, there is still no cure.

THE INEQUITIES OF THE CURRENT SYSTEM FOR VETERANS

Veterans diagnosed with mesothelioma are eligible for a War Disablement Pension, but given their very limited life expectancy following the development of mesothelioma this was felt to be unfair and in 2016 it was announced they could elect instead for a lump sum of £140,000.

Whilst this was a welcome step, it simply does not go far enough. With what feels like increasing numbers of people being diagnosed in their 60s or even younger, £140,000 will leave their loved ones without the financial support they deserve.

The lump sum option is also only available to mesothelioma sufferers, meaning that anyone diagnosed with asbestos related lung cancer, asbestosis, or pleural thickening has no recourse if those illnesses have arisen as a result of work in the services before 1987 when Crown immunity was in place. Those who were exposed to asbestos after 1987 when Crown immunity was lifted and who go on to develop any asbestos related illness can pursue the Ministry of Defence (MOD) for compensation in the same way as any other employer.

Perhaps most unjust of all however, is the fact that those who develop mesothelioma after pre -1987 exposure to asbestos in the forces are only eligible to receive £140,000. This means that they are very unlikely to receive promising new treatments like immunotherapy, as the drugs are not yet available on the NHS and a 2 year course of treatment would cost more than double the £140,000 lump sum to which these veterans are entitled. This creates an unfair two-tier system. Immunotherapy can dramatically improve the prognosis for those with mesothelioma, like the wonderful mesowarrior Mavis Nye, who first started to receive Keytruda as part of a clinical trial in 2013, when she was already desperately unwell after battling mesothelioma for 4 years.

There are other inequities. For example, those who served alongside the armed forces in civilian roles like the Royal Fleet Auxiliary are able to pursue the MOD for compensation even if their exposure to asbestos was before 1987. Similarly, the family members of armed forces personnel who were secondarily exposed to asbestos by – for example – laundering work clothes pre 1987 can also pursue the MOD direct, including for the cost of immunotherapy and other non-NHS treatments. Likewise, those who came into contact with asbestos after 1987 can pursue a civil claim. These examples illustrate why it is so important to seek specialist legal advice. All individuals deserve the best possible treatment and so do those veterans who were only exposed to asbestos in the armed forces before 1987. Things must change.

Medics involved in the treatment of those with mesothelioma hope that some of the immunotherapy drugs that are currently in clinical trials will be licensed for use by the NHS in the relatively near future. In the meantime, it can only be right and just that immunotherapy and other non NHS treatment should be available to all those affected by mesothelioma. It would be a very fitting tribute if those armed forces personnel who are only eligible for the MOD lump sum could also be guaranteed access to the best possible treatment.

The legacy of asbestos use in the UK still persists, as the numbers of those diagnosed with mesothelioma continues to rise. To put the impact of mesothelioma into context, since Prince William married Kate Middleton in April 2011, more people have died from mesothelioma in the UK than were killed across 15 miles of the western front on that first day of the battle of the Somme.



Helen Childs, Partner



■ Toys contaminated with asbestos: Are your children at risk?



As a parent, in the run up to Christmas and birthdays, it has never occurred to me until recently to ask myself the question "How safe are my children's toys?" I assumed that if I had bought my children's toys from a reputable source then they must be safe. Surely, they have been well tested and don't contain any harmful substances or carcinogens?

Whilst most toys are completely safe, I was very alarmed to find out that some toys which are being sold in the UK have been contaminated with asbestos. Toys are being manufactured in China and other countries where asbestos is not banned. They are being imported into the UK and the United States of America through online retailers such as Amazon and Ebay, but also by some very well known and trusted retailers such as Toys R Us, Disney and Wallmart.

Some crayons made in China have been found to contain asbestos. The talcum powder used in them as a binding agent has been shown to be contaminated with asbestos fibres, as asbestos deposits can be found in talc mines. Famous brands such as Nickelodeon Teenage Mutant Ninja Turtle crayons (a former family favourite in my house), Disney Mickey Mouse Clubhouse crayons and Amcan

crayons have been confirmed as being contaminated with asbestos.

Talcum powder is also used in crime scene testing kits that are marketed to children, where the powder is used for dusting for fingerprints. The risk involved in using fingerprint powders containing asbestos is medium to high, since powder is very easily made airborne and respirable. As a parent of a budding detective inspector, this fills me with dread and guilt that I have allowed potentially harmful toys to come in to my house.

Justice make up for girls, a retailer that sells products to girls and young women, recalled a cosmetic called Just Shine Shimmer Powder after laboratory tests confirmed it contained both asbestos and dangerous heavy metals. Household name Claire's Accessories were in the press recently after recalling some of their girls make up products due to asbestos contamination.

It seems even toy cars are not immune. While asbestos brake pads in the developed world have been a thing of the past for many years, a remote control toy car manufactured in China, and sold to Australian children through Ebay, was identified as having asbestos in its brakes with the seller advertising a "super-thick asbestos brake block" among the many features of the car. As well

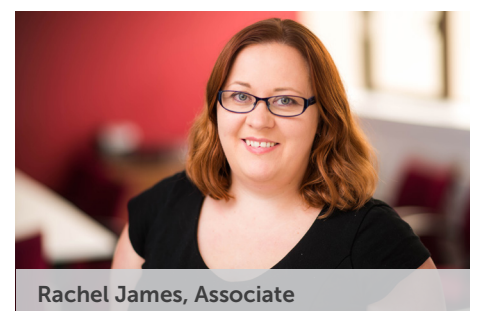
the brake pads, some of the interior components in the car were also found to contain asbestos. While the full extent of the dust and fibres released by such toys has not been analysed, it is entirely foreseeable that the stop start motion of a child playing with a remote controlled car would release asbestos fibres into the air when the car was played with. It also seems that even giving your child a much loved antique or vintage toy does not preclude



Families need to be very aware that vintage toys, and toys imported from abroad do not necessarily meet the safety standards applied to those produced in the UK.

them from risk. Asbestos was used historically as stuffing in toys, with fake snow on many Christmas toys being raw asbestos. Vintage steam machines will contain old asbestos components which may have deteriorated over the years.

What may seem to be an amazing deal or a much loved family toy, could be giving your child more than just fun!



