



# Asbestosis and Pleural Thickening

A guide to compensation

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# The Asbestos Law Partnership LLP



## Introduction

This guide is written for you if you are suffering from pleural thickening or asbestosis or have a family member or friend who is suffering from these conditions.

If you have pleural thickening or asbestosis you will be entitled to compensation.

You get one chance at claiming compensation.

This guide aims to help you use that chance and tells you about the compensation you could get through the Courts and from the Government.

We will provide you with the expert legal advice you need to ensure that you receive the compensation you are entitled to.

## Why Choose The Asbestos Law Partnership LLP?



“ The Asbestos Law Partnership has been set up to act for asbestos sufferers. We have over 50 years' experience of representing people who suffer from asbestos diseases and their families. ”

All the solicitors in the firm specialise in asbestos disease cases.

We only deal with asbestos cases to make sure that we have the necessary expertise and specialist knowledge to maximise the prospects of successfully pursuing your case.

Prior to setting up The Asbestos Law Partnership, all our solicitors had been partners in the specialist disease firm, John Pickering and Partners LLP.

We have previously been involved in most of the important test cases relating to asbestos disease claims and have constantly fought to promote and preserve the rights of asbestos disease sufferers.

If you ask us to deal with your case we guarantee:

1. Your case will be dealt with by a qualified solicitor who is a specialist in asbestos cases.
2. We will come and visit you anywhere in the UK.
3. We will not ask you to pay anything for the work we carry out.
4. We will not deduct anything from the compensation we obtain for you.
5. We will always communicate with you in plain English and avoid legal jargon.
6. We will assist you in obtaining Government benefits.
7. We will not act for Defendants.

# What is asbestos?

**Asbestos is a naturally occurring mineral that has been mined for hundreds of years.**

Asbestos fibres are fireproof and very durable and have been manufactured into many different materials.

An asbestos fibre is 50 to 200 times thinner than a human hair, can float in the air for a long time, can be invisible to the naked eye and can be breathed into the lungs.

Working out how and when you breathed in asbestos dust can be difficult.

We will help identify where you could have breathed in asbestos dust by going through your family and work history with you.

Exposure normally happens when a product containing asbestos is disturbed and asbestos fibres are released into the air.

Asbestos was manufactured in a large number of products in the UK particularly between 1930 and 1980. These are some of the products which contained asbestos:

- Corrugated roofing sheets
- Soffits, guttering and downpipes
- Insulation around pipework and boilers
- Insulation board e.g. Asbestolux
- Sprayed asbestos coatings
- Ceiling tiles
- Vinyl floor tiles
- Asbestos rope
- Asbestos partitions
- Artx
- Asbestos insulation quilts
- Asbestos clothing

Throughout the 20th Century, the knowledge of the dangers of asbestos in the UK increased, but it wasn't until 1999 that the use of asbestos was banned in the UK. This timeline sets out some of the key dates.

**1906**

Dr Montague Murray gives evidence to the Departmental Committee on Industrial Diseases of the **death** of a man from an asbestos related condition.

**1924**

Nellie Kershaw, **first reported death due to asbestos**. Nellie had worked at Turner Brothers Asbestos in Rochdale.

**1928**

**Government Factory Inspector** notes cases involving asbestos exposure causing asbestosis.

**1930**

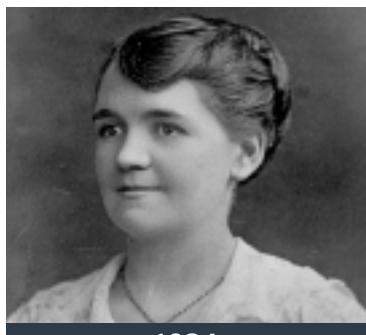
**Government Factory Inspector report** by Dr Merewether and Mr Price makes link between asbestos exposure and asbestosis in the asbestos industry.

**1931**

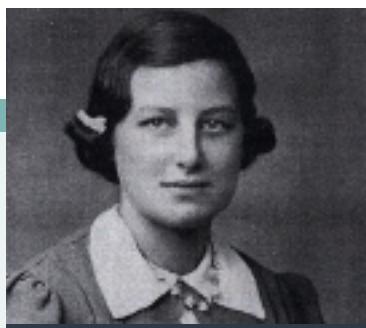
Asbestos Industry Regulations 1931 seek to control the amount of asbestos dust in factories.

