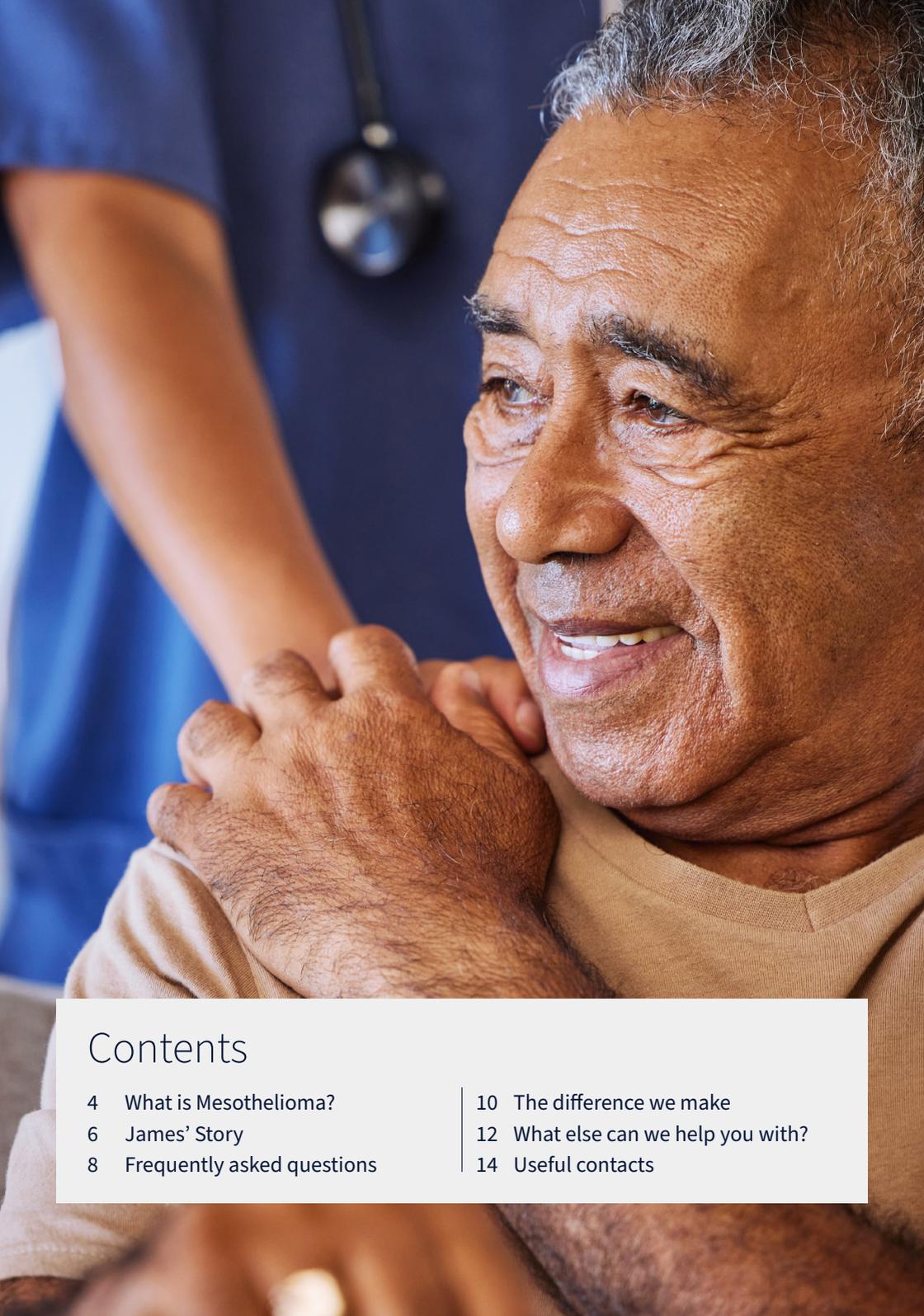




Helping you to recover
mesothelioma hospice
care costs

IM, irwinmitchell



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After our landmark High Court ruling hospices across the country are now able to claim back some of the end of life care costs of mesothelioma patients.