Rachel James, Associate

Wife of a Ford Motor Company employee develops mesothelioma after washing her husband's overalls



Margaret McConnell was independent and active until early 2016 when she began to notice symptoms of shortness of breath and lethargy. She developed a dry and persistent cough and attended her GP who referred her to the hospital. A chest x-ray was performed and showed fluid on Margaret's lung. The fluid was drained, easing Margaret's symptoms but she was then given the devastating news that she had developed mesothelioma, an asbestos related cancer. Margaret remained positive but unfortunately deteriorated quickly and very sadly passed away in November 2016.

Margaret had instructed specialist asbestos diseases solicitor, Jennifer Seavor, following her diagnosis and Jennifer was able to visit her at home to take a witness statement. Initially, Margaret was unsure how she may have been exposed to asbestos but told Jennifer how she had always washed her late husband's work overalls. Her husband had worked at Ford Motor Company in Dagenham, working on the assembly lines. Asbestos was widely used in the motor production industry particularly in brake and clutch components. Jennifer

therefore suspected that Margaret's husband was most likely exposed to asbestos whilst working for Ford. Margaret could remember her husband coming home from work in his overalls which were very dirty and dusty. She did not have a washing machine at the time, so would always shake out the overalls to remove some of the dirt and dust before washing. She would then use a rubbing board to clean the overalls by hand. She did this everyday, unaware of the dangers of potential exposure to asbestos dust.

Jan said "I dealt with Jennifer Seavor who was excellent. She kept me fully informed of progress at all times and was there to explain any issues that arose. She is a true professional. When my mother passed away she was so kind and thoughtful of my feelings when making contact either by letter or by phone. I would not hesitate in recommending her to anyone looking for a professional and personal service."

Margaret's husband had died many years earlier so was not able to tell us about his asbestos exposure. Jennifer therefore needed to obtain witness evidence to support the claim. When Margaret died Ford's insurers would not accept the determination by the Coroner that Margaret's death was due to mesothelioma as the pathologist who had undertaken the post mortem examination had not carried out special tests on the lung tissue to definitively confirm the diagnosis but everything else pointed towards it being mesothelioma. Jennifer therefore needed to obtain further pathological evidence to confirm that it was mesothelioma that Margaret had.

Once presented with this evidence Ford's insurers agreed to enter into negotiations regarding settlement and Margaret's daughter Jan concluded her claim in October 2018 for over £70,000.



Jennifer Seavor, Senior Associate

■ 10 tips for communicating a diagnosis of mesothelioma



Dr Bethany Taylor attended our study day in London in October and fed back results from a recent Mesothelioma UK funded project called RADIO Meso.

WHAT IS RADIO MESO?

RADIO Meso stands for Receiving A Diagnosis Of Mesothelioma. The research project looked at identifying ways in which the family and carer experience of receiving a diagnosis of mesothelioma could be improved. The research team involved identified that communicating a diagnosis of mesothelioma is complex communication that requires a high skill set and if done badly, could cause distress to the patient and their family. They recognised that there was a lack of evidence on how best to communicate a diagnosis of mesothelioma.

Funded by Mesothelioma UK and conducted by Professor Angela Tod and Dr Bethany Taylor, recruitment for the project ran between March 2017 and April 2018 and involved semi-structured interviews, focus groups and a consultation on the draft recommendations.

Receiving a
Diagnosis of
Mesothelioma
Research Project

**RADIO
Meso**



MESOTHELIOMA UK
Supporting People With This Asbestos Cancer



The
University
Of
Sheffield.

WHAT WERE THE RESULTS?

The results enabled the research team to develop 10 tips for communicating a diagnosis of mesothelioma.

Dr Taylor presented the tips as follows:

1. Provide consistency and continuity in terms of who the patient sees and what is said.
2. Involve the clinical nurse specialist throughout, starting as early as possible in the diagnostic pathway.
3. Ensure that staff involved in communicating a diagnosis of mesothelioma have specialist knowledge and training.
4. Be patient centred when communicating a diagnosis, using language that is easy to understand.
5. Prepare and plan as a team before communicating a diagnosis of mesothelioma.
6. Provide a quiet and private environment to facilitate communication.
7. Ensure that the patient feels they have been allocated sufficient time.
8. Be direct and honest whilst maintaining hope where possible.
9. Use available expertise and resources. No single clinician should carry the responsibility of communicating a diagnosis on their own.
10. Make the patient feel like the most important person in the room, and at the centre of the communication process.

HOW WILL THE RESEARCH HELP?

The results of the feedback were truly enlightening and really made delegates at our study day think about their practice and how things could be improved.

Clearly, some of the tips may be easier to follow than others and some will depend on the resources available to the particular health trust e.g. providing a quiet and private environment. Dr Taylor stressed that the tips are aspirational but encouraged practitioners to do what they could to ensure that as many of the tips as possible were followed.

I believe the results of the research are invaluable and should be widely shared amongst clinicians. The tips developed also need not be limited to mesothelioma patients. They could be beneficial in the communication of other diagnoses, by clinicians in all areas across the National Health Service.

Undoubtedly, receiving a diagnosis of mesothelioma will always be very difficult for any patient and their family. However, the study has shown how communication from medical staff could potentially be improved in order to make the experience more comfortable for the patient, making the diagnosis that little bit easier to comprehend.

If the diagnosis stage of mesothelioma can be handled with minimal distress this may also help patients have a more positive outlook, whilst installing a feeling of faith and trust in their treatment providers throughout their personal mesothelioma journey. This can create an overall more positive experience at what will undoubtedly be a very difficult time.

Further, the research is also very valuable to those in the legal profession like ourselves, who often have to have difficult conversations with clients suffering from mesothelioma and other asbestos diseases. Where possible these tips can be adapted by lawyers in order to effectively and empathetically communicate with terminally ill clients in the course of their legal claim.

Dr Taylor's presentation certainly gave all delegates something to think about and take away to their own practice.



Abbie Porter, Trainee Legal Executive

■ £5 million on health screening for Grenfell survivors: Is there any point?

The Grenfell Tower fire is a tragedy that will never be forgotten. Devastatingly 72 people lost their lives in the fire. However, even for those who survived the future is uncertain. Many of the survivors, emergency responders and other local residents will have breathed in harmful smoke which contained many carcinogens. As the tower block was built in 1974, asbestos products were used in the construction. When the fire took hold, asbestos materials were no doubt destroyed. Whilst asbestos does not burn, the substances which bind the fibres together in materials - for example cement in asbestos sheeting and pipes - do burn meaning that asbestos fibres were released into the air. Those trying to escape from the building, outside in the aftermath and in neighbouring homes are potentially at risk as may have breathed in asbestos in the air.

