

# Asbestos Action (Tayside)

assisting sufferers of asbestos-related diseases in the east of Scotland

WINTER 2015

A warm welcome to all our members. The past year has seen the number of asbestos sufferers referred to us rise again. What could be classed as the greatest industrial disaster to hit the UK shows no sign of abating at present.

It is estimated that around 2,500 people die through asbestos exposure in the UK every year. This, however, is only half the story. How many people's lives have been blighted in early retirement by conditions such as asbestosis, pleural thickening and pleural plaques that can dramatically curtail the activity of sufferers. This means that pleasurable pursuits in retirement, such as golf, cycling or hill walking, become impossible. In some cases it means that even the morning dog walk or stroll to the shops becomes too painful. When I see the restrictions on people's lives that asbestos has caused I cannot be anything other than angry.

It was known years ago that asbestos was causing lung problems in tradesmen who were working with it, and yet until 1999 the dangers were never cascaded to the working man. I do not know any asbestos victim who would rather keep the (sometimes meagre) financial compensation than have their health back.

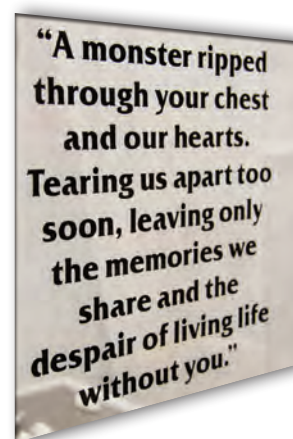
I cannot speak highly enough of the attitude shown by those diagnosed with mesothelioma or lung cancer. They are truly inspiring and can imbibe a degree of faith in humanity.

The Asbestos Action team is here to assist victims of asbestos disease with emotional and practical support and if we can roll out our services financially to sufferers in other parts of Scotland we will.



John Fearn (Manager) and Dianne Foster (Support Officer)

## LOVE LETTERS



The Health and Safety Executive commissioned an artist to create a public artwork based around messages written by those who have lost loved ones to asbestos-related cancer. It was hoped that this would be a strong and impactful way of spreading the importance of taking care when handling asbestos.

The piece was installed outside the Actor's Church Covent Garden, London. This fitted in with a theme that we have been running throughout the year profiling the fact that asbestos is still with us.

A number of Asbestos Action members submitted love letters for this piece.

Cath Graham's message (pictured above) in memory of her husband Mick was chosen to be etched onto the side of the memorial because it was deemed particularly powerful.



# A NEW BENCHMARK

by Fraser Simpson

**Landmark Case - William Wales v The Advocate General for Scotland, 13 August 2015 – creating a new benchmark for valuation of damages for Pleural Plaques cases in Scotland.**

*“Asbestos-related pleural plaques are a personal injury which is **not negligible**”.*

Section 1(1) Damages (Asbestos-Related Conditions) (Scotland) Act 2009.

At Digby Brown, we endorse wholeheartedly the approach of AAT, which determines that every client is entitled to specialist, individual consideration and support. Not all victims of asbestos exposure are the same, and it follows that not all legal claims, even for the same condition, should be processed or valued in the same way. Unfortunately, this approach is not shared by some other firms who continue to settle pleural plaques claims based on fixed tables contained within voluntary agreements, entered into with insurers and their representatives.

We will always, where possible, obtain medical evidence to measure the specific impact of any diagnosis of an asbestos related condition, and the specific risk faced by each individual of developing a more serious condition at a future date. We then use that information to fight for damages that properly reflect the injury as well as the stress and anxiety which a diagnosis brings, and the future risk.

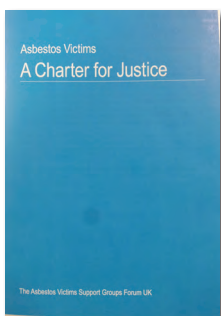
Using this approach, we achieved a landmark decision for a pleural plaques sufferer, William Wales, who was awarded provisional damages of £8,500, a sum that is more than double the level of damages most insurers are prepared to offer in terms of previous voluntary agreements.

This is the first assessment by a court in Scotland of the value of pleural plaques damages for a number of years. A decision is awaited in a further Digby Brown case involving assessment of “full and final” damages for pleural plaques. These cases will set a new benchmark against which future claims will require to be measured, and justify the approach we share with AAT to properly investigate and assess each individual case to ensure maximum damages are recovered.



Fraser Simpson,  
Partner, Digby  
Brown Solicitors.

## ASBESTOS VICTIMS: A CHARTER FOR JUSTICE



In the UK in 2015 more people will have died of asbestos-related diseases than will have been killed on the roads.

Every year the number of people affected continues to rise. Asbestos remains the single biggest cause of work-related

deaths. The people affected are suffering through no fault of their own and we believe this country owes a debt of justice to asbestos victims and their families. That is why we are proud to support the Charter for Justice. We believe these changes will make a real difference and we hope you can support them too.

The Charter is organised by the Asbestos Support Groups Forum UK.

