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Diffuse Mesothelioma Payment Scheme Oversight Committee

Terms of Reference

Introduction

During the House of Lords debates on the Mesothelioma Bill, several Peers raised concerns about the monitoring of the Scheme that the Act would establish. As a response to this, DWP committed to exploring the option of an 'Oversight Committee' to ensure that the Scheme receives sufficient scrutiny.

This paper sets out the proposed shape and function of an Oversight Committee for the Diffuse Mesothelioma Payment Scheme.

1. Purpose of Oversight Committee:

- 1.1. The Oversight Committee's primary function is to complement DWP's own monitoring of the Scheme by offering insight into user experience and flagging any potential problems in the running of the Scheme at the earliest possible instance.
- 1.2. To complement the monitoring function carried out by DWP, ensuring that eligible people are receiving payments through a reasonable and efficient process. The Oversight Committee will feed in stakeholder views to the monitoring process, allowing a more rounded analysis of Scheme performance, and enabling DWP to tackle any problems that may arise.

2. Legal Status of Committee:

- 2.1. A stakeholder group/forum (Cabinet Office category E2).

3. Relationship with DWP:

- 3.1. The Oversight Committee will serve as an independent advisory service to DWP, providing stakeholder perspective on the Scheme and ultimately making recommendations on how to improve the Scheme where appropriate. DWP will hold a facilitative role in the set-up of the Committee only. The running and business of the Committee should be determined by the Committee itself.

4. Relationship with Scheme Administrator:

- 4.1. The Oversight Committee will be distinct from the Scheme Administrator, and its members will not be officials of the Scheme Administrator, or in any way linked to it.
- 4.2. However, when the Oversight Committee meets with DWP to discuss the findings of the annual report, a representative of the Scheme Administrator may be invited.

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4.3. The Oversight Committee may request information be provided by the Scheme Administrator to aid it in its work. DWP will pass on these requests and work with the Scheme Administrator to provide the information where possible. Redacted case files for random checks will also be supplied via DWP.

5. Start date and Lifespan:

5.1. The Committee had its first meeting in September 2014. It is anticipated that the Scheme will run for 30-40 years, until un-traced mesothelioma cases have tailed off completely. The Oversight Committee will remain in existence for the duration of the Scheme, although once the Scheme is established and running well it may decide to meet less often.

6. Composition and size:

6.1. The Oversight Committee will be made up of representatives from key interest groups. The Committee members' expertise in their related fields and their links with stakeholders and end users is key. It is suggested that the Oversight Committee include one representative from each of the following:

- AVSG - Asbestos Victims Support Group
- TUC – Trade Union Congress
- Representation from the Insurance Industry
- APIL – Association of Personal Injury Lawyers
- FOIL – Forum of Insurance Lawyers

6.2. The Oversight Committee may amend or add to its members as it wishes, although there should be the same number of representatives from each group. If a member is not able to attend a meeting then they may suggest a suitably empowered deputy.

6.3. The Chair needs to act as an independent voice on the Committee, able to understand the range of views of Committee members, and have the skills both to manage any diverging views effectively and to keep the Committee focussed on its work. The Chair does not need to have detailed knowledge and experience of mesothelioma claims, but rather an understanding of the range of issues and the skills to co-ordinate the Committee's work.

7. Appointment of Members:

7.1. The Committee will appoint its own members. Each stakeholder group present on the Committee should have an equal number of representatives.

8. Suggested Activities of the Oversight Committee:

8.1. Review performance reports and MI produced by the Scheme Administrator. MI is provided by the Scheme Administrator to DWP on a monthly basis. The most recent MI report will be shared with the Committee in advance of each of its meetings. The Committee may also request, via DWP, additional information from the Scheme Administrator to ensure it can carry out its role to the full.

8.2. The Oversight Committee can review cases in order to inform its Annual Report. This will be done by reviewing a random sample of redacted cases, which will

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be provided to the Committee for scrutiny by the DWP. Based on lower than expected volumes in Year 1, DWP suggest that a sample size of 40 per year would be sufficient (it is likely this will be approximately 13% of the Year 1 caseload).