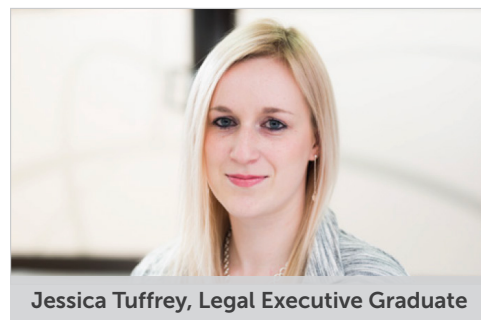
Following the inquest into the deaths of the 72 people killed, the senior coroner of West London wrote to the head of the NHS to request that health screening and monitoring be provided for those that survived the disaster, responded to it or lived in the immediate vicinity. Following this letter, the NHS has agreed to provide health 'MOTs' to those affected. They have pledged to invest £50 million into a screening project, which is to be gradually spent at £10 million per year for the next 5 years.



IS THIS HEALTH SCREENING ENOUGH?

With asbestos diseases such as mesothelioma having a recognised latency period of a believed minimum of 10 years and no upper limit, it is unlikely that those affected will show any signs of asbestos disease over the next 5 years. Health 'MOT's' won't be provided for long enough to pick up any asbestos linked diseases, or show the true impact of Grenfell's asbestos legacy. Whilst the intention is good, I do wonder whether the money could be better spent for example by other healthcare, by helping survivors who have lost their homes or by being put in to a fund to compensate people who may tragically go on to develop asbestos related diseases in years to come.

The senior coroner referred to those who were involved in the 9/11 terror attacks, where to this day more and more of them are developing illnesses due to the dust and smoke that they inhaled. This disaster happened some 17 years ago and demonstrates that health screening for those exposed due to the disaster at Grenfell now is inadequate. My view is that the money would be much better spent elsewhere at the moment.



Jessica Tuffrey, Legal Executive Graduate

Did you know soil can be contaminated with asbestos?



The public are now generally well aware that materials containing asbestos were widely used in the construction of both commercial and domestic properties, particularly in the 1950s, 60s and 70s. Many of those properties have since been demolished and the land redeveloped to provide housing.

Management of asbestos in the workplace during demolition and removal is highly regulated by the Control of Asbestos Regulations 2012. Those Regulations and the accompanying Approved Code of Practice apply to all work with asbestos, including working with contaminated soil, construction and demolition materials. However, the main focus in the Code of Practice is on the means by which employees can be protected when working in buildings, not with contaminated soil.

The lack of guidance has been addressed by CL:AIRE (Contaminated Land: Applications in Real Environments) who published a detailed guidance document in 2016 on asbestos in soil and construction and demolition materials. The guidance notes are aimed at employers and regulators. They are detailed and complex. Provided they are followed then any risk to employees should be reduced to a minimum, as should the risk to end users, i.e. the general public.

WHAT IF ANY PRECAUTIONS SHOULD WE TAKE AS THE GENERAL PUBLIC?

If you are purchasing a new property on a development site then your conveyancing solicitor should ask for a copy of the Contaminated Land Report and check that any planning condition regarding the clean up of contaminated land has been discharged. Your solicitor should also check there is an environmental search result available and, if not, carry one

out and take out contaminated land insurance, if necessary. Asbestos may be present in soil as discrete fibres or pieces of building material that have been buried in the ground, which may include discarded lagging, asbestos insulation board etc. The latter are clearly visible to the human eye.

IF YOU ARE CONCERNED THAT ANY PROPOSED WORK WILL ENTAIL DISTURBING THESE MATERIALS, WHAT SHOULD YOU DO?

It is possible to purchase an asbestos testing kit. My preference would be to have the materials checked by a UKAS-accredited company for asbestos surveying and, if asbestos is present, pay for it to be removed professionally. An expense yes, but worth it.

Asbestos fibres are not so easily detected. The risk of exposure arises as soil dries and fibres can then become airborne. If you have any particular reason for concern then there are laboratories that will undertake soil analysis. However, the reality is that asbestos can be present in the air we breathe, particularly in urban areas and it is impossible to eliminate all potential sources of exposure. The risk from exposure to 'background' asbestos in the air is extremely minimal.



Maggie Powell, Associate

Our recent successes.....

■ Carpenter who constructed portacabins recovers damages and immunotherapy costs



Peter from East Yorkshire instructed Rachel James following his diagnosis with malignant mesothelioma in February 2017. Peter had worked as a carpenter for Spooners (Hull) Limited where he fitted the modular portacabin buildings made by Spooners onto their customers sites. Many of the buildings had to have heating systems installed and required Peter to cut asbestos sheeting to size using a bench saw in order to box in the pipework. The portacabins were also fitted with an asbestos lining between the inner and outer wall, so every time Peter drilled into the wall asbestos dust was released. As a consequence of this work, Peter was exposed very heavily to asbestos which caused him to develop malignant mesothelioma.

As well as Peter's evidence, Rachel was able to obtain evidence from other carpenters who had worked for Spooners (Hull) Limited. Following the issue of proceedings, the Court entered judgment in Peter's favour and he was awarded an interim payment of £50,000. As Peter was a fairly young man, not yet at pensionable age, he also received a large lump sum payment

from the Government which we were able to help him obtain.

Peter commenced chemotherapy treatment and took to it very well, with relatively few side effects. His treating consultant took a 'watch and wait' approach with his treatment because he was a fit man who enjoyed walking regularly and remained very active. However, as Peter's condition progressed, he was recommended further chemotherapy treatment. Peter was very reluctant to have further chemotherapy treatment because he had witnessed several friends who had second line chemotherapy treatment for mesothelioma deteriorating rapidly. He therefore investigated immunotherapy treatment, and decided that he would seek a second opinion on whether it would be an option for him.

Peter lived very rurally in a small village on the East Yorkshire coast. He and his wife cared for their grandchildren, especially their youngest grandchild who was not yet school age. Peter's wife did not drive, so Peter decided that rather than being isolated and dependant on public transport, taxis and family

Rachel said "Peter is a lovely man with a real zest for life and a great love of his family. I am very happy that we have been able to agree a settlement that has not only allowed Peter to move into an area where he and his wife can maintain their independence, but also that he is able to have new and up and coming treatments in the future that will allow him to live for as long as possible, and with the best quality of life, whilst he spends as much time with his family as he can and watches his grandchildren grow up".

members when he could no longer drive; they would move into a larger town where she could live closer to her family and have free access to public transport links. However, the property market was very limited and Peter could not find a home that mirrored his own, which he had built himself. Peter bought a house close to his daughter, which he decided he would renovate, with the assistance of paid tradesmen, who put on a garden room, like the one that had been the pride and joy of his existing home.

