

# **Your rights at work when you are affected by cancer**

**Work and cancer series**





**“ I didn't know that I was protected under the Equality Act until I spoke to Macmillan. They said, 'Don't worry, your employer needs to make reasonable adjustments'. ”**

Kiwi, diagnosed with chronic myeloid leukaemia

# The Macmillan work and cancer series

This booklet is part of a series. Macmillan produces a range of other information about work and cancer.

## For people living with cancer

- [Work and cancer](#)

## For employers

- [10 top tips for line managers](#)
- [Managing cancer in the workplace](#)

## For people caring for someone with cancer

- [Working while caring for someone with cancer](#)

## For self-employed people with cancer

- [Self-employment and cancer](#)

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# About this booklet

This booklet is about your legal rights. It is for people affected by cancer, including carers, who would like to know more about their rights at work.

Legislation protects you from being treated unfairly at work because of cancer. This booklet explains what it means to be discriminated against because you have cancer, and how the law can protect you. Legislation does not just protect employees. It also protects people applying for jobs and, in some cases, people who are self-employed.

## How to use this booklet

This booklet is split into sections to help you find what you need. You do not have to read it from start to finish. You can use the contents list on page 5 to help you.

It is fine to skip parts of the booklet. You can always come back to them when you feel ready.

On [pages 62 to 67](#), there are details of other organisations that can help.

If you find this booklet helpful, you could pass it on to your family and friends. They may also want information to help them support you.

## Quotes

In this booklet, we have included quotes from people affected by cancer. These are from people who have chosen to share their story with us. This includes Kiwi, who is on the cover of this booklet. To share your experience, visit [macmillan.org.uk/shareyourstory](https://macmillan.org.uk/shareyourstory)

## Financial help from Macmillan

You can call the Macmillan Support Line on **0808 808 00 00** to speak to one of our expert money advisers. They can help you deal with money worries, provide information about benefits and recommend other useful organisations that can help.

Our booklet [Help with the cost of cancer](#) has lots more information.



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# Your rights

If you have cancer, the law considers this a disability. This means you cannot be treated less favourably than people who do not have cancer because you have cancer. You also cannot be treated less favourably for reasons connected to the cancer. That would be discrimination.

There are laws that protect you from being discriminated against at work because of cancer. If you live in:

- England, Scotland or Wales, the Equality Act 2010 protects you
- Northern Ireland, the Disability Discrimination Act 1995 protects you.

These laws do not just protect employees. They also protect people who are:

- classified as workers – for example, people who work for an agency
- applying for jobs
- self-employed – this is on a case-by-case basis.

The legal protection against discrimination does not end when your cancer treatment finishes. If you have been diagnosed with cancer in the past, you will continue to have legal protection against discrimination even if you no longer have cancer. You will also have protection if you move to another employer.

Carers are also protected from some types of discrimination. We have [more information about this](#).

We have tried to cover many types of discrimination that may affect you, but we cannot address them all. You may need to get specialist advice to help you further. For more information, visit [macmillan.org.uk/work-support-service](https://www.macmillan.org.uk/work-support-service)

## Which areas of employment are covered?

The Equality Act and the Disability Discrimination Act cover all areas of employment. This includes:

- recruitment
- terms and conditions of employment, and any benefits
- opportunities for promotion and training
- ending your employment.

We have more information about the [different types of discrimination](#) you are protected against.

**“ I was referred to occupational health. I called the Macmillan Support Line when I had questions about going to my appointments and what rights I had at work. I also accessed the Macmillan booklet about my condition, which was really helpful. ”**

Kiwi

# How to check your employment rights

There are many ways to check your employment rights for free. You can:

- check your employer's policies if your company has them
- talk to a human resources (HR) manager if your company has one
- contact your trade union if you are a member
- visit [macmillan.org.uk/work](http://macmillan.org.uk/work) or read our booklet [Work and cancer](#) to find information on your rights and how to talk to your employer.
- call the Macmillan Support Line on **0808 808 00 00**
- contact [Citizens Advice](#) if you live in England, Scotland or Wales, or Advice NI if you live in Northern Ireland
- visit [gov.uk](http://gov.uk) if you live in England, Scotland or Wales, or [nidirect.gov.uk](http://nidirect.gov.uk) if you live in Northern Ireland
- contact the [Equality Advisory & Support Service \(EASS\)](#) if you live in England, Scotland or Wales, or the [Equality Commission for Northern Ireland \(ECNI\)](#) for free, confidential advice
- contact the [Advisory, Conciliation and Arbitration Service \(Acas\)](#) if you live in England, Scotland or Wales, or the [Labour Relations Agency \(LRA\)](#) if you live in Northern Ireland.

If you think your employer is not respecting your rights, it is a good idea to talk to an employment lawyer or an employment organisation. There may be professional groups in your area that can give you advice about employment issues. You can ask your specialist nurse if there are any groups near you.

**“There are so many options available to employers, such as working flexibly. I wanted to work and be supported to return to a job I loved. I wanted my employer to just take the time to listen to me, my concerns and my suggestions. ”**

Sora, diagnosed with breast cancer

# Reasonable adjustments

Both the Equality Act and the Disability Discrimination Act say that if your employer is aware of your disability, they must try to make reasonable adjustments. These are changes to the workplace or your job that allow you to keep working or return to work. If you are in paid employment and have or have ever had cancer, your employer should consider making reasonable adjustments to support you.

Your employer must make reasonable adjustments when the workplace or work practices put you at a 'substantial disadvantage' because you have cancer. This is compared with colleagues who do not have cancer. The disadvantage has to be 'more than minor or trivial'. If they refuse to make any changes, this may be disability discrimination.

**“ I got a lot of support from occupational health. When I was ready to come back to work, they reduced my hours. I was just going in for a few hours a day. I wasn't having client contact. ”**

Shola, diagnosed with thymus cancer



You do not have to tell your employer you have cancer. But they do not have to make a reasonable adjustment unless they know or should reasonably know that you have cancer.

For example, if you are behaving differently because of cancer and your employer does not know you have cancer, it is reasonable for your employer to check whether your behaviour is connected to a disability. They can then ask how they might be able to support you.