**1938**

Factory Inspector Report: "It is not many years ago when the dust of Asbestos was regarded as innocuous, while to-day it is recognised as highly dangerous".



1924



1952



1971



1982

1999

Compulsory ban on white asbestos.

1993

Groundbreaking case, Margereson and Hancock v J W Roberts held that from 1933 J W Roberts should have known **children** playing near their asbestos factory in Armley were at risk of developing asbestos related diseases.

1987

Control of Asbestos at Work Regulations give greater protection to employees at work.

1985

Compulsory ban on blue and brown asbestos.

1983

UK Government introduces further Asbestos Regulations.

1982

Yorkshire TV's prime time documentary, Alice - A Fight for Life, ignites public and political debate around asbestos use in UK.

1980

Voluntary ban on brown asbestos.

1971

Groundbreaking World in Action documentary focuses on Cape's Acre Mill factory in Hebden Bridge and its dangerous use of asbestos.

1970

Voluntary ban on blue asbestos.

1969

UK Government introduces further Asbestos Regulations seeking to control exposure to asbestos dust.

1965

Front page Sunday Times article reports the link between low level asbestos exposure and mesothelioma.

1952

Nora Dockerty's family first in the UK to receive **compensation** for her death from an asbestos related disease. Nora had worked at Turner Brothers Asbestos in Rochdale for 13 years.

1955

Eminent Scientist, Sir Richard Doll, reports a link between asbestos dust and **cancer**.

1960

Pathologist, Chris Wagner, reports link between asbestos exposure and **mesothelioma**.

1960

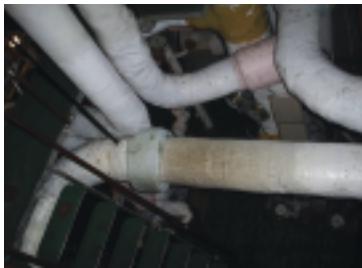
Shipbuilding and Ship-repairing Regulations seek to control the amount of asbestos dust in the shipbuilding and repairing industry.

1961

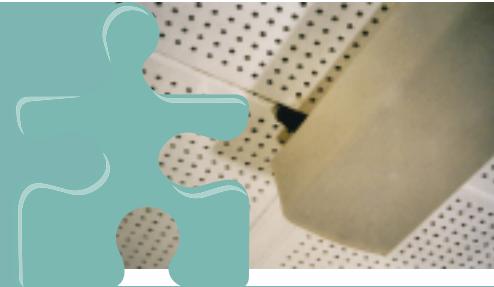
Factories Act seeks to control the amount of dust in factories.

1965

Dr Muriel Newhouse and her colleague Hilda Thompson report a link between washing husband's dusty asbestos overalls and mesothelioma.