Peter has tolerated immunotherapy treatment very well and is continuing with it. The settlement included an agreement that the insurers would fund Peter's immunotherapy treatment and any other reasonable treatments that his treating oncologist may recommend in the future. Peter's settlement also included many of the renovation and moving costs that had arisen from his need to move into an area with better public transport links.

Family of railway worker who died from the 'Swindon disease' receive compensation

Geoffrey Peace died from mesothelioma, an incurable cancer caused by exposure to asbestos dust on 1 October 2017.

Geoff lived in Swindon from the age of 3 and was 86 when he died. He was a lovely man who was well thought of in the area where he lived. He retired in 1994 but led a very active retirement. He was a lover of amateur dramatics and was the President of the Western Players in Swindon. He enjoyed sport over the years including football, cricket and badminton. He had a good social life and enjoyed taking holidays with his wife Eileen, who he married in 1962.

Geoff was sadly exposed to asbestos dust whilst working for the Great Western Railway in Swindon. He undertook an apprenticeship at the age of 16 in 1947, completing it in 1952. He then undertook his National Service but subsequently returned to the Swindon Railway Works in 1954 where he remained until 1963 when he was made redundant.

He then spent a few years working outside of the railway industry as an inspector at Pressed Steel and also for the Home Office as an industrial civil servant. Work subsequently became available again at the Railway Works with British Rail taking on more staff. Geoff returned there in 1974 until 1986.



Throughout his time at the Railway Works Geoff was a coach finisher and was predominantly involved in repair work in shop 24 which involved stripping and refurbishing train coaches.

Our specialist asbestos disease solicitor, Jennifer Seavor acted for Geoff and he told her that all of the train carriages had asbestos insulation in them, whether they were old or new so being exposed to asbestos dust was unavoidable. Whether he was fitting panels in new coaches or ripping panelling out of existing coaches so they could be refurbished, he was exposed to asbestos dust from the insulation which was sprayed on to the carriages as fire protection.

Back in those days, Geoff was not provided with any breathing protection

or given any warnings about the dangers of asbestos even though the company were or ought to have been aware of the developing knowledge regarding the dangers of asbestos.

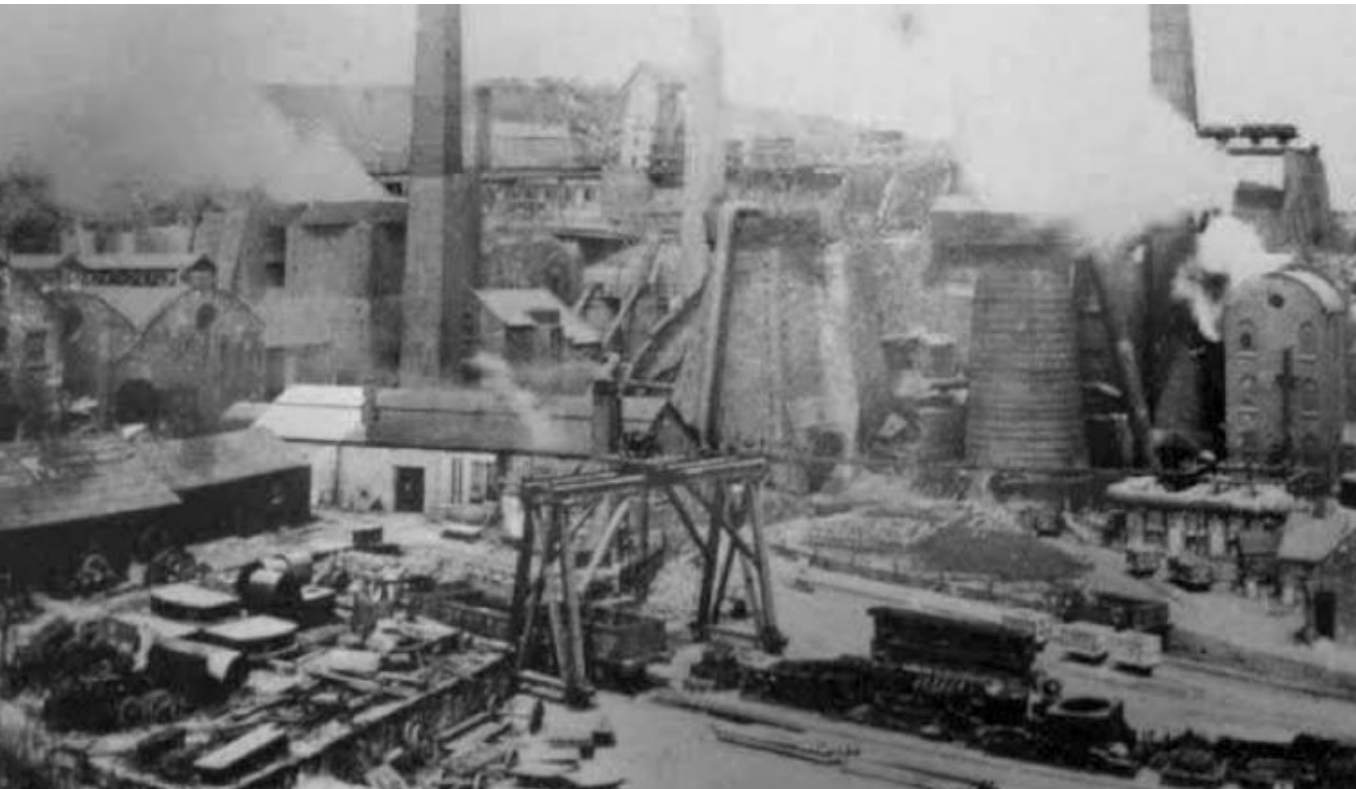
Geoff retired in 1994 and had enjoyed good health. Sadly, in June 2017 he began to experience symptoms of shortness of breath and had noticed that he was losing weight. Coincidentally, whilst out for a morning walk in July 2017, he stumbled upon a ceremony in Queen's Park which we had organised to support national Action Mesothelioma Day. Only a few weeks later, following a chest x-ray and CT scan, Geoff himself was diagnosed with mesothelioma. At the time Geoff told Jennifer "It was an absolute shock to me. I really thought that after all these years of being in good health and managing to avoid any problems relating to asbestos that I had gotten away with it. It is difficult to comprehend how many years it takes from exposure for things to develop."

