

1 September 2006

Dear Colleague

### **Improving Claims Handling for Mesothelioma Cases – Your Views**

As you may know, on 20 July 2006, the Secretary of State for Work and Pensions, John Hutton, announced measures to speed up the handling of claims for people suffering from mesothelioma. I have attached a copy of his announcement at Annex A.

The Government has already acted to make it easier for those with mesothelioma to receive full compensation as quickly as possible by reversing the effects of the House of Lords judgment in *Barker v Corus*. These provisions are included in the Compensation Act 2006 and came into force on 25 July 2006.

The Government also intends to put in place a long term solution to ensure that, wherever possible, sufferers of mesothelioma can receive compensation so that they themselves can benefit from it, at the same time knowing that their families will be secure in the future.

In developing this long term solution, the Secretary of State also announced that the Government is committed to having a full dialogue with interested parties. As the first part of this dialogue I am therefore writing to seek your initial views. In particular, we are interested in your ideas for improving support for those with mesothelioma, both by improving the systems for dealing with these claims, and the better focusing of government support. Your views whether statutory targets might be an option in particular areas would be helpful. Overall, we are interested in solutions that use the existing resources of employers, insurers and government to deliver adequate compensation more quickly and more effectively.

We would appreciate any ideas and suggestions by 23 November 2006.

Your views can be sent to us at the address above, or by e-mail to [mesothelioma@dwp.gsi.gov.uk](mailto:mesothelioma@dwp.gsi.gov.uk)

We are happy for you to use this letter to consult your members. In addition, if you know of any other groups or organisations that you think would like to contribute to this debate,

please let me know as soon as possible and I will send them a copy of this letter. Annex B lists those organisations to which this letter has been sent.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Daly', with a large, stylized flourish at the end.

STEVE DALY  
WORKPLACE HEALTH DIVISION

## **ANNEX A**

### **DEPARTMENT FOR WORK AND PENSIONS Improving Claims Handling For Mesothelioma Cases**

#### **The Secretary of State for Work and Pensions (John Hutton):**

On 16 May I announced that my Department and the Association of British Insurers (ABI), the Association of Personal Injury Lawyers (APIL), and the Department for Constitutional Affairs (DCA) had agreed to work together to identify urgently ways in which we can speed the settlement of claims for those suffering from mesothelioma. I said that I would report on progress before Parliament rises for the Summer recess.

More stakeholders have also been involved in this work, such as the Trades Union Congress (TUC) and the Financial Services Compensation Scheme (FSCS) and we have also kept other interested parties informed.

Since then, the Government has introduced amendments to the Compensation Bill to reverse the effects of the Law Lords ruling on *Barker v Corus*. This would have caused delays in resolving claims and made it more difficult for mesothelioma sufferers to recover full compensation. We are changing the law to make it easier for them to get full compensation as quickly as possible.

These new provisions would also enable certain changes to be made to the Financial Services Compensation Scheme, which should considerably speed up payment of claims to mesothelioma victims and produce a fair outcome for insurers.

Today I announce interim measures to speed up current claims handling for mesothelioma sufferers. I am also confirming that we will put in place a long term solution. This work will start now and I will provide a further update on progress in the autumn. We are committed to having a full dialogue and we will invite comments from all interested parties.

Looking forward, we have identified a number of interim measures that can be implemented relatively quickly and will speed up the settlement of claims across the UK:

- Our partners are developing a Standard Claim Letter that should be in place by October.
- We are drafting a leaflet for those diagnosed with mesothelioma to explain the help available to them and where to find it.
- In July, DWP will clarify with claims handlers best practice for ensuring priority for industrial injuries disablement benefits for those with mesothelioma.
- Also in July, DWP will work with Revenue and Customs to address tracing employer records more quickly.

- To support the Code of Practice for tracing Employers' Liability Compulsory Insurance (ELCI) policies, ABI will introduce a phone enquiries helpline in the autumn and will also issue guidance on how to get the best out of the Code.
- We will review the Code of Practice for tracing ELCI policies to ensure that the Code is comprehensive and has the confidence of users.
- ABI will spread best practice within the wider insurance industry with a claims handling best practice guide.
- Partners will consider further public awareness activity to encourage claimants to use qualified, experienced legal practitioners when making a claim.

We will continue to work with our partners to ensure that these short-term outcomes are delivered quickly as we develop options for future change.