## Where have I been exposed to asbestos dust?



Asbestos roof

Fire doors insulated with asbestos boards

Sprayed asbestos fire-proofing insulation

Lagged pipework containing asbestos

Asbestos ceiling tiles

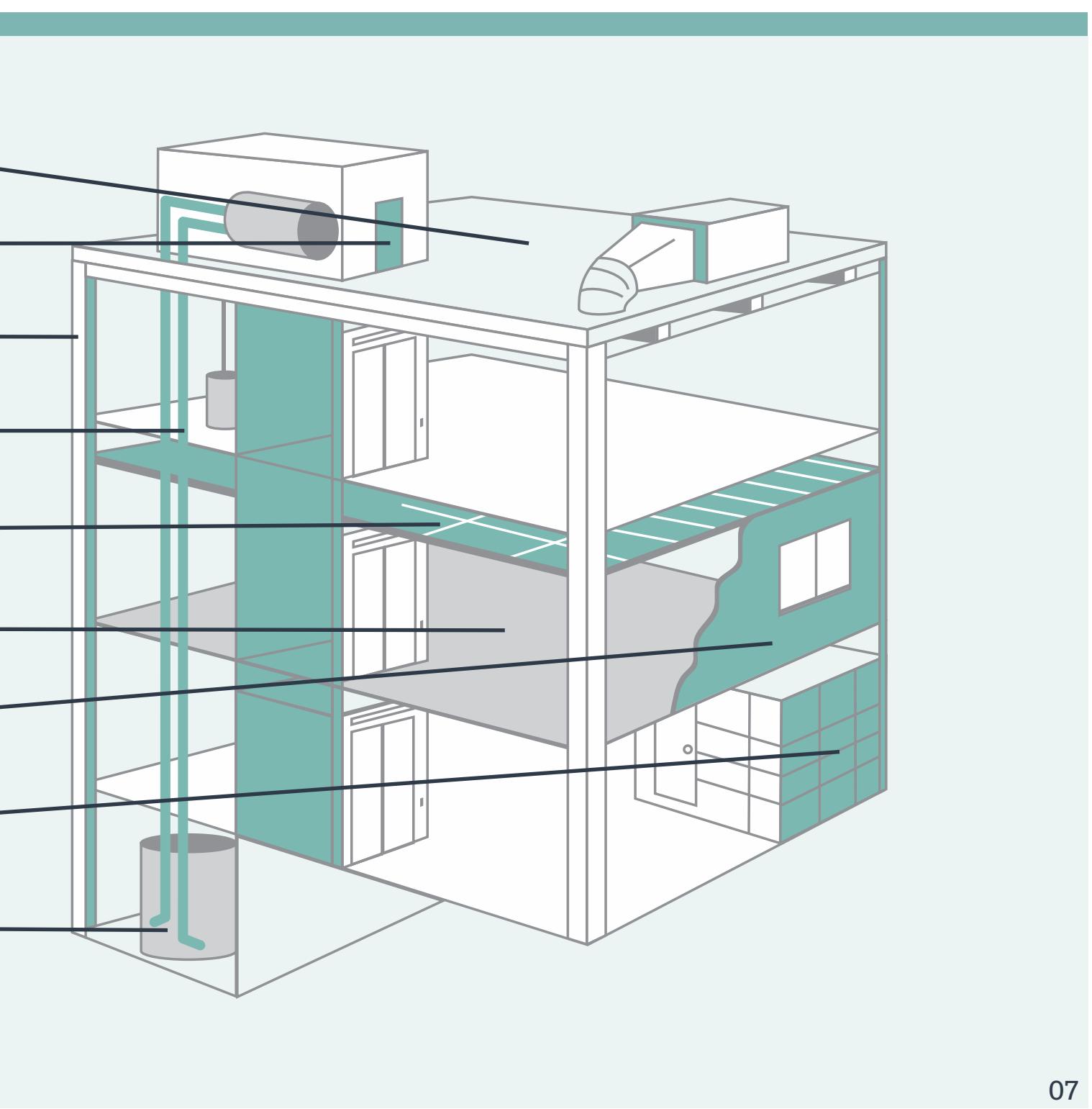
Asbestos floor tiles

Asbestos textured paints and plasters

Asbestos partitions

Lagging on boilers containing asbestos







# What are pleural thickening and asbestosis?



## What is pleural thickening?

Pleural thickening is scarring and thickening of the lining of the lung caused by exposure to asbestos dust. It causes breathlessness which may be mild or severe.

## What causes asbestos related pleural thickening?

Exposure to asbestos dust causes pleural thickening. The exposure to asbestos dust does NOT have to be heavy exposure.

## What are the symptoms of asbestos related pleural thickening?

Breathlessness which may be mild or severe.

## What is asbestosis?

Asbestosis is a scarring of the lung caused by exposure to asbestos dust. It causes breathlessness which may be mild or severe.

## What causes asbestosis?

Asbestosis is caused by exposure to asbestos dust. There are a number of different causes of scarring to the lungs.

The scarring is only called asbestosis when there has been heavy exposure to asbestos dust. It is often difficult to work out how much asbestos dust you have been exposed to.

If you were an asbestos lagger or asbestos sprayer or worked with large amounts of asbestos then 1 year of constant exposure to asbestos dust may be enough to cause asbestosis.