There is no fixed description of what a reasonable adjustment should be. It will depend on:

- how much the adjustment will help you
- how practical it is to make the adjustment
- the cost of making the adjustment
- how the adjustment will affect your employer
- the size of the company or organisation you work for, and the resources it has.

Your employer should talk with you about possible adjustments. You should be involved in every stage. It is best for both you and your employer to work together.

## Examples of reasonable adjustments

The type of reasonable adjustment always depends on the situation. It is important that you discuss any reasonable adjustments with your employer. You should agree on them before they are put in place.

Reasonable adjustments could include:

- a phased return to work
- different working hours, such as working part time or having a flexible start or finish time
- giving you time off to go to medical appointments or for rehabilitation
- changing your job description to remove tasks that are particularly difficult for you
- allowing you to do light duties for a time
- moving you to a job with more suitable duties
- changing performance targets to allow for any sick leave and side effects, such as tiredness (fatigue).

We have more information about coping with cancer-related fatigue on our website at [macmillan.org.uk/fatigue](https://www.macmillan.org.uk/fatigue) and in our booklet [Coping with fatigue \(tiredness\)](#).

There may also be practical adjustments your employer can make. These could include:

- extra breaks to help you cope with tiredness
- physical aids, such as those that help you lift
- a quiet place to rest, if you need to
- a parking space near your work
- changing where you work – for example, moving your workspace so you can access it easily
- making sure you can get to the toilet easily
- installing apps or software to make things easier – for example, if you have difficulty writing, a voice recognition app may be helpful.

**“After I came out of hospital, I had time off work to recover before returning to work. They were happy for me to do phased hours. So I did half of my hours to start.”**

Franko, diagnosed with myeloma

# Types of disability discrimination

Employment laws provide protection against different types of disability discrimination. The Equality Act protects people in England, Scotland and Wales from all of them. The Disability Discrimination Act protects people in Northern Ireland from some of them.

We have information about these different types of discrimination and examples of discrimination in the workplace on the next few pages.

## Direct disability discrimination

Direct disability discrimination is when someone is treated less favourably than another person because they have a disability.

Sometimes, this type of discrimination happens even if someone feels they are trying to help. For example, your employer might say that being promoted would be too difficult for you, because of the cancer. You can ask to have a conversation with your employer about the impact of a new job on your health. This way, you decide together what is best for you.

Some problems may happen because of misunderstandings about cancer. Some examples of this include:

- your employer thinking that you cannot do the same job any more
- your employer assuming that you will be less committed to work
- your employer thinking that the stress of having cancer makes you less suitable for promotion
- your colleagues thinking they will need to do extra work
- your manager giving you a formal warning for sickness without considering that the absence is related to cancer
- your manager suggesting you quit and claim benefits or retire because you have cancer
- your manager not promoting you, or demoting you, due to a reason related to your cancer.

Any of these attitudes towards people with cancer can lead to discrimination at work.

To claim direct discrimination, your employer needs to know, or be reasonably expected to know, that you have a disability.

**Example:** You are denied a job because the employer knows you have had cancer in the past and they are worried that you might have to take sick leave in the future. This is direct disability discrimination because you are being treated less favourably than someone who has not had cancer.

## Discrimination arising from disability

Discrimination arising from disability is when someone with a disability such as cancer is treated unfavourably because of something that happens as a result of their disability. This is different to direct disability discrimination, which is discrimination based on the disability itself.

With discrimination arising from disability, you do not need to show that someone without a disability would have been treated differently. You have to show that the unfavourable treatment you have experienced is because of something that happened as a result of the disability.

Direct disability discrimination cannot be considered fair (justified). In some cases, discrimination arising from disability may be considered fair if your employer can show they acted in a way that was reasonably necessary. For example, it might be justified if their actions were for a genuine business need. Deciding what is justified depends on the case.





To claim discrimination arising from disability, your employer needs to know, or be reasonably expected to know, that you have a disability.

**Example:** If your employer dismisses you because of cancer-related sickness absence, that would be discrimination arising from disability unless your employer can show that their decision was reasonably necessary for business reasons. They would have to show there were no reasonable alternatives.

## Indirect disability discrimination

Indirect disability discrimination is when a rule, policy or practice appears to treat all employees the same, but it actually puts employees with a disability at a disadvantage compared to employees who do not have that disability.

An employer may be able to justify their actions if they can show that there is a genuine business need. For example, they may be justified if the rule, policy or practice is reasonably necessary and there is not a non-discriminatory option available.

To claim indirect disability discrimination, your employer does not need to know about your disability.

**Example:** You apply for a part-time job but the employer has a policy that new starters have to be available full time for the first month for training. You are not able to do that because of the effects of cancer. Because the policy disadvantages Disabled people, it is indirect discrimination unless the employer can justify it.

## Harassment

Harassment is when someone treats you in a way that makes you feel uncomfortable, insulted or intimidated. This might include written or spoken comments, or being teased. When this behaviour is related to cancer, you are protected by law.

**Example:** If you are singled out by other members of staff because of the cancer or side effects from the cancer, such as hair loss, this would be considered harassment.

## Victimisation

Victimisation is when you are treated badly because you have done, or intend to do, something that is protected by law. This is called a protected act. Protected acts include:

- making a complaint about discrimination or harassment under the Equality Act or the Disability Discrimination Act
- helping someone else make a complaint about discrimination or harassment.

You do not have to be Disabled to claim victimisation. You only have to show that you have done a protected act.

In England, Scotland and Wales, under the Equality Act, you do not need to show that you have been treated less favourably than someone who has not made a complaint. You only need to show that you were treated badly.

In Northern Ireland, under the Disability Discrimination Act, you need to show that you have been treated less favourably than someone who has not made a complaint.

You are not protected by this legislation if you do not act honestly and do not believe what you are saying is true. You are protected if you give information that is wrong, but which you thought was true at the time.

**Example:** You cannot be held back in work and denied things like training because you raised a grievance about being harassed by a colleague because of your illness.

## Vicarious liability

An employer can be held responsible for how its employees behave during their employment. This is called vicarious liability. An employer could be vicariously liable for acts of discrimination, harassment or victimisation that are done by other employees. An employer can still be vicariously liable if they are unaware that the acts are happening.