- 8.3. It is not anticipated that Scheme users will contact Committee members directly. In order to monitor complaints and how they are handled, the Oversight Committee will be sent a copy of the Scheme Administrator's complaints log at regular intervals.
- 8.4. It is expected that the Committee will share their findings with DWP on an annual basis in the form of an annual written report. This report will make recommendations to DWP regarding possible improvements to the Scheme's administration.
- 8.5. The Oversight Committee will meet with DWP and a representative from the Scheme Administrator annually to discuss their annual report. It may also meet with DWP and the Scheme Administrator more frequently should all parties feel it necessary / productive (for example, in the early stages of the Scheme).
- 8.6. The Committee will seek to work and make decisions by consensus.

9. Duties of DWP in respect of the Oversight Committee:

- 9.1. DWP retains formal responsibility for monitoring the performance and administration of the Scheme. As part of this, DWP will consider and respond to the annual report produced by the Oversight Committee as well as the report produced by the Scheme Administrator. Both the Oversight Committee's annual report and the response by DWP will be made public via the Departmental website.
- 9.2. The DWP response to the Oversight Committee's annual report will contain its proposals regarding the recommendations made in the Oversight Committee's annual report.
- 9.3. The DWP is not bound to accept or act on any of the findings of the Oversight Committee. Contract management activities in relation to the administration of the Scheme remain the sole responsibility of the DWP.

10. Powers of Oversight Committee:

- 10.1. The Oversight Committee does not have the power to directly influence or control the running of the Scheme.
- 10.2. The Committee will be able to scrutinise MI reports produced by the Scheme Administrator, ask for additional information to be provided to ensure it fully understands the way in which the Scheme is being administered and consider feedback sought by its members from their contacts with relevant user groups / insurance industry bodies.
- 10.3. It will report to DWP on a formal basis through annual reports. The Committee, or representatives of the Committee, will meet with DWP to

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discuss the Scheme at least once a year, or more if necessary.

10.4. It is important that the Oversight Committee remains distinct from both DWP and the Scheme Administrator, and that its role is advisory. The Oversight Committee will not have the power to instruct the Scheme Administrator but may make recommendations to DWP, who will make clear what it intends to do in its written response to the annual report.

10.5. The Oversight Committee will not be able to conduct 'spot checks' on any cases being handled by the Scheme Administrator. The Committee has agreed that any individual queries members receive should be referred to DWP who will in turn take the query forward with the Scheme Administrator. Individual members of the Oversight Committee should not have any involvement of dealing with individual complaints and appeals.

11. Reporting:

11.1. The Oversight Committee will collate relevant information to produce a written annual report. The Oversight Committee may itself determine the structure and content of this report. A possible structure could be as follows:

- 1) Review of scheme administrator management information
- 2) Report on user experience, as informed by key interest groups
- 3) Recommendations based on (1) and (2).

11.2. The Committee should make the minutes from any committee meetings available to the public.

11.3. It is envisaged that the Oversight Committee will report its findings to DWP on an annual basis. Frequency of reporting may be adjusted during the life of the scheme to reflect any problems that might arise.

12. MI Requirements:

12.1. In order to inform reports, the Oversight Committee will require access to Management Information reports published by the Scheme Administrator. DWP will share the latest MI report with the Oversight Committee in advance of each meeting.

12.2. The MI reports will include MI relating to:

- The KPIs set out in the contract (time taken to process a claim, timescales for internal reviews, response time for complaints, website operability and time taken to request further information)
- Scheme data (volumes, gender split, sufferer/dependant split etc)
- The Scheme's website

13. Time Commitment

13.1. The Oversight Committee may determine itself how frequently it meets. DWP would encourage the Oversight Committee to meet with DWP officials to discuss its findings once a year. This can be adjusted as needed, and the

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Oversight Committee may ask for an extraordinary meeting with DWP officials if it is felt necessary. DWP will comply if they agree with the urgency of the matter.

- 13.2. It is for the Committee itself to determine the time commitment required of its members. It is expected that the time commitment necessary to fulfil the role of Oversight Committee member is likely to be minimal, perhaps 2 hours/month in addition to attendance at meetings.

14. Funding

- 14.1. Members will be asked to give their time on a voluntary basis. Appropriate secretariat support for the Oversight Committee will be provided by the relevant policy team within DWP. Reasonable travel expenses will be met.