If you were exposed to asbestos dust on and off for example as a shipbuilder or construction worker then 5 to 10 years of this exposure to asbestos dust may be enough to cause asbestosis.

Small amounts of exposure to asbestos dust does not cause asbestosis.

We will help you work out how much asbestos dust you have been exposed to and whether we can prove that the asbestos exposure has caused the asbestosis.

## What are the symptoms of asbestosis?

- Breathlessness
- Cough

## How are asbestos related pleural thickening and asbestosis diagnosed?

### 1. The role of the GP

If you have been exposed to asbestos dust and develop breathlessness or a cough you should see your GP.

Your GP is likely to refer you for a chest X-ray.

### 2. The role of the Specialist

To reach a diagnosis, the following investigations may be carried out:

- X-ray of the chest
- CT scan
- Breathing tests

## What treatment is there for pleural thickening and asbestosis?

There is no treatment to cure pleural thickening or asbestosis. You will normally be kept under annual review by your consultant chest physician. If your breathlessness gets very bad then you may be offered treatment to help the breathlessness for example oxygen.

# Claiming compensation for pleural thickening and asbestosis through the courts

**If you were exposed to asbestos dust and are diagnosed with asbestos related pleural thickening or asbestosis, you may be entitled to bring a claim for compensation through the courts.**

You need to have breathed in a lot of asbestos dust to develop asbestosis. Your exposure has

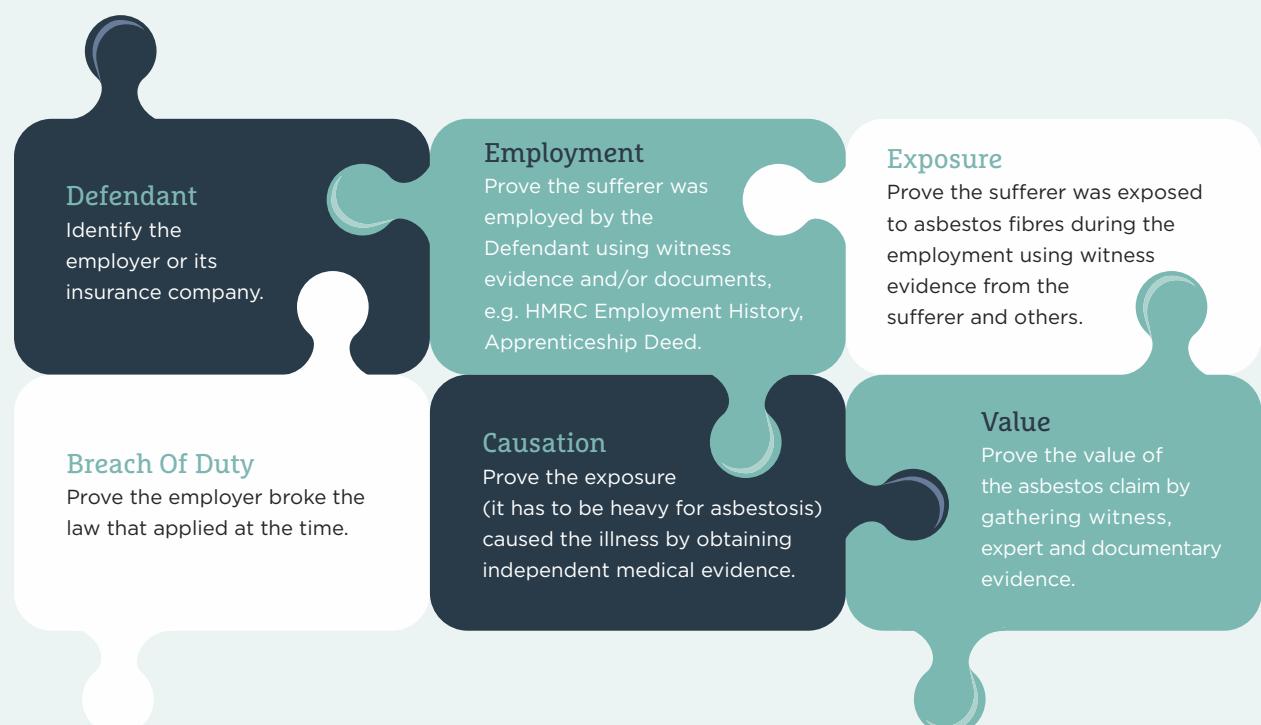
to be very heavy over a year or more for you to get this illness.