**Example:** An employer could be vicariously liable if your colleague made offensive comments about your partner's cancer to other employees.

# Examples of disability discrimination

Discrimination based on having cancer can happen in different ways. Here are some examples of disability discrimination that may happen:

- An employer not making reasonable adjustments to help you do your job.
- An employer giving you a formal warning for having a lot of time off sick, without taking your cancer diagnosis into account.
- An employer suggesting that it would be better if you retired or stopped working, because you have cancer.
- Being dismissed for a reason related to having cancer.
- Being moved to a lower-paid or less-demanding job without your agreement, for a reason related to having cancer.
- Not getting a promotion when someone with less experience or less ability to do the job does, because of a reason related to having cancer.
- Being chosen for redundancy for a reason related to having cancer. For example, being chosen because you have used more sick leave than your colleagues, due to cancer or treatment.
- Not being offered a job because you have cancer.
- Not being allowed time off for medical appointments that are related to having cancer.

- Having a bad performance review for a reason related to having cancer. For example, having a bad review because you have had a lot of sick leave or tiredness and so have not met targets or objectives.
- An employer making it difficult for you to get any sick pay you are entitled to.
- Being a victim of harassment based on you having cancer. This is when an employer or colleague bullies you, insults you or makes you feel uncomfortable or intimidated. For example, harassment might be colleagues laughing at you or making negative comments about you.
- Experiencing victimisation based on you having cancer. This is when you are treated badly because you complain about discrimination or help someone make a complaint about discrimination. Or it could be because your employer thinks you might make a complaint.

**“ I spoke to my line manager and they said it was okay for me to take time off for my appointments. That really helped. ”**

Kiwi

# Questions about your health during recruitment

Recruitment is about selecting the right person for a job. It means considering their experience, skills and qualifications. Questions about a person's health during recruitment are unlawful, except in specific situations.

## England, Scotland and Wales

If you are applying for a new job, the company you are applying to can ask about disability. But they must follow the law. For example, they can:

- check whether you need any reasonable adjustments to be able to attend the interview – for example, having your interview in a ground floor room or having a break during the interview
- ask you to complete an equality and diversity form – to keep this confidential, you should not be asked to put your name on the form, and anyone on the interview panel or deciding who gets the job should not see the completed form
- ask questions to make sure they hire people from a range of different groups, such as Disabled people – this is called positive action
- ask if you are able to do something that is an essential part of the job.

An employer can ask you for information about your health after they have offered you a job. They must also think about any reasonable adjustments they could make to allow you to do the job.



If they decide to withdraw the job offer because of what you have told them about your health, they must have a reason for this that does not discriminate against you. If not, this could be a case of [direct disability discrimination](#).

## Northern Ireland

An employer can ask you about your health when you apply for a job. But they cannot discriminate against you because of your disability when you apply for a job.

An employer must also think about any reasonable adjustments they could make to allow you to do the job.

**“ It was helpful to understand the law as well as hear others' experiences. I was open with my employer about my treatment during my second interview and they have been very flexible and understanding. ”**

Jo, diagnosed with breast cancer

**“ My line manager didn't just share anything that I told them. They waited for me to tell people what I wanted to tell them and what I didn't. My line manager respected my confidentiality because they let me tell my story. ”**

Kiwi

# Confidentiality

Everyone who lives in the UK has the right to have their personal information kept private. This includes medical information. This right is protected under the Human Rights Act 1998, the Data Protection Act 2018 and the General Data Protection Regulation (EU) 2016.

The Access to Medical Reports Act 1988 also says that your employer must ask you for your permission to get a medical report on your health from your doctor or other health professional. You have the right to:

- ask for and see the report before it is given to your employer
- refuse permission for them to get the report.

You may want to talk to your employer about whether you want colleagues and clients to be told about your condition. Your employer should not give out this information without your permission (consent).

Your employer should take care to protect your personal records, including emails and any meeting notes containing details about your condition. This type of personal data should only be used with your permission.



# **Your rights at work if you are a carer**

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# How carers are protected from discrimination

If you experience discrimination at work as a carer, you can contact the Macmillan Support Line on **0808 808 00 00**. There are also organisations that can give you advice on your employment rights. Contact [Advice NI](#) or [Citizens Advice](#) for more information.

If you are a carer, there are laws that protect you from being discriminated against at work because of your association with a Disabled person. If someone has had cancer, the law considers this a disability. Being discriminated against because of your association with a Disabled person is called associative discrimination:

- If you live in England, Scotland or Wales, the Equality Act 2010 protects you.
- If you live in Northern Ireland, the Disability Discrimination Act 1995 protects you.

Carers may be protected against associative discrimination in situations where they have experienced 1 or more of these types of discrimination:

- [direct disability discrimination](#)
- [harassment](#)
- [victimisation](#)
- [indirect disability discrimination](#).



Protection from these types of discrimination may be different in England, Wales, Scotland and Northern Ireland. If you are not sure whether you are protected, contact our Support Line on **0808 808 00 00** for more advice.

Your employer does not have to make reasonable adjustments if you do not have a disability. This applies to carers too. However, other laws may give you the right to request flexible working, and to a reasonable amount of time off work for caring responsibilities.

It is important to check whether your employer has a policy for carers. They may allow additional arrangements.

## **Direct disability discrimination**

This is when you are treated less favourably than somebody else whose circumstances are similar to yours because you are associated with someone who has a disability. If someone has or has had cancer, the law considers this as a disability.

This type of discrimination includes situations where, because you are a carer for someone with a disability, you are:

- not offered a job
- refused a promotion – for example, because your employer is worried you will not be focused on the job
- given worse employment terms than your colleagues – for example, this could be lower pay.

## Harassment

This is when you are treated in a way that makes you feel uncomfortable, insulted or intimidated, and this behaviour is related to your association with the person with cancer. This might include written or spoken comments, or jokes.

## Victimisation

This is when you are treated badly because you have done, or intend to do, something that is protected by law. This is called a protected act. Protected acts include:

- making a complaint about discrimination or harassment under the Equality Act or the Disability Discrimination Act
- helping someone else make a complaint about discrimination or harassment.