After initially recovering £10,000 for St Joseph's Hospice in London in the first successful case of its kind, several years ago, we've gone on to recover over £1 million for hospices who do such an invaluable job at the most difficult time for their patients and families.

Many of our clients are diagnosed with the illness many years after being exposed to asbestos at work. We can't turn back time but we will fight for justice and compensation, so you can access the best medical care, treatment, support or hospice care.



Excellent service – compassionate and professional. Would highly recommend.

Fiona
5* Trustpilot review



This information relates to the law and procedures in England and Wales. Please contact us if you need advice about the law and procedure in other legal jurisdictions.

📞 0800 023 2233



What is Mesothelioma?

Mesothelioma is a form of cancer caused by exposure to asbestos. The condition most commonly affects the lining of the lung, but the illness can also develop in the lining of the abdomen and heart.

The disease usually takes 20-50 years to develop and the only known cause is exposure to asbestos dust. Despite knowledge of the harmful effects of asbestos, the substance was widely used in industry until the mid-late 1970s.

Although treatment continues to improve there's still no cure for the 2,500 plus patients diagnosed with mesothelioma in the UK each year, which often leads to hospices providing end of life care.

James' Story

James was 20 years old when he began working at a power station in South East London installing boilers, where he was regularly exposed to asbestos.

James met the love of his life, got married and they became a family after the arrival of two daughters. Away from his home life he continued to dedicate years of his career to a job that, unbeknown to him, posed a serious risk to his long-term health.

More than 50 years later in 2006, James start suffering chest pains and shortness of breath. He was diagnosed with mesothelioma but sadly passed away after a short battle with the disease less than a year later. Before his death, James spent 23 days at St Joseph's Hospice in Hackney.

His loved ones welcomed the additional care St Joseph's staff provided to help ease their loved ones pain and felt compelled to give something back to the staff who gave so much support. Sadly, like many families, they were restricted by limited funds.

After contacting our specialist legal team, they discussed James' case and made clear how much they wanted to help the hospice who did so much for them at such a sad time.

We supported the family in making a claim against James' former employer, who'd failed to prevent him from being exposed to asbestos in the workplace and also on behalf of the hospice who'd cared for him in his final days.

Fighting for justice

We successfully recovered over £10,000 for the hospice in a landmark judgement. It was ruled that the defendant, Foster Wheeler Limited, who employed James when he was exposed to asbestos, should pay the costs for the care provided by St Joseph's both at the hospice and when he was at home.

This was the first case where hospice care costs have been recovered and the additional funds will go towards providing even more patients with invaluable end of life care.



My family and I wanted to show how grateful we were to St Joseph's Hospice after they provided so much excellent support and comfort to us and my father as his pain became worse towards the end.

Catherine
James' daughter

Frequently asked questions

We hope these answers will help you when thinking about making a claim on behalf of a hospice.

What does this mean for the hospice we've used?

The law permits you, as part of a claim for compensation by the mesothelioma sufferer or their estate, to recover the costs of care provided by the hospice to them from the person or company that caused their illness. This may apply to outpatient treatment and therapies where these services have been provided to the patient by the hospice.

Is there a limit to how much can be claimed?

There is no set limit on the amount that can be claimed.

Can the full hospice costs be claimed?

No – you're able to claim the costs to the hospice that had been provided by charitable donations but not the amounts provided by NHS funding.

Our hospice receives all of its funding from the NHS. Can a claim be brought?

No – only the element of the cost to the hospice not funded by the NHS can be claimed.

Can you give me an example of how this might work in practice?

A successful claim is brought by the executors of the Will of Mr Jones. Mr Jones was in the hospice for 20 days in the period leading up to his death.

The hospice is 40% funded by the NHS. The hospice is able to provide evidence that its costs per patient, per day are £400.

$£400 \times 20 \text{ days} \times 60\%$ (non-NHS funded element) = £4,800 that would be given to the hospice.

We know that a patient in the hospice died of mesothelioma. Can a claim be brought independently?

No – the hospice only has the right to bring a claim via the person who had the illness or their family.

Will the hospice be contacted by the solicitors acting on behalf of a mesothelioma sufferer making a claim?