Geoff was supported by his wife Eileen and son Adrian and his many good friends. He was also cared for at Prospect Hospice. Jennifer was able to assist Geoff with obtaining benefits from the Government to which he was entitled as a result of his diagnosis and an admission of liability and an interim payment of £50,000 in respect of his legal claim. The claim subsequently settled in August 2018.



Jennifer Seavor, Senior Associate

Steel worker receives compensation from Corus



We were instructed by Alan to pursue a claim for compensation after he received the devastating news that he had mesothelioma. His daughter initially contacted another specialist firm of solicitors but they declined to take the case.

Maggie Powell visited Alan at home in November 2017. Alan described how he worked for Brymbo Steelworks in the village of Brymbo, near Wrexham. He worked in the melt shop where scrap materials, some of which contained asbestos e.g. lagged pipework and obsolete boilers, were melted down in the furnace to make steel. The scrap material was deposited in the melt shop by tipper truck. Tipping the loads of scrap material generated a huge amount of dust in to the atmosphere. The process of moving the scrap into the furnace, by crane, would again disturb materials and generate dust, including asbestos, into the atmosphere.

A letter of claim was sent to Corus Engineering Steels (UK) Ltd in December 2017. An admission of liability was made in March 2018 followed by an interim payment of £50,000. Following negotiations the claim settled in June 2018. Very sadly Alan has since died. He was a lovely man and will be a huge loss to his family.

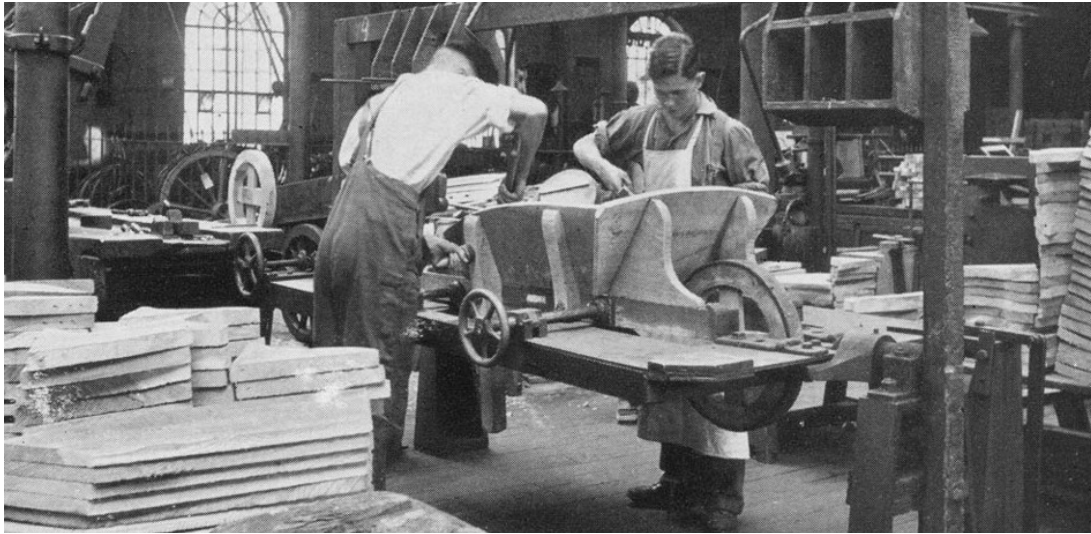
His daughter, who cared for him with support from other family members said

"Amazing service. Maggie Powell was a wonderful solicitor, who although makes sure she does her job she also takes thought and care with the family as well. Although we could not do anything about dad's illness with the compensation, you made him happy as he was able to ensure his children and grandchildren were in a better financial position when he passed away."



Maggie Powell, Associate

Family of carpenter Roy Blakey conclude their claim following his death from mesothelioma



Roy Blakey was fit and well and working full time until summer 2016 when he began to notice weight loss and experience breathlessness and back pain. Initially, Roy put this down to occupational asthma.

One night, he woke with severe chest pain and went to the hospital. A chest x-ray came back as abnormal and Roy was sent for a CT scan. He was subsequently diagnosed with mesothelioma.

Roy tried to carry on as normal and returned to work, despite suffering with ongoing pain. Sadly, Roy's condition began to deteriorate and he was admitted to hospital where he sadly passed away on 15 February 2017 at the age of 63.

Roy was negligently exposed to asbestos during his employment with Stepnell Limited in the 1970s. He worked for the company on projects at RAF Upper Heyford.

Roy was employed as a carpenter and was involved in making products in the joinery shop and then fitting them in buildings at the RAF base. He frequently used asbestos insulation board to make fire doors, soffits and insulation panels. He spent significant time in the joinery shop cutting the asbestos board to the right shape and size before fitting it. Roy described how asbestos dust would fill the air and cover his hair and clothes. There was no ventilation and Roy was not provided with any breathing protection or health and safety training.

Jennifer Seavor acted for Roy in his claim against Stepnell Limited. She was able to assist Roy obtaining benefits from the Government to which he was entitled as a result of his diagnosis. Jennifer said "Roy was a lovely man. He worked very hard all his life to provide

for his family only to be diagnosed at a relatively young age with mesothelioma. Roy was exposed to asbestos at a time when it was known that the substance was dangerous. His employer failed to take reasonable steps to protect him. No amount of money can compensate his family for their loss, but Roy wanted to ensure that they were provided for."

Unfortunately, Roy passed away before his claim could be concluded but his wife Stephanie continued with the claim in his honour. The claim settled in September 2018 for a compensation award of over £250,000.

Stephanie said:

"Roy and I had been together for 41 years and had just celebrated our Ruby Anniversary when he was diagnosed. We always thought we would retire together so his untimely passing devastated me and our family. However, I know that although money isn't everything, Roy would have welcomed the outcome of the claim."



Jennifer Seavor, Senior Associate

Damages secured for the family of a former British Rail engine fireman



Rachel James was instructed by Caroline, the daughter of Douglas following his death from mesothelioma. His family recalled that he had worked for British Rail as a fireman and also for Royal Mail in two of their sorting offices and as a postman.

Douglas sadly passed away very quickly following his diagnosis. His condition progressed so rapidly, that he was not able to take legal advice and had not really discussed with his family about where he had come into contact with asbestos.