## Indirect disability discrimination

Indirect disability discrimination is when a rule, policy or practice appears to treat all employees the same, but it actually puts some people at a disadvantage.

For example, it is indirect disability discrimination if you have worked from home and then your employer makes a rule that everyone has to work from the office. As a carer, this may put you at a disadvantage as you may not be able to do your caring duties anymore.

An employer may be able to justify their actions if they can show that there is a genuine business need. For example, they may be justified if the rule, policy or practice is necessary and there is not a non-discriminatory option available.

## Flexible working

If you are a carer, flexible working could make it easier for you to keep working while caring for someone. Carers have a legal right to request flexible working. This right applies from the first day of employment.

We have more information about flexible working in our booklet [Working while caring for someone with cancer](#).

**“ Before Georgia’s illness, I worked a 22-hour week. I took leave for stress at the start and then carer’s leave. I have since been doing 1 day a week when possible. ”**

Nicola, who cared for her daughter

## Time off in an emergency

As a carer, you also have the legal right to take a reasonable amount of time off work to deal with an emergency that involves the person you care for. If you are an employee, you have this right under the following laws:

- The Employment Rights Act 1996, if you live in England, Scotland or Wales
- The Employment Rights (Northern Ireland) Order 1996, if you live in Northern Ireland.

The person you are caring for is called your dependant. This person could be:

- a parent, child, spouse or civil partner
- anyone who lives with you, but is not a tenant, lodger, boarder or employee
- someone who relies on you to help them if they become ill
- someone who needs you to make care arrangements for them.

An emergency might include:

- an unexpected change or problem with care arrangements
- the person you care for becoming ill, giving birth, being injured, being assaulted or having an accident
- you needing to make care arrangements when your dependant is ill or injured – this could mean arranging for a temporary carer, but not taking extra time off to care for the dependant yourself
- the death of a dependant
- you having to deal with an unexpected incident that involves your child during school hours.

You do not need to have been in your job for a certain amount of time before you can take time off in an emergency. But how much time off you can have depends on the situation. Your employer may consider what has happened, and decide how close your relationship is to the dependant and whether someone else could help instead.

To use this type of time off, you must tell your employer about the emergency as soon as possible. If you can, tell them when you expect to return to work. The time off is likely to be unpaid, but this depends on your employer's policies.

Your legal right to time off in an emergency does not apply if you want to take planned time off to care for someone. For example, it would not apply if you want to take them to a medical appointment.

Your employer may have a policy for other types of time off for carers. Or you could talk to them about arranging time off. Some options could be:

- carer's leave (paid or unpaid)
- parental leave
- compassionate leave
- flexible working
- borrowing holiday days from next year or buying additional days
- career breaks and sabbaticals (usually unpaid) – make sure you have all the details about these as they may affect your employment rights.

It is up to your employer to decide whether or not to agree to these other types of time off.

For more information about being a carer, visit [macmillan.org.uk/carers](https://www.macmillan.org.uk/carers)

[Carers UK](https://www.carersuk.org/) can also give you advice about employment issues and rights for carers, including time off.



# What you can do

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# Are you being discriminated against?

If you feel you are being discriminated against, it is best to start by talking to your:

- manager
- human resources (HR) manager
- occupational health adviser.

Talking openly to your employer about your needs and their needs may help resolve the problem.

If you are a member of a trade union, you can get help and support from a union representative.

**“ Macmillan’s support helped me feel less alone and less isolated. I always had that confidence that someone was there to make sure everything fell into place for me. ”**

Shola, diagnosed with thymus cancer



## What you can do for yourself

- Find out about relevant company policies. Check the employee handbook or intranet if you have it, or ask your line manager or HR manager.
- Check your legal rights. You can contact our Support Line on **0808 808 00 00**.
- Try to go to your employer with suggestions and solutions.
- If you go back to work after long-term sick leave, suggest a phased return. This is when you increase your hours slowly over a period of time.
- Your employer may find it helpful to have medical advice on the support you need. Your GP can provide this in a fit note. Or your employer may be able to refer you to an occupational health service.
- Contact your trade union, if you are a member of one.
- If you need adjustments to your workplace, Access to Work may help with grants to pay for practical support at work. This may include taxi fares if you cannot use public transport, adaptations to vehicles, support workers to help you at work or support with managing your mental health at work. Visit Access to Work at [gov.uk/access-to-work](https://www.gov.uk/access-to-work) or NI Direct at [nidirect.gov.uk/articles/access-work-practical-help-work](https://nidirect.gov.uk/articles/access-work-practical-help-work) if you live in Northern Ireland.
- You can contact [Citizens Advice](#) in England, Scotland and Wales, and [Advice NI](#) in Northern Ireland.

# Unresolved problems

We cannot describe all the possible discrimination that may happen, or explain your specific rights in each situation. There may also be other employment rights not covered here that apply to you.

If you feel your employer is not acting in a reasonable and fair way, or you have not been able to resolve the problem in a way that you are happy with, you may want to think about making a formal complaint. This is sometimes called a formal grievance.

Your employer should have a written grievance policy that explains how to make a formal complaint. If you are not sure what the grievance policy says or where to find it, ask an HR manager.

If you need to take legal action, it is important to get advice as soon as possible. This is because there are time limits for making a claim to a tribunal. It is a good idea to get advice from a staff or union representative if you have one.

You can call the Macmillan Support Line on **0808 808 00 00**.

Or you can get more information from the:

- [Advisory, Conciliation and Arbitration Service \(Acas\)](#) in England, Scotland and Wales
- [Labour Relations Agency \(LRA\)](#) in Northern Ireland.



## Employment tribunals – England, Scotland and Wales

If you feel your employer is being unreasonable and has not dealt with your grievance fairly, you can complain to an employment tribunal. This is an independent body that makes decisions in legal disputes between employees and employers.

If you are thinking about making a claim to an employment tribunal, it is a good idea to contact one of the following:

- a union representative, if you have one
- the [Advisory, Conciliation and Arbitration Service \(Acas\)](#)
- a solicitor who specialises in employment law.