You do not have to breathe in a lot of asbestos dust to develop pleural thickening.

Bringing an asbestos claim is very much like putting a jigsaw puzzle together.

There are various parts to the puzzle that have to be investigated and hurdles that have to be overcome before the jigsaw puzzle fits together.

In an asbestos claim where exposure was at work you have to prove:



# Questions you may have



**My employer exposed me to asbestos but no longer exists so how can I bring a claim?**  
You can but we need to trace the employers' liability insurers on cover at the time of the exposure as they will pay out your compensation.

**I am not sure where or how I was exposed to asbestos dust. Is there any point in contacting a Solicitor?**

Yes, because our solicitors have expertise, experience and knowledge gained over many years from other cases and could help you identify your asbestos exposure.

**How do you work out how much compensation I am entitled to?**

Compensation for pleural thickening and asbestosis claims is normally between £15,000 and £100,000, but in some cases it can be a lot higher. How much you get will depend on your individual circumstances and whether we can sue for all or only part of your exposure to asbestos dust.

The aim of compensation is to make sure that you and your family don't suffer financially as a result of you having pleural thickening or asbestosis.

You have two options on how to settle your case.

**1. Full and final settlement:** you will get all your compensation now **BUT** you will not be able to go back to Court for more compensation if you get worse or you develop another asbestos related disease, such as mesothelioma or lung cancer.

**2. Provisional settlement:** you will get some compensation now and have the right to go back to Court for more compensation if you get worse or if you develop any other asbestos related disease.

**How long will my asbestos claim take?**

Our aim is to finish your case within 12 months of seeing you. Some claims with complex or unusual issues can take longer to finish.

**Will my asbestos claim go to Court? Will I have to attend Court?**

The vast majority of cases settle before any final court hearing.

**How will my asbestos claim be paid for?**

We will make sure that you are protected against having to pay legal costs. We will talk to you about the different ways your case can be funded and which is the most appropriate for you. Most cases are funded on a No Win No Fee basis.

**Some Solicitors take 25% of your compensation to cover**

**their legal costs but we do not. You will always receive 100% of the compensation we obtain for you.**

If we carry out investigations in your case but cannot make a claim for any reason then we will not charge you for the work we have done.

**What if someone I know has died of pleural thickening or asbestosis but did not make an asbestos claim?**

If someone you know died of pleural thickening or asbestosis but didn't bring a claim, then their personal representatives or dependents can contact us. If the deceased died without giving any information about their asbestos exposure, then immediate investigations will have to be carried out so you shouldn't delay in making a claim.

**How long do I have to bring an asbestos claim?**

The time limits for bringing a claim are strict. The general rule for bringing a claim is 3 years from the date of diagnosis of pleural thickening or asbestosis or 3 years from the date of death.

If you don't know when you were diagnosed or think the time limit has expired or is about to expire then it may not be too late to claim. It is important that you seek urgent advice from an asbestos solicitor.

# Am I entitled to help from the Government?



**There are a number of Government benefits and payments for people diagnosed with pleural thickening or asbestosis.**

We can assist you with applying for these or put you in touch with benefit advisors with experience of working with asbestos sufferers.

Most of these benefits are not means tested and so your income and capital are not taken into account. However these benefits can affect any other means tested benefits you are receiving which is why you need advice before applying.

## Weekly or Monthly Benefits

### 1. Industrial Injuries

#### Disablement Benefit (IIDB)

You may be entitled to IIDB if you are diagnosed with pleural thickening or asbestosis and were exposed to asbestos dust whilst employed.

Job Centre Plus will ask you to attend a medical examination at their local office provided you are well enough to do so. How much you get depends on how disabled you are due to the pleural thickening or asbestosis.

If someone has died from pleural thickening or asbestosis then the deceased's representative can make an application but this has to be done within 12 months of death.

### 2. Attendance Allowance (AA) or Personal Independence Payment (PIP)

If you need help with personal care and/or mobility then you might be entitled to one of these benefits. AA is paid to people who are over 65 and PIP to those under 65.