## Annex B

<p><b>Asbestos Action Tayside</b> 6 Lauder Road Kirkcaldy Fife KY2 5BD</p>	<p><b>Lampont Bassitt</b> 46 The Avenue Southampton SO17 1AX</p>
<p><b>Asbestos Removal Contractors Association</b> ARCA House 237 Branston Road Burton upon Trent Staffordshire DE14 3BT</p>	<p><b>The Law Society</b> Russell Walman 113 Chancery Lane London WC2A 1PL</p>
<p><b>Asbestos Support Groups' Forum (England)</b> GMAVSG Windrush Millenium Centre Unit 2.5 Alexandria Road Moss Side Manchester M16 7WD</p>	<p><b>Leigh Day &amp; Co</b> Priory House 25 St John's Lane London EC1M 4LB</p>
<p><b>Ashton Morton Slack</b> 35-47 North Church Street Sheffield S1 2DH</p>	<p><b>The Lloyds Market Association (LMA)</b> Gallery 10 Lloyd's One Lime Street London EC3M 7HA</p>
<p><b>Association of British Insurers (ABI)</b> 51 Gresham Street London EC2V 7HQ</p>	<p><b>Andrew McDonald</b> Chambers of Steer 7 Harrington Street Liverpool L2 9YH</p>
<p><b>Association of Personal Injuries Lawyers (APIL)</b> 11 Castle Quay Castle Boulevard Nottingham NG7 1FW</p>	<p><b>Merseyside Asbestos Victim Support Group</b> Room 32 2nd Floor Oriol Close 14 Water Street Liverpool L2 8TD</p>
<p><b>Association of Run-Off Companies</b> PO Box 532 Bury St Edmunds IP31 2WY</p>	<p><b>Mesothelioma UK</b> National Macmillan Mesothelioma Resource Centre Hospital Management Offices Glenfield Hospital Groby Road Leicester LE3 9QP</p>
<p><b>Attorney General's Office</b> The Legal Secretariat to the Law Officers Attorney General's Chambers 9 Buckingham Gate London SW1E 6JP</p>	<p><b>Milburns Solicitors</b> Curzon house 45 Curzon Street Maryport CA15 6LP</p>

<p><b>Augustines Injury Law</b>  St Augustines Yard  Orchard lane  Bristol  BS1 5DE</p>	<p><b>Ministry of Defence</b>  Chief Claims Officer  Ministry of Defence  Zone A 7<sup>th</sup> Floor  St George's Court  2-12 Bloomsbury Way  London  WC1A 2SH</p>
<p><b>British Chambers of Commerce</b>  5<sup>th</sup> Floor  50 Broadway  St. James Park  London  SW1H 0RG</p>	<p><b>Morrish &amp; Co</b>  1<sup>st</sup> Floor  Oxford House  Oxford Row  Leeds  LS1 3BE</p>
<p><b>British Lung Foundation</b>  73 - 75 Goswell Road  London  EC1V 7ER</p>	<p><b>Irwin Mitchell</b>  Riverside East  2 Millsands  Sheffield  S3 8DT</p>
<p><b>British Lung Foundation, Wales</b>  Llandarcy Suite  Llys Kearns  Jersey Marine  Swansea  SA1 8QL</p>	<p><b>National Federation of Builders</b>  National Office  55 Tufon Street  London  SW1P 3Q</p>
<p><b>British Thoracic Society</b>  17 Doughty Street  London  WC1N 2PL</p>	<p><b>National Federation of Demolition Contractors</b>  Resurgam House  1A New Road,  The Causeway  Staines  Middlesex  TW18 3DH</p>
<p><b>Chemicals Industry Association</b>  9 Carmelaws  Linlithgow  West Lothian  EH49 6BU</p>	<p><b>Northeast Asbestos Support &amp; Awareness Group</b>  Trade Union Unemployed Centre  119 - 121 Marton Road  Middlesbrough  Cleveland  TS12 2DU</p>
<p><b>Cheshire Asbestos Victims Support Group</b>  3 Fryer Street  Runcorn  Cheshire  WA7 1ND</p>	<p><b>Occupational and Environmental Diseases Association (OEDA)</b>  Mitre House  66 Abbey Road  Bush Hill Park  Enfield  N1 2QH</p>
<p><b>Clydebank Asbestos Group</b>  8 Crown Avenue  Radnor Park  Clydebank  G81 3BW</p>	<p><b>JM Parsons &amp; Co</b>  1<sup>st</sup> Floor  Mallard House  1 Upper Park Street  Llanelli  Wales  SA15 3YN</p>