Yes – the solicitors will contact the hospice to make sure the amount being claimed is correct, as the funding arrangements of hospices can vary.

What about data protection?

If a solicitor requests information from the hospice they should include a form of authority which is signed by the person making the claim. If such a form isn't provided, information relating to a patient should be withheld until written authority has been given.

Will the hospice receive payment in all cases where information is requested?

The hospice will only be reimbursed where it has been possible to bring a successful claim. Where a claim is not successful, the hospice will not be able to recover any of its costs.

Does this ruling apply to other occupational diseases?

While James' case was only concerned with mesothelioma, the same principles are likely to apply to other cancers where the link between the condition and negligent employers can be proved.

The difference we make

Roy

Roy, from Rugby, died in March 2012 after developing mesothelioma as a result of exposure to asbestos when working as a contractor for Metropolitan Vickers.

The Myton Hospices provide free care for patients suffering from terminal illnesses, and were able to care for Roy during his final days.

We were able to secure an undisclosed settlement which not only helped Roy's family, but also recovered the costs of his care for Myton Hospice.

Robert

When Robert, known to his friends as Archie, was diagnosed with mesothelioma as a result of exposure to asbestos, he contacted our expert Asbestos-Related Disease team.

The team investigated the circumstances of Archie's exposure to the deadly substance at his previous workplace Bosunmere Limited (previously C. Bryant & Sons) which ultimately resulted in his incurable illness.

Archie spent his last days at Myton Hospice, where he was cared for before sadly passing away in 2011. We went on to secure the family an undisclosed settlement as well as cover the costs of Archie's care at the Myton Hospice, allowing the facility to go on caring for those suffering with terminal illnesses.



Not a day goes by when I don't think about Dad and how much the entire family misses him. We're relieved to have secured justice in his name after receiving a settlement from his former employers.

Lynn
Robert's daughter



What else can we help you with?

Whether it's business or personal we understand that everyone's situation is different.

If you need legal advice or support with financial planning, we're here to offer expert advice tailored to your circumstances, so you can focus on what really matters.

We're here to help you with:

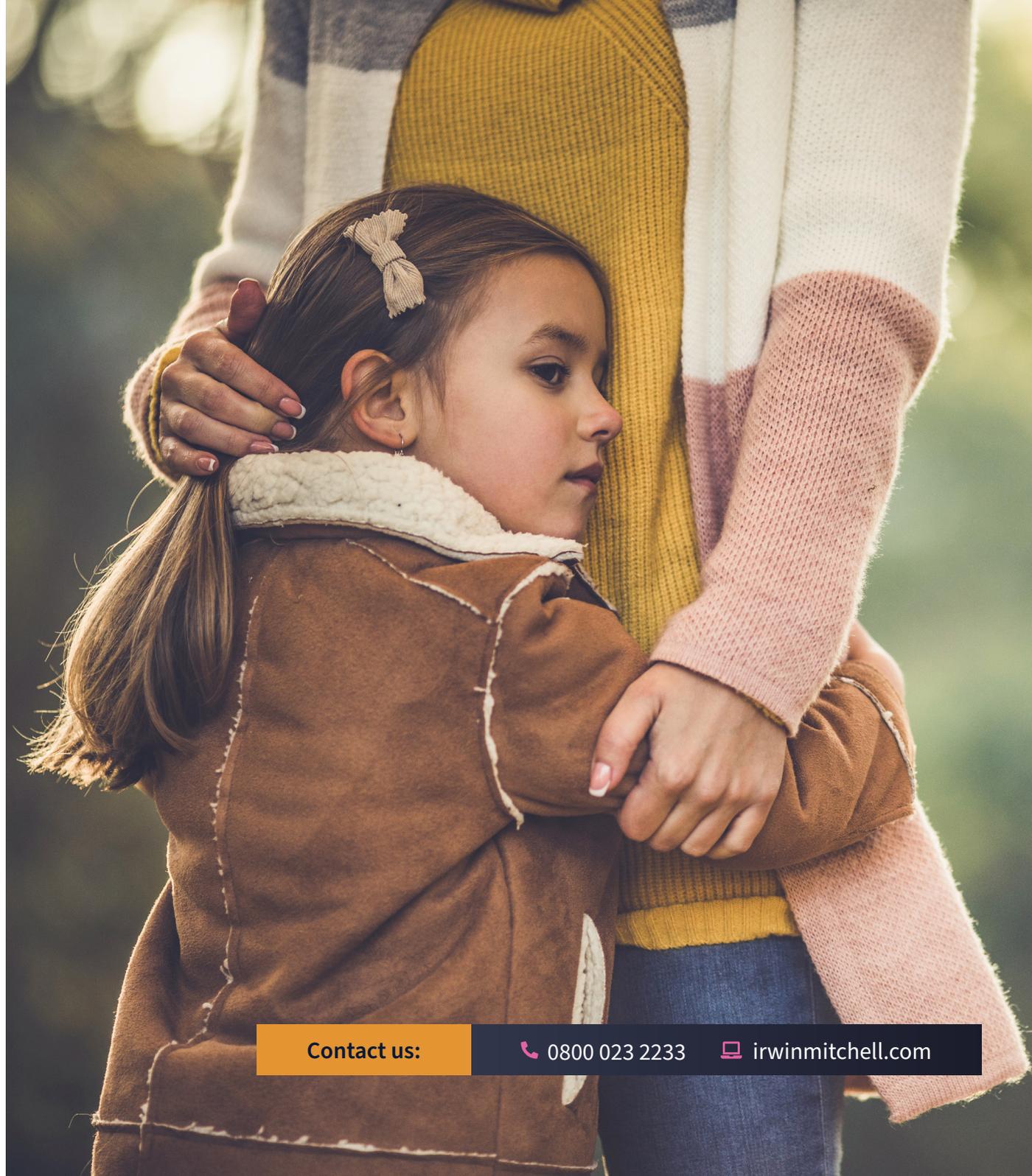
- Buying or selling a house
- Court of Protection
- Divorce, children and family matters
- Planning disputes
- Financial planning and wealth management*
- Support with your business and employment issues
- Social, education and healthcare provisions
- Tax and trusts
- Welfare and healthcare matters
- Wills