Douglas had mentioned to his wife many years before that the Royal Mail sorting office that he worked in had an asbestos roof that was being removed and replaced. His wife remembered him talking about the dust caused by the work and mentioned that he was required to carry on his usual work in the room during the removal. His wife and daughter also remembered that Douglas had worked for British Rail as a railway fireman when he first moved to the United Kingdom from India.

Although Caroline and her mother were not aware that the work of a railway fireman would have brought Douglas into contact with large amounts of asbestos, Rachel had pursued cases for railway firemen and railway workers on many occasions. Caroline was able to give evidence that her father had worked as an engine fireman on trains leaving from London's Kings Cross, Euston and St Pancras stations. Caroline remembered that part of her father's job involved helping with the maintenance of steam trains at Neasden depot and cleaning up. During the late 1950's – mid 1960's, steam engines and pipework contained a large amount of asbestos.

Douglas's job as an engine fireman involved him shovelling coal into the firebox to ensure that the train kept moving. When not shovelling coal he would be assisting the engineer in the cab by keeping an eye on the controls. Within the cab there were many asbestos lagged pipes along with the

exposed parts of the firebox. The firebox was lined with asbestos and the coal was shovelled at speed, which led to damage of the firebox and exposure of the asbestos lining. At the end of each journey, Douglas had to clean out the inside of the firebox, which again disturbed and damaged the asbestos lining.

The Department of Transport, who now hold the liabilities for historic British Rail cases made an admission of liability in the case and agreed to pay Douglas's estate an interim payment of £50,000. The claim put forward included damages for Margaret, Douglas' wife's dependency on his income and services, to help make sure that she is financially secure for the future. She was also compensated for the care that she provided to Douglas while he was unwell and awarded bereavement damages. At the outset, Rachel helped Margaret obtain a lump sum mesothelioma payment from the state, so that she had some money to help her while her claim was being pursued. Douglas's family received over £145,000 in compensation.

Caroline said to Rachel:

"I was extremely impressed by the diligence and efficiency shown in dealing with my claim. You were knowledgeable, reassuring, thorough and made the whole process very easy for me. Without your help I would not have expected to have received any compensation or known who to pursue the claim with. I would certainly recommend Royds Withy King to any family in a similar situation."

Successful lung cancer claim for Durasteel worker

Rachel was instructed by William and his family following his diagnosis with lung cancer. William, who liked to be known as Bill, had always been quite a light smoker and had given up smoking in the early 1980s, prior to the Falklands War.

When he was a very young man he had worked at the Durasteel asbestos factory from mid 1949 until he was made redundant nearly two years later. His first job at the Durasteel factory in Greenford saw him working on a drilling machine, drilling holes in roof tiles. Bill also did lots of overtime while working in the factory which always involved operating the asbestos sheet press which pressed wet asbestos sheets into a flat asbestos board before it dried. After 5 months, Bill's job changed in the factory when he was taken on as an electricians mate in the maintenance team. The electricians were based very close to the hopper, where raw asbestos powder was poured in to be mixed into asbestos paste that was used by all of the machines. Bill working close by was often completely covered in dust. He was frequently asked to help carry hessian sacks of raw asbestos powder into the factory when deliveries arrived, which happened on a daily basis.

Bill's job also involved working on the maintenance of the factory, but mainly maintaining the



machines that were used to produce asbestos materials. One of the big problems in the factory was that these machines would get their motors clogged up with asbestos dust and fibres. Bill would have to take the sides off the machines and blow out the asbestos dust with an airline on a frequent basis. This was a continual job in the factory as there were lots of machines to be serviced several times a month to stop them from blocking. The factory itself was incredibly dusty because of all of the raw asbestos power used in the manufacture of products and then the asbestos given off by the cutting drilling mixing and flattening processes to make the asbestos products.

Initially after his diagnosis, Bill stayed at home to be close to his wife, who was in a care home having been diagnosed with Alzheimer's. However, as his condition progressed, he became increasingly weak and frail. Around 12 months after being diagnosed, Bill developed pneumonia and suffered a nasty

fall. He took a very long time to recover from the pneumonia and felt that he was too unwell to look after himself at home anymore, even with the help of paid carers. When he retired, Bill had moved to Derby with his wife, but most of his daughters still lived in the North West London area so he didn't have any other support.

Several months after he had been diagnosed, and when he felt no longer able to care for himself, he wanted to be closer to his daughters and his grandchildren. Bill decided he would move into a residential care home that had the capacity to care for him as his condition deteriorated.

Bill was able to recover his care home costs for the time that he had left as well as recovering damages for his asbestos induced lung cancer and also for the care that he had already received. Bill's case settled for £105,000.

Recent events

■ Royds Withy King announced as Mesothelioma UK's 'Corporate Donor of the Year'!

On the 18 October 2018 Jennifer, Rachel and Maggie from our team hosted a table at "A Night at the Races" organised by Mesothelioma UK and held at the National Memorial Arboretum in Staffordshire.

The event was held as a fundraiser the evening before Mesothelioma UK's annual patient and carer day.

We were delighted to be joined by Professor Michael Peake, Chair of the Board of Trustees of Mesothelioma UK and Mesothelioma UK clinical nurse specialists, Lorraine Creech, Anne Moylan and Jo Hargraves.

It was a brilliantly organised evening and a great opportunity to speak to a diverse number of people actively involved in and passionate about supporting Mesothelioma UK. We were delighted to support the event by buying a table and sponsoring the winners' enclosure. We also sponsored a horse in each race which were appropriately given gin themed names including Hurdling Hendrick and Galloping Gordon and we sponsored the first race – The Gindependence Day Stakes!

The evening was made extra special as we were presented with Mesothelioma UK's first ever award for 'Corporate Donor of the Year'.

Maggie Powell said:

"It was a brilliant evening which gave us the chance to catch up with the Mesothelioma UK team whilst raising lots of money for the charity. To be presented with the Corporate Donor award was a true honour and reflects our ongoing commitment to support Mesothelioma UK in the wonderful work they do. The charity is going from strength to strength and we are genuinely happy to help them in any way we can."



■ Mesothelioma UK Patient and Carer Day 2018

On 19 October 2018 Rachel and Jennifer attended the Mesothelioma UK Patient & Carer Day at the National Memorial Arboretum in Staffordshire. It was a truly inspiring day and we were very happy to meet so many mesothelioma patients and their families.