To support the Charter and receive a copy, contact Asbestos Action on 01382 225715 or email [info@asbestosactiontayside.org.uk](mailto:info@asbestosactiontayside.org.uk)

- We believe in Welfare justice
- We believe in a fair compensation system
- We believe in the right to decent medical treatment
- We believe in properly resourced medical research
- We believe in preventing future tragedies



This year's AGM Conference focused on the fact that asbestos is still with us in the community. We discussed the legacy that the deadly material has left and the reasons why we are keen to promote campaigns for the removal of asbestos wherever it remains.

Following the annual financial report by Treasurer John Anderson, the attendees were given a breakdown of the achievements of the charity over the previous year. The number of cases handled by Asbestos Action Tayside was up by approximately 10% on the previous year, with around 170 cases being dealt with. For such a small staff this represents an extremely large workload. Benefits obtained on behalf of sufferers from Government compensation was around £1,600,000 with Civil Compensation of around £6,500,000.

Sufferers who have received compensation would return it if they could have their health back; however, this is not possible and the money we can obtain for them helps to ease any financial worries they may have. We find that just having someone from Asbestos Action Tayside to guide sufferers through the paperwork 'maze' and be there to emotionally support them is the most important thing that we achieve. The donations received from sufferers allow us to maintain this service to support the next group of those diagnosed with this horrible disease.

One of the main highlights of the day was the fantastic talk given by Mary Campbell (pictured). Mary suffers from mesothelioma and she was truly inspiring as she spoke about her experience of the condition and living life to the full.

Nina Maxwell gave us an overview of the challenges facing the legal profession and Sarah Lyons from the National Union of Teachers discussed the situation regarding asbestos in schools. The event was brought to a conclusion by Fraser Simpson from Digby Brown Solicitors who gave a passionate speech on the quest for justice for victims of asbestos disease.

### Closer links

This year we have forged closer links across Scotland with other Asbestos Support Charities. It is hoped that by linking together we can have a louder voice in Scotland to increase support for sufferers. We have been in consultation with Trade Unions, the Scottish Parliament and the legal profession to ensure that there is no erasure of rights and benefits for those blighted by asbestos disease.



*John and Bob Dickie from the Clydebank Asbestos Group*

### Should your asbestos condition change

We are finding that quite a few people do not realise that if they have pleural plaques and then go on to develop another asbestos condition they should call us immediately as they may be entitled to other benefits.

## PLEURAL PLAQUES TIME BAR FOR CLAIMS

Asbestos Action has been working hard to get the message through to GPs that people diagnosed with pleural plaques should contact us as soon as they are diagnosed.

When a sufferer visits a hospital for a CT scan the respiratory consultants are good at passing on our details. Problems arise when only an X-ray is taken and the results are fed back to the GP. It is rare that our details are then passed on and this may result in

people being time barred from pursuing compensation. If they go on to develop a more serious asbestos condition this could amount to thousands of pounds.

Some GPs are excellent at passing on our details and we are working hard to increase this number. The hospital consultants and the Macmillan lung nurses do a fantastic job and we appreciate the support we get from them.

Our Asbestos Action Helpline cards are useful to hand out to those people who are unaware of the support that we can provide.

Call our helpline  
**01382 225715**



## I WOULD LIKE TO MAKE A DONATION

### 1 Your details

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_ Postcode \_\_\_\_\_

Telephone \_\_\_\_\_

Email \_\_\_\_\_

### 2 Donation amount

I wish to donate:

£10

£15

£20

Other: £

### 3 Payment method

I enclose a cheque payable to  
Asbestos Action (Tayside)

I would like to pay by standing order

Signature

Date

### 4 Make your gift worth more at no extra cost *giftaid it*

I am happy for all donations that I have made to Asbestos Action (Tayside) in the last four years and any future donations to be Gift Aid donations, until I notify you otherwise. I understand that I must pay an equal amount of UK income tax at least equal to the tax that Asbestos Action (Tayside) will claim in my donations in each year (currently 25p for every £1).

Please return the form and payment to:  
Asbestos Action (Tayside), Caledonian House, Greenmarket, Dundee, DD1 4QB

## HOW TO DONATE

- Complete the form above
- Text 'AAAT11 £10' to 70070 to donate £10
- JustGiving  
[www.justgiving.com](http://www.justgiving.com)
- Cheque payable to Asbestos Action (Tayside)
- Standing order (contact us for more information)



### Help out when you check out this Christmas

Raise vital funds for Asbestos Action (Tayside) this Christmas by shopping online at your favourite retailer.

[www.easyfundraising.org.uk](http://www.easyfundraising.org.uk)

## FUNDRAISING

A warm thank you to all the people who send in donations and fundraise on our behalf. Without this support the Charity would not be here. This is the only funding we now receive. If we are to survive and support the next generation of asbestos sufferers this money is vital to secure the future of the charity.

*Thank you all.*



Thanks to Cardenden Mens Health Club



Thanks to Cluny Clays Golf Club



Thanks to Natalie McLauchlan and family who organised a Dinner Dance in memory of her father Francis Smith



Thanks to Irene and Betty who organised a raffle and cake stall.

## Asbestos Action (Tayside)

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Asbestos Action (Tayside) is a Scottish charity set up to assist sufferers of asbestos-related diseases.

We are a voluntary, not-for-profit organisation providing practical support and advice to those in the East of Scotland.

The charity was formed by a group of people in the East of Scotland who either have an asbestos-related illness or have cared for someone with an asbestos-linked condition.