There are specific steps you need to follow for making a complaint to an employment tribunal:

- Before you make a claim to an employment tribunal, make sure you have submitted a formal grievance to your employer. You should use your employer's internal grievance policy to do this. If you have not done this first and your claim to the tribunal is successful, the tribunal can reduce any compensation you get by 25%.

- If you are unable to resolve the problem through your employer's formal grievance process, you must start the Acas early conciliation process before you can make a claim to an employment tribunal. This process aims to help an employee and their employer resolve the dispute without needing to make a claim. You can find out more about early conciliation at [acas.org.uk](https://www.acas.org.uk)
- When the Acas early conciliation process has ended, you will get a certificate from Acas with an early conciliation number. You must keep this number. If you do not resolve your dispute during early conciliation, you need the number to make a claim. You can find out how to make a claim at [gov.uk/employment-tribunals/make-a-claim](https://www.gov.uk/employment-tribunals/make-a-claim)
- When you make a claim to an employment tribunal, it will be processed. It is then sent to your employer. They must respond to your claim within 28 days.
- When your employer has responded to your claim, the employment tribunal decides what the next steps will be. The decision process usually includes a full hearing of your case. This can be done in person or through written evidence. An employment tribunal hearing is normally held at the employment tribunal office closest to your workplace. A panel listens to your case and makes a decision. Most discrimination cases will have at least 1 initial hearing, called a preliminary hearing. Some hearings may take place by phone or video call – especially preliminary hearings.
- If your employer does not respond to your claim, the employment tribunal may decide on your case without a hearing. But this is not guaranteed.

## Industrial tribunals in Northern Ireland

If you feel your employer is being unreasonable and has not dealt with your grievance fairly, you can complain to an industrial tribunal. This is a legal body that makes decisions in legal disputes between employees and employers.

If you are thinking about making a claim to an industrial tribunal, it is a good idea to contact one of the following:

- a union representative if you have one
- the [Labour Relations Agency \(LRA\)](#)
- a solicitor who specialises in employment law.

There are specific steps you need to follow for making a complaint to an industrial tribunal:

- Before you make a claim to an industrial tribunal, make sure you have submitted a formal grievance to your employer. You should use your employer's internal grievance policy to do this. If you have not done this first and your claim to the tribunal is unsuccessful, you may have any compensation reduced.
- If you are unable to resolve the problem through your employer's formal grievance process, you must start early conciliation through the LRA before you make a claim to the industrial tribunal. This process aims to help an employee and their employer resolve the dispute without needing to make a claim. You can find out more about early conciliation at [lra.org.uk/early-conciliation/faqs](http://lra.org.uk/early-conciliation/faqs)

- If you do not resolve your dispute, you can make a claim to an industrial tribunal. It is a good idea to get advice about whether or not to do this. You can find out more about how to make a claim at [nidirect.gov.uk/articles/employment-related-tribunals](https://www.nidirect.gov.uk/articles/employment-related-tribunals)
- When you make a claim to an industrial tribunal, it will be processed. It is then sent to your employer. They must respond to your claim within 28 days.
- When your employer has responded to your claim, the industrial tribunal decides what the next steps will be. The decision process usually includes a full hearing of your case.
- If your employer does not respond to your claim, the industrial tribunal may decide on your case without a hearing. But this is not guaranteed.
- A tribunal hearing is normally held in Killymeal House, Belfast. It may also be held online or on a hybrid basis, where some participants attend online. Or it may be held at another location, depending on certain circumstances and what the President or Vice President has directed.

## Time limits

There are short, strict time limits for making a claim to an employment or industrial tribunal. You will usually need to make your claim within 3 months, minus 1 day, of when the problem happened.

For example, if you were discriminated against on 13 July, you need to start the process by 12 October. But there are a few exceptions. It is important to get advice as soon as possible.

## Legal aid

If you have a low income, you may be able to get legal aid to help with the cost of employment cases. This will depend on your situation and what you need help with. For more information about legal aid, visit:

- [gov.uk/legal-aid](https://www.gov.uk/legal-aid) if you live in England or Wales
- [mygov.scot/legal-aid](https://mygov.scot/legal-aid) if you live in Scotland
- [nidirect.gov.uk/articles/legal-aid](https://nidirect.gov.uk/articles/legal-aid) if you live in Northern Ireland.

If you have an insurance policy, such as home insurance, you can also check this to see if it provides cover for legal expenses in employment tribunal cases.





## Providing evidence

When you are involved in a formal process, you will need to provide evidence about what happened. You will need to do this as part of an internal grievance process or an employment or industrial tribunal.

To help with this, it is a good idea to write down or save information about meetings, conversations and phone calls. You should do this if you are concerned about how your employer is behaving at any point. Your notes should include dates, times and locations.

It is also important to keep a copy of all the related documents you send or receive. This includes documents related to the behaviour you are concerned about, or related to any formal processes, such as a grievance process.

You should think carefully before taking any formal action. Think about what you want to happen, and the possible outcomes.

If you have an unresolved problem at work, you can get further support and advice from:

- Citizens Advice in England, Scotland and Wales – visit [citizensadvice.org.uk](https://citizensadvice.org.uk)
- Advice NI in Northern Ireland – visit [adviceni.net](https://adviceni.net)
- [other organisations](#).

## Conciliation

If you make a claim to an employment or industrial tribunal, they allocate a person to your case. In England, Scotland and Wales, this person is called a conciliator. In Northern Ireland, they are called a conciliation officer. They can offer you and your employer support to resolve the dispute. This can help you both avoid a hearing at an employment or industrial tribunal.

If you live in England, Scotland or Wales, conciliation is offered by the [Advisory, Conciliation and Arbitration Service \(Acas\)](#). If you live in Northern Ireland, conciliation is offered by the [Labour Relations Agency \(LRA\)](#).

The conciliator or conciliation officer contacts everyone involved as quickly as possible. They do not make you take any action. They try to help you come to an agreement in a way you are happy with. They are also impartial. This means they do not:

- represent either the employer or the employee
- take sides or judge who is right or wrong
- give a strong opinion on how successful a claim might be
- give advice about tactics or how to win at a tribunal
- pressurise people to settle or abandon a case.