Professor Dean Fennell gave an update on current trials and Mesothelioma UK nurse Anne Moylan gave a fantastic talk about the impact of asbestos disease on veterans and the benefits advice and schemes now available. Her colleague Joanne Hargraves spoke about thoracic surgery in mesothelioma.

The true inspirations of the day were Tim Stokes and Liam Bradley. Tim Stokes who has mesothelioma talked about positivity and making the most of the time he has. He recommended having 'selfie moments' and creating memories. He celebrates 'Dad years' and has a birthday everything month rather than every year. Liam Bradley, a recently diagnosed mesothelioma patient with a very young family (who is soon to be expecting his second child) carried out a sponsored cycle ride ending at the National Arboretum. Liam is planning further fundraising events and plans to walk all the way to Alicante in Spain in the summer of 2019.

At the end of the day we had the honour of presenting a £2,000 bursary to Mesothelioma UK following on from their success in winning our competition to feature on the back cover of the Royds Withy King ahead of the curve magazine "Leading Edge".

Rachel said:

"I felt honoured to be invited to attend the Mesothelioma UK Patient & Carer Day. It was such a positive and inspirational event in the most beautiful and poignant of locations. It was a pleasure to witness first hand how important such meetings are to mesothelioma patients and their families."

Well done Mesothelioma UK!

Portsmouth Lung Cancer Support Group members put their best thinking caps on for their annual quiz!

On Tuesday 2 October Jennifer and Jess turned their hands from legal work to become quiz masters for the morning and provided some light hearted competition to the members of the Portsmouth Lung Cancer Support Group. There was a lot of heckling of the quiz masters and a few challenges from the crowd (now to be expected!) with the answers but the quiz was ultimately enjoyed by all those who attended.

The winning team chose to donate their prize money of £50 to the support group so that it can go towards the running costs. Last Easter's winnings were spent on a coffee machine which is utilised by the members at their monthly meetings.

THE FINAL RESULTS WERE:

- 1. The Defenders: 84**

- 2. The Angels of the north and south and Nit Wits: both with 83.5**

- 3. –**

- 4. The Know Nowts: 82**

- 5. Seadogs: 79.5**

- 6. Roses: 53**

National Lung Cancer Forum for Nurses Annual Conference 2018 – Telford

On 1-2 November 2018, Jennifer, Rachel and Jess attended the annual conference of the National Lung Cancer Forum for Nurses (NLCFN).

This year the conference was held at the International Centre in Telford and the theme was Lung Cancer: Building Hope in Challenging Times.

Over the two days, we were delighted to catch up with specialist mesothelioma and lung cancer nurses who we have met and established relationships with over the years and to meet new colleagues. We see it as such an important part of our roles as specialist asbestos solicitors, to have close working relationships with the nurses that treat and care for our clients.

We had a stand from which we distributed our literature and information to the nurses and clinicians in attendance. We also had a few goodies for them, including pencil cases and mini torches as well as the usual post-it notes, pens and stationery!

We were also able to treat several nurses from Kent, Mesothelioma UK specialist nurse Anne Moylan, and lung cancer nurse specialist Kate Bentley from Portsmouth, to dinner on the Wednesday evening, which was lovely.

Jennifer was able to sit in on some of the talks this year. She heard about the improving quality of mesothelioma services and a recap of the national mesothelioma audit data from Professor Mick Peake and an update from Anne Moylan on Mesothelioma UK and their plans for the year ahead. As well as this, Jennifer heard about the Mesothelioma UK Armed Forces Project in a talk from Robert Lawton from the Veterans Welfare Service and Lisa Booth from support group HASAG.

Alison and David Staley gave an emotional talk about David's journey from his diagnosis of mesothelioma until now. He was so inspirational, it was amazing to hear everything he had been through and that he still remains positive for the future.

Another interesting talk involved a debate around the provision of the form DS1500 for those diagnosed with mesothelioma and lung cancer. This is essentially the gateway to government benefits and shows that someone has an extremely limited life expectancy. The debate centred around whether it was appropriate to give all of those diagnosed with mesothelioma and lung cancer a DS1500 given that due to research and new treatments which are showing great promise for such conditions, people are living longer with these awful diseases and also living well with them. Rachel Thomas, specialist nurse, made the point that many of her patients have had treatment following a diagnosis and have in fact been

able to return to work. However the consensus in the room was that a DS1500 should be issued to patients who receive a diagnosis of mesothelioma or lung cancer.

Vanessa Beattie, lung cancer nurse specialist at Aintree Hospital and NLCFN chair said:

"It is an excellent opportunity to meet and network with colleagues who share your enthusiasm for the best care for people with lung cancer and mesothelioma. We had a fantastic programme of presentations from renowned experts in the thoracic malignancy arena. This year we reflected on the changes we face and explored new ways of working to achieve better care for our patients."

All in all it was another brilliant conference, and we are already looking forward to next year at London Heathrow Airport, where we will celebrate the 20th annual conference.



The winners of our raffle were Liz Forman, Hilary Neal and Jan Sweet who each received a £100 John Lewis voucher.

■ New support group in the south west to help asbestos disease sufferers

On Thursday 15 November 2018, Jennifer and Rachel attended the launch of the South West Asbestos Support and Awareness Group (SWASAG).

SWASAG is a new group dedicated to helping people affected by asbestos related illnesses and make a positive difference in their daily lives by:

1. Providing support, practical advice and information to victims and their families.
2. Holding regular, monthly support meetings in Plymouth and Truro with plans to expand in the future.
3. Raising awareness of asbestos related diseases.
4. Educating the general public about the dangers of asbestos.

The launch was held in Plymouth at the Future Inn and was extremely well attended which showed the need for this kind of group in the South West. Jennifer said "there was a real gap in the South West region for this kind of group. HASAG has been operating for many years now and has grown from strength to strength, helping those affected by asbestos illnesses in the central south. LASAG was set up a few years ago to assist those in the South East; however until now the South West didn't have anything like this".

Mesothelioma UK specialist nurse, Christine Jones, has been instrumental in establishing the group. The trustees all have an emotional tie with asbestos disease because they have been affected themselves and it is wonderful that they have selflessly decided to give their own personal time to help set up and run the group.