### 3. Constant Attendance Allowance (CAA) and Exceptionally Severe Disablement Allowance (ESDA)

If you receive IIDB and need daily care and attention then you might be entitled to CAA and ESDA. There are 4 payment rates for CAA. If you are in either of the top two rates then you may also qualify for ESDA.

## One off Lump Sum Payments

### 1. Pneumoconiosis Etc (Workers Compensation) Act 1979

If you receive IIDB you can apply for a lump sum payment under the 1979 Act. How much you receive will depend on your age and the IIDB assessment of your disability. You can't receive this payment if you have already started a court action or received compensation from your employer.

You have 12 months from the date you were awarded IIDB to apply but you should apply straightaway.

If someone has died and had pleural thickening or asbestosis their estate can apply for a payment within 12 months of the date of death.

## Armed Forces Exposure to Asbestos Dust

If you were exposed to asbestos dust in the Armed Forces before May 1987 then you cannot sue the Government for compensation because of the crown immunity rule.

If you are diagnosed with pleural thickening or asbestosis you might be eligible to apply for a War Pension.

This is very similar to IIDB. The pension is usually paid weekly and is not means tested.

How much you receive will depend on the disability due to pleural thickening or asbestosis.

If someone has died and had pleural thickening or asbestosis then their widow/widower may be entitled to a War Pension.

# What will I have to do if I decide to bring a compensation claim?

We understand asbestos sufferers and their family members may be worried about bringing an asbestos claim.

We understand you may not have brought a claim before or spoken to a solicitor for anything other than buying or selling a house or perhaps making a will.

We want to reassure you that by instructing The Asbestos Law Partnership to bring your asbestos claim you will be in very good hands. We will guide you through the legal process for bringing an asbestos claim.

There are some steps where we need your input.

However there are many steps where a specialist asbestos solicitor who has the necessary experience and knowledge gained from other cases can simply get on with the claim with minimal or no input from you.

Our aim is to provide you and your family with as much financial security as possible, as quickly as possible.

## Stage 1 Investigation

We will obtain your HMRC employment history, medical records and any other relevant documents

You have an important role here as only you can tell us where, when and how you may have come across asbestos dust. We will then put this in a statement for you.

We will visit you at home and discuss this with you.

We will try to obtain witness statements to support your exposure to asbestos dust either from your old workmates or people who worked for the same employer but didn't know you.

We will carry out numerous investigations to try to identify an opponent to claim against.

We will obtain a medical report from an independent expert to support your claim. The report can be prepared on a review of the medical records and other papers or following a medical examination. This can take place close to your home or at your home.

We will gather evidence in support of the value of your case including witness statements from family members caring for you and any relevant documents.

## Stage 3 Court Claim

We will prepare the court papers and start a court action using the fast track procedure for mesothelioma claims.

## Stage 2 Negotiation

Once stage 1 has been completed we will advise you on the prospects of winning your case and what compensation you will receive.

We will send the evidence we have obtained to your opponent and invite them to settle your case without taking it to Court.

If your opponents make any offer then we will contact you and advise you what to do. We will always advise you on your options and best course of action. There may be some negotiation before we can settle your claim on terms favourable to you.

If we are unable to settle your claim at this stage then will move to stage 3.

Your opponent will serve their reply to your claim. Within weeks of this there will be a hearing at which the court will fix a timetable for resolving the claim. You won't need to attend this hearing. We will inform you what the timetable is. The court sometimes enters judgment which means the only issue left to be decided is how much your case is worth. If judgment is not entered then the judge will timetable your case to a trial. If you are terminally ill, severely disabled or will be severely disabled due to your asbestos illness then the trial date can be within a few weeks or months of the hearing.

If your opponent discloses any documents, witness statements or expert evidence then we will discuss this with you. If your case is being disputed the court might order that you give evidence at home or at another convenient place before the trial.

Your opponents will provide us with their valuation of your case. We will update our valuation of your case and advise you.

If your opponents make an offer we will discuss this with you and advise you on the best course of action

In the vast majority of cases we reach an agreement with your opponent. If we are unable to reach an agreement then the court will assess what compensation you are entitled to.