Conciliation is voluntary. This means you only take part if you want to, and you can stop at any time. It is also confidential. This means information is not passed to anyone else without your agreement. What you say during conciliation cannot be used as evidence against you at a tribunal hearing.

Conciliation is separate from the tribunal process. If you cannot resolve the dispute through conciliation, your claim will need to go through an employment or industrial tribunal. Conciliation does not delay the employment or industrial tribunal process.

You can find out more about the conciliation process at:

- [acas.org.uk](https://www.acas.org.uk) if you live in England, Scotland or Wales
- [lra.org.uk](https://www.lra.org.uk) if you live in Northern Ireland.





# Financial support

Help with money and benefits

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# Help with money and benefits

When you are affected by cancer, you may need help with extra costs. Or you may need support with money if you have to stop working. We have more information online about Statutory Sick Pay and benefits you may be entitled to. We also have information for carers in our booklet [Working while caring for someone with cancer](#).

Benefits are payments from the government to people who need help with money. You can find out more about benefits and apply for them online. Go to:

- [gov.uk](http://gov.uk) if you live in England or Wales
- [socialsecurity.gov.scot](http://socialsecurity.gov.scot) if you live in Scotland
- [nidirect.gov.uk](http://nidirect.gov.uk) if you live in Northern Ireland.

The benefits system and other types of financial support can be hard to understand. Macmillan has experienced money advisers. You can speak to them by calling the Macmillan Support Line on **0808 808 00 00**.

You can also get information about benefits and other types of financial help from [Citizens Advice](#) if you live in England, Scotland or Wales, or [Advice NI](#) if you live in Northern Ireland.

Our booklet [Help with the cost of cancer](#) has lots more information.

## Macmillan Grants

Macmillan Grants are small, one-off payments to help people with the extra costs that cancer can cause. They are for people who have a low level of income and savings.

If you need things like extra clothing or help paying heating bills, you may be able to get a Macmillan Grant. A grant from Macmillan does not affect the benefits you are entitled to. It is an extra bit of help, not a replacement for other support.

To find out more, or to apply, call on **0808 808 00 00** or visit [macmillan.org.uk/grants](https://macmillan.org.uk/grants)

## Insurance

If you have or have had cancer, you may find it hard to get certain types of insurance. We have information about insurance on our website. Visit [macmillan.org.uk/insurance-cancer](https://macmillan.org.uk/insurance-cancer)

If you are thinking about buying insurance or making a claim, one of our money advisers can help. You can call them on **0808 808 00 00**.

We have more information about travel insurance in our booklet [Travel and cancer](#). Our Online Community forum on **Travel insurance** may also be helpful – visit [macmillan.org.uk/community](https://macmillan.org.uk/community)

You can order our booklets and leaflets for free.  
Visit [orders.macmillan.org.uk](https://orders.macmillan.org.uk) or call **0808 808 00 00**.







# Further information

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# About our information

We provide expert, up-to-date information about cancer. And all our information is free for everyone.

Our information has the PIF Tick quality mark for trusted health information. This means our information has been through a professional and strong production process.

## Order what you need

You may want to order more booklets or leaflets like this one. Visit [orders.macmillan.org.uk](https://orders.macmillan.org.uk) or call us on **0808 808 00 00**.

We have booklets about different cancer types, treatments and side effects. We also have information about work, financial issues, diet, life after cancer treatment and information for carers, family and friends.

## Online information

All our information is also available online at [macmillan.org.uk/information-and-support](https://macmillan.org.uk/information-and-support) You can also find videos featuring stories from people affected by cancer, and information from health and social care professionals.

## Other formats

We also provide information in different languages and formats, including:

- audiobooks
- Braille
- British Sign Language
- easy read booklets
- interactive PDFs
- large print
- translations.

Find out more at [macmillan.org.uk/otherformats](https://macmillan.org.uk/otherformats)

If you would like us to produce information in a different format for you, email us at [informationproductionteam@macmillan.org.uk](mailto:informationproductionteam@macmillan.org.uk) or call us on **0808 808 00 00**.

## The language we use

We want everyone affected by cancer to feel our information is written for them.

We want our information to be as clear as possible. To do this, we try to:

- use plain English
- explain medical words
- use short sentences
- use illustrations to explain text
- structure the information clearly
- make sure important points are clear.

We use gender-inclusive language and talk to our readers as 'you' so that everyone feels included. Where clinically necessary, we use the terms 'men' and 'women' or 'male' and 'female'. For example, we do so when talking about parts of the body or mentioning statistics or research about who is affected.

To find out more about how we produce our information, visit [macmillan.org.uk/ourinfo](https://www.macmillan.org.uk/ourinfo)



# Other ways we can help you

At Macmillan, we know how a cancer diagnosis can affect everything, and we are here to support you.

## Talk to us

If you or someone you know is affected by cancer, talking about how you feel and sharing your concerns can really help.

## Macmillan Support Line

Our support line has specialist teams who can help you with:

- emotional and practical support if you or someone you know has been diagnosed with cancer
- clinical information from our nurses about things like diagnosis and treatments from our nurse specialists
- welfare rights advice, for information about benefits and general money worries.

To contact any of our teams, call the Macmillan Support Line for free on **0808 808 00 00**. Or visit [macmillan.org.uk/support-line](https://macmillan.org.uk/support-line) to chat online and see the options and opening times.

You can also email us, or use the Macmillan Chat Service via our website. You can use the chat service to ask our advisers about anything that is worrying you. Tell them what you would like to talk about so they can direct your chat to the right person. Click on the 'Chat to us' button, which appears on pages across the website. Or go to [macmillan.org.uk /talktous](https://macmillan.org.uk/talktous)

If you would like to talk to someone in a language other than English, we also offer an interpreter service for our Macmillan Support Line. Call **0808 808 00 00** and say, in English, the language you want to use. Or send us a web chat message saying you would like an interpreter. Let us know the language you need and we'll arrange for an interpreter to contact you.