The Chairman is Christine's husband, Steve Jones. He is an experienced dock worker who has seen first hand the dangers of asbestos exposure. The Vice Chairman Julia Southwell sadly lost her husband Albert to mesothelioma in February

2017. She sees the setting up of the group as a tribute to his legacy. Julia is determined to do everything she can to give something back and help those who are also facing the same diagnosis as Albert did. The Treasurers are Helen Rowe and Julie Pleau. Helen and Julie's father Mike was diagnosed with peritoneal mesothelioma in 2015. Mike met Christine Jones at a support group in Plymouth and decided to establish one in Truro in Cornwall with Christine's help. Sadly, Mike passed away in January 2018 but Helen and Julie are determined to make a success of the new South West group in memory of their dad and to raise awareness.

At the launch, Jennifer had the pleasure of meeting her former clients – Brian and Sue Davis from Saltash. Jennifer acted for Brian, concluding his claim for his late father Jim in December 2015. Jim had worked at Devonport Dockyard as a boiler maker between 1955-1972 and was heavily exposed to asbestos. He developed pleural plaques in the 1980s and pursued a claim. Sadly, as the years went on Jim's health deteriorated and he became extremely disabled



by his breathlessness. He repeatedly sought the advice of his doctor and solicitor, complaining of his worsening symptoms but unfortunately, his complaints were not taken seriously. On his death, it became apparent that he had actually developed asbestosis, fibrosis in his lungs due to his heavy asbestos exposure. Brian wanted to try and obtain justice for his dad and sought advice from Jennifer about making a claim.



The claim was not straightforward as Brian did not know who had acted for Jim in his first claim for pleural plaques and Brian also wasn't sure how he had settled his claim – whether on a provisional or full and final basis. Jennifer undertook significant investigations and was able to trace the first solicitor but when she got in touch it transpired that they had destroyed their file. Jennifer undertook further investigations including with the local Court and Jim's former GP and consultant regarding how Jim had settled his pleural plaques claim. Eventually, she was able to establish that Jim had indeed settled his claim on a provisional basis. However, at that stage a further issue came to light – in that the original terms of settlement included a long stop provision for any future claim meaning that Jim only had a further 15 years from the settlement of his pleural plaques claim to claim any further compensation. The long stop had expired. Jennifer did not let this put her off and wrote to the Ministry of Defence and put them on notice of her intention to seek an order from the Court to retrospectively extend the time period. Just prior to the Court hearing the Ministry of Defence agreed to what Jennifer was proposing and the claim was eventually settled in Brian's favour for £90,000. Whilst the money could not bring Jim back or compensate him for the awful disability he suffered due to his asbestosis, Brian felt as though justice had been done for his dad.

Jim was a really important member of the community where he lived. He served in the RAF Bomber Command as a Lancaster Rear Gunner during the Second World War – and survived 32 missions over enemy territory! In the 1980's he embarked on a project to build a memorial which still stands on Plymouth Hoe today – the RAF and Allied Air Forces

monument. Indeed, Jim's ashes lie beneath the memorial and there is a plaque dedicated to him.

Brian and Sue were extremely happy to hear that a support group had been set up in the South West and were keen to attend to support the launch.

Sue said

"We think the support group is a very good thing and we really think it will be a successful project. We did not have support such as that when Jim was ill but as far as the case was concerned we had Jennifer and she was the best!"

Brian and Sue always said to Jennifer how impressed Jim would have been with the work she had done on the case because he was a fighter who never gave up. Jennifer was absolutely thrilled to meet Brian and Sue at the launch of SWASAG. Sue said: "It was so lovely to meet with Jennifer and we are so glad that she was able to see the RAF memorial and Jim's plaque".

For those living in Devon and Cornwall who would be interested in attending the support group meetings, they are held regularly in Plymouth and in Truro.

You can contact SWASAG by telephone on 02000 010010/ 07446 255524 or by email swasaginfo@gmail.co.uk for more information.



HASAG Christmas lunch



Rachel said

"We would like to say a big thank you to the ladies from HASAG and all of the patients and supporters who hosted this event. Thank you very much for inviting us to the best Christmas party of the year!"

Jennifer and Rachel also attended the HASAG Christmas lunch on 6 December 2018 in Portsmouth to support the fantastic work that HASAG and their supporters do in raising awareness of asbestos disease and supporting patients with asbestos illnesses.

Everyone donned their festive Christmas jumpers. There was a lovely Christmas atmosphere to the event which was topped off by a visit from Elvis who sang some of his greatest hits! The raffle raised over £800 for the charity.

Moustaches for Mesothelioma



Whilst moustaches for mesothelioma is really a November event we were a little late this year and got the team to wear moustaches for our Christmas party on 7 December 2018 at the Swindon Steam Museum. We raised £119 for Mesothelioma UK. Some moustaches were still firmly in place the morning after!

■ Upcoming events



Mesothelioma, lung cancer and asbestos disease education days

- **FRIDAY 10 MAY 2019**
at our Regent Circus office in Swindon
- **FRIDAY 27 SEPTEMBER 2019**
at our 69 Carter Lane office in London.

To reserve a free place email:
events@roydswithyking.com

■ Swindon & Wiltshire Asbestos Support Group (SWASG)

Meetings are held on the last Friday of every month from 3-5pm in the Garden Room at Christ Church Community Centre, Cricklade Street, Swindon, SN1 3HB.

FOR MORE INFORMATION:

Email - support@swasg.com

Telephone - 01793 847 707

FIND US ON SOCIAL MEDIA:

Facebook - search

'Swindon and Wiltshire Asbestos Support Group'.

Twitter - @SWAsbestos

■ Asbestos drop in clinics:

Free specialist no obligation advice for those diagnosed with an asbestos disease or worried about exposure. We can also assist with applications for government benefits.

SWINDON

Every Thursday 9am – 5pm at our Swindon office
Royds Withy King, 34 Regent Circus, Swindon, SN1 1PY

OXFORD

Every Monday 10am – 4pm at our Oxford office
Royds Withy King, North Bailey House,
New Inn Hall Street, Oxford, OX1 2EA

READING AND DIDCOT

Every Wednesday at the following times

- **1st Wednesday of the month** – between 2pm – 4pm at the Oakwood Centre, Woodley, RG5 4JZ
- **3rd Wednesday of the month** – between 3pm – 5pm at Tilehurst Methodist church Hall, 26 School Road, Tilehurst, RG31 5AN
- **4th Wednesday of the Month** – between 2pm – 4pm at Clements Room, All Saints Youth and Community Hall, Roman Place, Didcot, OX11 7ER

■ Your key Industrial Disease Claims contacts



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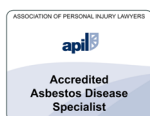
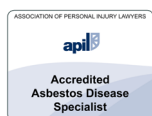
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