



Help and advice for people with mesothelioma



Mesothelioma

Almost everyone who develops mesothelioma has been in contact with asbestos. Mesothelioma is a type of cancer that grows in the lining of the lungs or abdomen, and it can take many decades for the cancer to appear. The main symptoms are chest pains or breathlessness.

People who have worked with asbestos or material containing asbestos - for example, insulation engineers, shipyard workers, maintenance workers and building workers - can be affected by mesothelioma. But workers in many other industries may have also been exposed to asbestos, but not remember being exposed to it, so they may be asked for a thorough work history. People who have come into contact with asbestos outside of work, for example from washing contaminated clothing, or living near asbestos factories may also develop mesothelioma.

There is no cure for mesothelioma at the moment, although there are treatments available that can help to control the symptoms and improve quality of life. The kind of treatment offered will depend on individual circumstances and how advanced the cancer is.

Help and support

Every person diagnosed with mesothelioma will need support and help. Many may find it hard to accept their diagnosis, while others will feel angry and bitter, as may their relatives and friends. It is important that anyone diagnosed with mesothelioma has access both to information about their illness and treatment and to emotional support, including someone to talk to when they feel ready. You can find a list of specialist organisations that may be able to help at the end of this leaflet.

Benefits and Compensation

If you are diagnosed with mesothelioma you may be entitled to social security benefits and compensation from employers, or both. You can get information about benefits and compensation from the organisations listed at the end of this leaflet. Some important benefits are mentioned below.

Types of benefit

If you are diagnosed with diffuse mesothelioma and you have been exposed to asbestos in the UK, you will be entitled to a lump-sum payment. A claim must be made within 12 months of diagnosis although this can be extended if there are good reasons for the delay in claiming.

If you develop mesothelioma through coming into contact with asbestos as a result of paid employment, you may be entitled to Industrial Injuries Disablement Benefit paid as a weekly amount. This can be paid very quickly and you should make a claim as soon as possible so that you don't lose out on benefits you may be entitled to. You may also be entitled to a lump-sum payment under the Pneumoconiosis etc. (Workers' Compensation) Act 1979 or, in Northern Ireland, the Pneumoconiosis etc. (Workers' Compensation) (Northern Ireland) Order 1979. Otherwise, you can claim under the Child Maintenance and Other Payments Act 2008 or, in Northern Ireland, the Mesothelioma, etc., Act (Northern Ireland) 2008. However, you will only have to fill in one form and the Department for Work and Pensions (or in Northern Ireland, the Department for Social Development) will work out which of these lump-sum payments you are entitled to.

If you were exposed to asbestos while you were serving in the armed forces rather than in other employment, you can make a claim for a war disablement pension from the Service Personnel and Veterans Agency instead. Other allowances, such as Constant Attendance Allowance may also be paid if you receive any of these benefits.

Whoever you consult about benefits, you should always ask about a payment under the Pneumoconiosis etc. (Workers' Compensation) Act 1979 or, in Northern Ireland, the Pneumoconiosis etc. (Workers' Compensation) (Northern Ireland) Order 1979, and Industrial Injuries Disablement Benefit. Otherwise you can claim under the Child Maintenance and Other Payments Act 2008 or, in Northern Ireland, the Mesothelioma, etc., Act (Northern Ireland) 2008.

Other Benefits

If you need help with personal care or have difficulty getting around because of your illness, you may be entitled to claim Disability Living Allowance if you are under the age of 65 when you claim. If you are over 65 and need help with personal care because of your illness, you can claim Attendance Allowance. Special rules can apply to these benefits to make sure you get your entitlement more quickly and easily.

If you receive Attendance Allowance or Disability Living Allowance, and have someone helping to look after you, they may also be entitled to claim a Carer's Allowance. Other benefits may also be paid to replace or top up your earnings and help with housing costs. It is important to get expert advice about all these benefits.

Compensation

If your mesothelioma is likely to have been caused by you being exposed to asbestos at work, you may be able to claim compensation from your employer, or from several employers, by suing them for negligence. If your mesothelioma is likely to have been caused by your clothing being contaminated or you being exposed to asbestos in the environment, you may also be able to claim compensation from the relevant firm. This is a very specialised area of law and you should get advice from a specialist solicitor who will know how to deal with a claim and make sure it is dealt with as quickly as possible.

If you have mesothelioma and you are a union member, or you were when you worked with asbestos, your union may be able to refer you to an experienced solicitor. If not, a local Asbestos Victims Support Group, if one exists in your area, will be able to give you advice about which expert solicitors to consult. The Association of Personal Injury Lawyers have a list of experienced asbestos solicitors and the Law Society, or the Law Society of Scotland, or the Law Society of Northern Ireland, will be able to give you a list of solicitors in your area.

Because you may have been exposed to asbestos several decades ago, your employer may no longer be in business. This does not mean that you cannot make a claim, as the solicitor may be able to claim against the employer's insurer.

Sources of help, advice and support

- Mesothelioma UK (the National Macmillan Mesothelioma Resource Centre): 0800 169 2409
- cancerbackup: 0808 800 1234
- British Lung Foundation helpline: 0845 850 5020
- Department for Work and Pensions benefit enquiry line 0800 882200, Textphone 0800 24 33 55
- Forum of Asbestos Victims Support Groups: 0161 636 7555
- Association of Personal Injury Lawyers: 0870 609 1958
- Law Society: 0870 606 6575
- The Law Society of Scotland: 0131 226 7441
- Local Citizens Advice Bureau, Veterans Agency, Welfare Rights Organisations and Trade Unions can be found in the phone book.
- Service Personnel and Veterans Agency 0800 169 2277, Textphone 0800 169 3458
- <http://www.direct.gov.uk/disabledpeople>

In Northern Ireland

- Department for Social Development - Industrial Injuries Branch - 02890 336000 <http://www.dsdni.gov.uk>
- AdviceNI - 0845 345 4345
- Justice for Asbestos Victims – 028 90783923/ 028 90731224
- Law Society of Northern Ireland - 028 90231614

See page 7 for information on call charges

Call charges

Calls to **0800** numbers are free from BT land lines but you may have to pay if you use another phone company, a mobile phone or if you are calling from abroad.

From August 2008, calls to **0845** numbers from BT land lines should cost no more than 4p per minute with a 6p call set up charge. You may have to pay more if you use another phone company or a mobile phone, or if you are calling from abroad.

Calls from mobile phones can cost up to 40p per minute, so check the cost of calls with your service provider.

Textphones

Where textphone numbers are provided, these are for people who find it hard to speak or hear clearly.

If you do not have a textphone, some libraries or citizens advice bureaux may have one.

Textphones do not receive text messages from mobile phones.

This leaflet has been produced by the Department for Work and Pensions to provide advice on the help and support, including benefits and compensation, that might be available to a person with mesothelioma or to their carer. It is supported by the Department of Health, and the Department for Social Development in Northern Ireland.

This leaflet is only a guide and does not cover every circumstance. We have done our best to make sure that the information in this leaflet is correct as of October 2008.

It is possible that some of the information is oversimplified, or may become inaccurate over time, for example because of changes to the law.



INVESTORS IN PEOPLE



Ref no. **MESO5DWP** | V.2.0 (October 2008)
ISBN no. 978-1-84695-805-2