<b>Clydeside Action on Asbestos</b> 245 High Street Glasgow G4 0QR	<b>Pattinson &amp; Brewer</b> 30 Great James Street London WC1N 3HA
<b>Confederation of British Industry (CBI)</b> Centre Point 103 New Oxford Street London WC1A 1DU	<b>Personal Injury Bar Association</b> c/o William Norris QC Farrars Building Temple London EC4Y 7BD
<b>Confederation of British Industry Scotland</b> 16 Robertson Street GLASGOW G2 8DS	<b>John Pickering &amp; Partners</b> Old Exchange Buildings St Ann's Passage 29-31 King Street Manchester M2 6BE
<b>Confederation of Shipbuilding and Engineering Union</b> Fountain House 1-3 Woodside Crescent Glasgow G3 7UJ	<b>Pictons</b> 28 Dunstable Road Luton Bedfordshire LU1 1DY
<b>Construction Federation</b> Construction House 56-64 Leonard Street London EC2A 4JX	<b>Ports Policy Division</b> Rachel Parks Department for Transport 2/31 Great Minster House 76 Marsham Street London SW1P 4DR
<b>Anthony Coombs</b> 18 Raynham Avenue Manchester M20 6BW	<b>Ridings Asbestos Support And Awareness Group</b> 50B Town Street Armley Leeds West Yorkshire LS12 3AA
The Secretariat <b>Court of Session Rules Council</b> LPPO Parliament House Parliament Square West Edinburgh EH1 1RQ	<b>Rowley Ashworth</b> 247 The Broadway Wimbledon London SW19 1SW
<b>Department for Constitutional Affairs</b> Selborne House 54 Victoria Street London SW1E 6QW	<b>Russell Jones &amp; Walker</b> Swinton House 324 Gray's Inn Road London WC1X 8DH
<b>Derbyshire Asbestos Support Team</b> 70 Saltergate Chesterfield S40 1VR	<b>Scottish Executive Justice Department</b> Civil Law Division 2 West Rear St Andrew's House

	Regent Road Edinburgh EH1 3DG
<b>EEF</b> The Manufacturers' Organisation Broadway House Tothill St London SW1H 9NQ	<b>Scottish Chambers of Commerce</b> 30 George Square Glasgow G2 1EQ
<b>Equitas Ltd</b> 33 St Mary Axe London EC3A 8LL	<b>Scottish Council for Development and Industry</b> 17 Park Circus Place Glasgow G3 6AH
<b>Giles Eyre and Stephen Glynn</b> Chambers of John Foy QC 9 Gough Square London EC4A 3DG	<b>Scottish Engineering</b> 105 West George Street Glasgow G2 1QL
<b>Federation of Master Builders</b> Gordon Fisher House 14-15 Great James Street London WC1N 3DP	<b>Scottish Textiles Manufacturers Association</b> 5 Lethame Gardens Strathaven ML10 6DF
<b>Federation of Small Businesses</b> Press and Parliamentary Office 2 Catherine Place Westminster London SW1E 6HF	Grahame Smith <b>Scottish Trade Unions Congress</b> 333 Woodlands Road Glasgow G3 6NG
<b>Federation of Small Businesses</b> 74 Berkley Street Glasgow G3 7DS	<b>Sheffield &amp; Rotherham Asbestos Group</b> 311 Aizlewood's Mill Nursery Street Sheffield S3 8GG
<b>Fentons</b> 19 Bloomsbury Square London WC1A 2NS	The Secretariat <b>Sheriff Court Rules Council</b> 2 <sup>nd</sup> Floor West St. Andrews's House Regent Road Edinburgh EH1 3DH
<b>Field Fisher Waterhouse</b> 35 Vine Street London EC3N 2AA	<b>Simpson Millar</b> 165 The Broadway Wimbledon London SW19 1NE
<b>The Financial Services Compensation Scheme (FSCS)</b> 7th Floor Lloyds Chambers 1 Portsoken Street London	<b>The Society of Motor Manufacturers and Traders</b> Forbes House Halkin Street London SW1X 7DS

E1 8BN	
<b>Forum of Insurance Lawyers (FOIL)</b> Davies Lavery King Edward House 135a New Street Birmingham B2 4QQ	<b>Swindon &amp; South West Asbestos Group</b> PO Box 2729 Swindon SN1 4ZW
<b>The Forum of Insurance Lawyers</b> c/o Neil McLaughlin, President Morgan Cole Apex Plaza Forbury Road Reading RG1 1AX	<b>Tenovus - The Cancer Charity</b> Cancer Information Centre Velindre Hospital Whitchurch Cardiff CF14 2TL
<b>Allan Gore QC</b> 12 Kings Bench Walk Temple London EC4Y 7EL	<b>Thompsons</b> St Nicholas Building St Nicholas Street Newcastle-upon-Tyne NE1 1TH
<b>Greater Manchester Asbestos Victims Support Group</b> Windrush Millenium Centre Unit 2.5 70 Alexandra Road Moss Side Manchester M16 7WD	<b>Thompsons Solicitors</b> Congress House Great Russell Street London WC1B 3LW
<b>Hartlepool and District Asbestos</b> 12 Tempest Road Hartlepool TS24 9QH	<b>Trade Union Congress (TUC)</b> Congress House Great Russell Street London WC1B 3LS
<b>Institute of Directors</b> 116 Pall Mall London SW1Y 5ED	<b>HM Treasury</b> The Correspondence & Enquiry Unit 2/W1 HM Treasury 1 Horse Guards Road London SW1A 2HQ
<b>Institute of Directors</b> The Royal Scots Club 29 Abercromby Place Edinburgh EH3 6QE	<b>Master Whitaker</b> Royal Courts of Justice Strand London WC2A 2LL