* Financial planning and wealth management services are provided by IM Asset Management Limited which is authorised and regulated by the Financial Conduct Authority. Its Financial Services Register Firm Reference Number is 402770.

Contact us:

📞 0800 023 2233

💻 [irwinmitchell.com](https://www.irwinmitchell.com)



Useful contacts

We have close relationships with organisations and charities that can provide extra support when you need it most.

Asthma + Lung UK

Promotes lung health and supports those affected by lung disease.

18 Mansell Street
London
E1 8AA

☎ 0300 222 5800

🌐 asthmaandlung.org.uk

International Ban Asbestos Secretariat

Supporting the global ban on asbestos by campaigning and challenging malpractice.

✉ lkaz@btconnect.com

🌐 ibasecretariat.org

Macmillan Cancer Support

Provides physical, emotional and financial support to those affected by cancer.

89 Albert Embankment
London
SE1 7UQ

☎ 0808 808 0000

🌐 macmillan.org.uk

Mesothelioma UK

Provides mesothelioma information, support and education, while improving care and treatment for those affected by this cancer.

235 Loughborough Road
Mountsorrel
Loughborough
Leicestershire
LE12 7AS

☎ 0800 169 2409

✉ info@mesothelioma.uk.com

🌐 mesothelioma.uk.com

Hospice UK

By supporting hospice professionals, championing the voice of hospice care and promoting clinical excellence, they help hospice care providers to deliver the highest quality of care to people with life limiting or terminal conditions and their families.

34-44 Britannia Street
London
WC1X 9JG

☎ 020 7520 8200

🌐 hospiceuk.org

June Hancock Mesothelioma Research Fund

Raises funds for research and the care of people with mesothelioma.

The June Hancock Mesothelioma
Research Fund
c/o Riverside East
2 Millsands
Sheffield
S3 8DT

☎ 0114 274 4420

✉ info@junehancockfund.org

🌐 junehancockfund.org

Mick Knighton Mesothelioma Research Fund

Raises awareness and funds for crucial research projects into mesothelioma.

🌐 blf.org.uk/mkmrf

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