Asbestosis and Pleural Thickening

A guide to compensation
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 45 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.

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Freephone 0808 164 3730
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 asbestosis. 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 Memery 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.”

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 exposure and cancer.

1960
Pathologist, Chris Wagner, reports a link between asbestos exposure and mesothelioma.

1961
Shipbuilding and Ship-repairing Regulations seek 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.

1971
Groundbreaking World in Action documentary focuses on Cape’s Acre Mill factory in Horden Bridge and its dangerous use of asbestos.

1980
Voluntary ban on blue asbestos.

1983
UK Government introduces further Asbestos Regulations.

1985
Compulsory ban on blue and brown asbestos.

1987
Control of Asbestos at Work Regulations give greater protection to employees at work.

1993
Groundbreaking case, Margesson 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.

1999
Compulsory ban on white asbestos.

**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
- Artex
- 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.
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 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 spray worker and 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.

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.

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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:

**Breach Of Duty**  
Prove the employer broke the law that applied at the time.

**Defendant**  
Identify the employer or its insurance company.

**Employment**  
Prove the sufferer was employed by the Defendant using witness evidence and/or documents, e.g. HMRC Employment History, Apprenticeship Deed.

**Exposure**  
Prove the sufferer was exposed to asbestos fibres during the employment using witness evidence from the sufferer and others.

**Claiming compensation for pleural thickening and asbestosis through the courts**  
Prove that the exposure was at work.

**Causation**  
Prove the exposure caused the illness by obtaining independent medical evidence.

**Value**  
Prove the value of the asbestos claim by gathering witness, expert and documentary evidence.
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 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.

Questions you may have?

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

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

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 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.

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 we will move to stage 3.

Stage 1 Investigation

Stage 2 Negotiation

Stage 3 Court Claim

We will prepare the court papers and start a court action. If you are terminally ill because of your asbestos illness, severely disabled or will be severely disabled then we will use the court’s fast track procedure for asbestos claims.

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.

If we are able to settle your claim on terms favourable to you then we will do so. If we are unable to settle your claim on terms favourable to you then we will move to stage 3.

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.

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.
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 a partner at the nichie 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.

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.

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 £160,000 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.

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