# Our Commitment

We strive to act in an ethical and socially responsible way in our dealings with our clients and the wider community. This is the ethos and commitment on which our firm is built.

1. We donate 10% of our net annual profits to charities and good causes that help asbestos sufferers. In 2009 The John Pickering and Partners Charitable Trust was set up which has already given £175,000 to help asbestos sufferers. We will continue the work of this charitable trust.
2. We are prepared to take the financial risk of pursuing difficult and challenging test cases that help to preserve and promote the rights of asbestos sufferers.
3. We will always seek to promote and preserve the broader rights of asbestos sufferers beyond simply claiming compensation.
4. We will not act in a way that could undermine the rights of asbestos sufferers. In particular we will not act for Defendants or their insurance companies.

# About Us

## Paul Glanville

Paul qualified as a solicitor in 1992 and specialises in asbestos related disease cases for Claimants in the UK and abroad.

He was made a partner at the niche industrial disease firm, John Pickering and Partners, in 1997 and set up the firm's Halifax office. He was the Managing Partner from 2010 to 2013.

In 2013 Paul became Head of Industrial Disease at Slater and Gordon Lawyers overseeing the industrial disease practice across 11 offices.

He is a Fellow of APIL and an APIL accredited occupational disease and asbestos specialist.

Chambers 2019: "Top-notch" lawyer Paul Glanville of The Asbestos Law Partnership LLP is a well-known figure in the market and has extensive experience in industrial disease-related work. He has notable experience in asbestos-related disease claims, frequently acting for both domestic and overseas clients.

One impressed client says: "Paul Glanville did a brilliant job in bringing the case to a successful conclusion," adding: "He should take all of the plaudits available for carrying out his role to an exemplary standard."

Chambers 2018: 'Paul Glanville of The Asbestos Law Partnership

LLP has many years' experience in handling asbestos litigation, and continues to represent clients in complex asbestos exposure claims. Sources recognise his expertise and knowledge in this area, describing him as a "real heavyweight."

Chambers 2017: 'The "excellent" Paul Glanville leads the firm's industrial practice and is experienced in acting for clients in high-value asbestos exposure claims. Impressed peers say that they"refer clients to him because they will be well represented."

Chambers 2016: 'Peers have marked him out as one of the top asbestos litigation lawyers in the country.'



#### Fozia Hussain

Fozia qualified as a solicitor in 2004 and specialises in asbestos related disease cases for Claimants in the UK and abroad.

Fozia trained and qualified as a solicitor at the niche industrial disease firm, John Pickering and Partners, before becoming a Partner in 2010.

Fozia was Practice Group Leader for Slater and Gordon Lawyers in their asbestos disease team in Halifax and Manchester between 2013 and 2016.

Fozia is a Senior Litigator of APIL and an APIL accredited occupational disease and asbestos specialist.

#### Helen Wilson

Helen qualified as a solicitor in 2007. Throughout her career, she has specialised in asbestos related disease claims.

Helen previously worked at the niche disease firm, John Pickering and Partners, where she trained as a solicitor and became a partner in 2012. She later worked for Slater & Gordon Lawyers from 2013 to 2016 and was based in the firm's Manchester office.

Helen has acted for a large number of people who were exposed to asbestos dust by Turner & Newall or one of the companies within their group.

She has made numerous applications to the T & N Asbestos Trustee Company Limited which was set up to pay compensation to asbestos sufferers. She has successfully pursued claims against the trust for exposure to asbestos dust from Turner & Newall's products.

Helen is a member of the T & N Asbestos Trustee Company's Trustee Advisory Committee which is consulted on all matters relevant to the interests of asbestos sufferers both now and in the future.

She has worked on a number of test cases in this area including Barker v Corus (UK) Plc which went to the House of Lords, the "EL Trigger Litigation" which went to the Supreme Court and Rice v National Dock Labour Board.

Helen is a Senior Litigator of APIL and an APIL accredited occupational disease and asbestos specialist.

Helen is an editor of a legal textbook on civil procedure and a freelance lecturer.

All of our Solicitors are APIL Accredited Asbestos Disease Specialists.