## **Macmillan Information and Support Centres**

Our Information and Support Centres are based in hospitals, libraries and mobile centres. Visit one to get the information you need and speak with someone face to face. If you would like a private chat, most centres have a room where you can speak with someone confidentially.

Find your nearest centre at [macmillan.org.uk/informationcentres](https://macmillan.org.uk/informationcentres) or call us on **0808 808 00 00**.

## **Help with money worries**

Having cancer can bring extra costs such as hospital parking, travel fares and higher heating bills. If you have been affected in this way, we can help.

### **Financial guidance**

Our expert money advisers on the Macmillan Support Line can help you deal with money worries and recommend other useful organisations that can help.

### **Help accessing benefits**

You can speak to our money advisers for more information. Call us free on **0808 808 00 00**. Visit [macmillan.org.uk/financialsupport](https://macmillan.org.uk/financialsupport) for more information about benefits.

## Macmillan Grants

Macmillan Grants are small, one-off payments to help people with the extra costs that cancer can cause. They are for people who have a low level of income and savings.

If you need things like extra clothing or help paying heating bills, you may be able to get a Macmillan Grant. A grant from Macmillan does not affect the benefits you are entitled to. It is an extra bit of help, not a replacement for other support.

To find out more, or to apply, call on **0808 808 00 00**  
or visit [macmillan.org.uk/grants](https://www.macmillan.org.uk/grants)

## Help with work and cancer

Whether you are an employee, a carer, an employer or are self-employed, we can provide support and information to help you manage cancer at work. Visit [macmillan.org.uk/work](https://www.macmillan.org.uk/work)

## Talk to others

No one knows more about the impact cancer can have on your life than those who have been through it themselves. That is why we help bring people together in their communities and online.

### Support groups

Whether you are someone living with cancer or a carer, family member or friend, we can help you find support in your local area, so you can speak face to face with people who understand. Find out about support groups in your area by calling us or by visiting [macmillan.org.uk/selfhelpandsupport](https://macmillan.org.uk/selfhelpandsupport)

### Online Community

Thousands of people use our Online Community to make friends, blog about their experiences and join groups to meet other people going through the same things. You can access it any time of day or night. Share your experiences, ask questions, or just read through people's posts at [macmillan.org.uk/community](https://macmillan.org.uk/community)

You can also use our Ask an Expert service on the Online Community. You can ask a money adviser, cancer information nurse, or an information and support adviser any questions you have.

## Macmillan healthcare professionals

Our nurses, doctors and other health and social care professionals give expert care and support to individuals and their families. Call us or ask your GP, consultant, district nurse or hospital ward sister if there are any Macmillan professionals near you.

# Other useful organisations

There are lots of other organisations that can give you information or support. Details correct at time of printing.

## Work and employment

### Access to Work

Tel **0800 121 7479**

Textphone **0800 121 7579**

[www.gov.uk/access-to-work](http://www.gov.uk/access-to-work)

Provides advice to people with long-term health conditions and their employers. Gives grants to pay for practical support to help you do your job.

### Access to Work (NI)

[www.nidirect.gov.uk/articles/access-work-practical-help-work](http://www.nidirect.gov.uk/articles/access-work-practical-help-work)

Gives support and advice to employees with disabilities and their employers. To apply for assistance through this programme, speak to an adviser at your local Jobs and Benefits Office.

### Advice NI

Helpline **0800 915 4604**

Provides advice on a variety of issues including financial, legal, housing and employment issues.



## **Advisory, Conciliation and Arbitration Service (Acas)**

Helpline **0300 123 1100**

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

Gives advice to employees and employers to help improve working life and relations. Offers information, advice and training.

## **Citizens Advice**

Provides advice on a variety of issues including financial, legal, housing and employment issues. Use its online webchat or find details for your local office by contacting:

### **England**

Helpline **0800 144 8848**

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

### **Scotland**

Helpline **0800 028 1456**

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

### **Wales**

Helpline **0800 702 2020**

[www.citizensadvice.org.uk/wales](http://www.citizensadvice.org.uk/wales)

## **Equality Advisory & Support Service (EASS)**

Tel **0808 800 0082**

Textphone **0808 800 0084**

[www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com)

Promotes equality and provides information to people about their rights in England, Scotland and Wales.

### **Equality Commission for Northern Ireland (ECNI)**

Tel **0289 050 0600**

[www.equalityni.org](http://www.equalityni.org)

Aims to promote equality of opportunity, encourage good relations and challenge discrimination.

### **GOV.UK**

[www.gov.uk](http://www.gov.uk)

Has information about benefits and public services in England, Scotland and Wales.

### **Labour Relations Agency (LRA)**

Tel **0330 055 2220**

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

Promotes the improvement of employment relations in Northern Ireland. Provides advice and support to both employees and employers.

### **Law Centres Network**

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

Local law centres provide advice and legal assistance. They specialise in social welfare issues, including disability and discrimination.

### **The Law Society**

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

Can provide details of solicitors in England and Wales.

### **The Law Society of Northern Ireland**

[www.lawsoc-ni.org](http://www.lawsoc-ni.org)

Can provide details of solicitors in Northern Ireland.

## **The Law Society of Scotland**

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

Can provide details of solicitors in Scotland.

## **NI Direct**

[www.nidirect.gov.uk](http://www.nidirect.gov.uk)

Has information about benefits and public services in Northern Ireland.

## **WorkSmart**

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

Provides information on employment rights, health at work and financial matters. It is part of the Trades Union Congress (TUC).

## **General cancer support organisations**

### **Black Women Rising**

[www.blackwomenrisinguk.org](http://www.blackwomenrisinguk.org)

Aims to educate, inspire and bring opportunities for women from the BAME community. Shares stories and supports Black cancer patients and survivors through treatment and remission.

### **Cancer Black Care**

Tel **0208 961 4151**

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

Offers UK-wide information and support for people from Black and minority ethnic communities who have cancer. Also supports their friends, carers and families.

### **Cancer Focus Northern Ireland**

Helpline **0800 783 3339**

[www.cancerfocusni.org](http://www.cancerfocusni.org)

Offers various services to people affected by cancer in Northern Ireland.

### **Cancer Research UK**

Helpline **0808 800 4040**

[www.cancerresearchuk.org](http://www.cancerresearchuk.org)

A UK-wide organisation that has patient information on all types of cancer. Also has a clinical trials database.

### **Macmillan Cancer Voices**

[www.macmillan.org.uk/cancervoices](http://www.macmillan.org.uk/cancervoices)

A UK-wide network that enables people who have or have had cancer, and those close to them such as family and carers, to speak out about their experience of cancer.

### **Maggie's**

Tel **0300 123 1801**

[www.maggies.org](http://www.maggies.org)

Has a network of centres in many locations throughout the UK with free information about cancer and financial benefits. Offers emotional and social support to people with cancer, their family and friends.

## Riprap

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

Developed especially for teenagers in the UK who have a parent with cancer. Has an online forum where teenagers going through similar experiences can talk to each other for support.

## Tenovus

Helpline **0808 808 1010**

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

Aims to help everyone in the UK get equal access to cancer treatment and support. Funds research and provides support such as mobile cancer support units, a free helpline, benefits advice and an online 'Ask the nurse' service.

## Support for carers

### Carers UK

Helpline **0808 808 7777**

[www.carersuk.org](http://www.carersuk.org)

Offers information and support to carers across the UK. Has an online forum and can put people in touch with local support groups for carers.

## LGBT-specific support

### LGBT Foundation

Tel **0345 330 3030**

[www.lgbt.foundation](http://www.lgbt.foundation)

Provides a range of services to the LGBT community, including a helpline, email advice and counselling. The website has information on various topics including sexual health, relationships, mental health, community groups and events.



## Disclaimer

We make every effort to ensure that the information we provide is accurate and up to date, but it should not be relied upon as a substitute for specialist professional advice tailored to your situation. So far as is permitted by law, Macmillan does not accept liability in relation to the use of any information contained in this publication, or third-party information or websites included or referred to in it. Some photos are of models.

## Thanks

This booklet has been written, revised and edited by Macmillan Cancer Support's Cancer Information Development team. It has been approved by Michelle Rouse Griffiths, Professional Development and Knowledge Lead, Macmillan Cancer Support.

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Thanks also to the people affected by cancer who reviewed this edition, and those who shared their stories.

We welcome feedback on our information. If you have any, please contact **informationproductionteam@macmillan.org.uk**

### Sources

Below is a sample of the sources used in our information about your rights at work when you are affected by cancer. If you would like more information about the sources we use, please contact us at **informationproductionteam@macmillan.org.uk**

Citizens Advice. [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk) [accessed May 2022].

GOV.UK. [www.gov.uk](http://www.gov.uk) [accessed May 2022].

NI Direct. [www.nidirect.gov.uk](http://www.nidirect.gov.uk) [accessed May 2022].



## Can you do something to help?

We hope this booklet has been useful to you. It is just one of our many publications that are available free to anyone affected by cancer. They are produced by our cancer information specialists who, along with our nurses, benefits advisers, campaigners and volunteers, are part of the Macmillan team. When people are facing the toughest fight of their lives, we are here to support them every step of the way.

We want to make sure no one has to go through cancer alone, so we need more people to help us. When the time is right for you, here are some ways in which you can become a part of our team.

### 5 ways you can help someone with cancer

#### 1. Share your cancer experience

Support people living with cancer by telling your story, online, in the media or face to face.

#### 2. Campaign for change

We need your help to make sure everyone gets the right support. Take an action, big or small, for better cancer care.

#### 3. Help someone in your community

A lift to an appointment. Help with the shopping. Or just a cup of tea and a chat. Could you lend a hand?

#### 4. Raise money

Whatever you like doing, you can raise money to help. Take part in one of our events or create your own.

#### 5. Give money

Big or small, every penny helps. To make a one-off donation see over.

## Please fill in your personal details

Mr/Mrs/Miss/Other

Name

Surname

Address

Postcode

Phone

Email

Please accept my gift of £  
(Please delete as appropriate)

I enclose a cheque / postal order /  
Charity Voucher made payable  
to Macmillan Cancer Support

OR debit my:

Visa / MasterCard / CAF Charity  
Card / Switch / Maestro

Card number

Valid from

Expiry date

Issue no

Security number

Signature

Date / /

## Do not let the taxman keep your money

Do you pay tax? If so, your gift will be worth 25% more to us – at no extra cost to you. All you have to do is tick the box below, and the tax office will give 25p for every pound you give.

I am a UK tax payer and I would like Macmillan Cancer Support to treat all donations I make or have made to Macmillan Cancer Support in the last 4 years as Gift Aid donations, until I notify you otherwise.

I understand that if I pay less Income Tax and/or Capital Gains Tax than the amount of Gift Aid claimed on all my donations in that tax year it is my responsibility to pay any difference. I understand Macmillan Cancer Support will reclaim 25p of tax on every £1 that I give.

Macmillan Cancer Support and our trading companies would like to hold your details in order to contact you about our fundraising, campaigning and services for people affected by cancer. If you would prefer us not to use your details in this way please tick this box.

In order to carry out our work we may need to pass your details to agents or partners who act on our behalf.

If you would rather donate online go to [macmillan.org.uk/donate](https://macmillan.org.uk/donate)



## This booklet is for people affected by cancer, including carers, who would like to know more about their rights at work. Legislation protects you from being treated unfairly at work because of cancer.

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This booklet explains what it means to be discriminated against because you have cancer, and how the law protects you.

At Macmillan, we give people with cancer everything we've got. If you are diagnosed, your worries are our worries. We will help you live life as fully as you can.

For information, support or just someone to talk to, call **0808 808 00 00** or visit [macmillan.org.uk](https://www.macmillan.org.uk)

Would you prefer to speak to us in another language? Interpreters are available. Please tell us in English the language you would like to use. Are you deaf or hard of hearing? Call us using Relay UK on **18001 0808 808 00 00**, or use the Relay UK app.

Need information in different languages or formats? We produce information in audio, interactive PDFs, easy read, Braille, large print and translations. To order these, visit [macmillan.org.uk/otherformats](https://www.macmillan.org.uk/otherformats) or call our support line.

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Trusted  
Information  
Creator



Patient Information Forum