

# **Diffuse Mesothelioma Payment Scheme (DMPS)**

## **Oversight Committee**

**17 December 2014**

**14:00-16:00**

### **Minutes**

#### **Attendees:**

Baroness Rita Donaghy	Chair
Steve Bellingham	Royal Sun Alliance Insurers
Laurence Besemer	Forum of Insurance Lawyers
Bridget Collier	Association of Personal Injury Lawyers
Doug Jewell	Asbestos Victims Support Group Forum
Hugh Robertson	Trades Union Congress
Helen John	Deputy Director for Stewardship (DWP)
Rebecca Murphy	DMPS Performance Manager (DWP)
Ana Easton	DMPS Adviser/Oversight Committee Secretariat (DWP)
Greg Upcott	Senior Business Development Manager (GBI)
Jackie Ross	Senior Adjuster (GBI)
John Hutchison	Claims Controller (GBI)

#### **1. Welcome and introductions**

The Chair welcomed everyone to the meeting.

The Chair passed on thanks to Lucy O'Sullivan for all the work that she did for the Oversight Committee and the DMPS Scheme and wished her all the best for the future. The Chair also thanked Rebecca and Ana for their work.

#### **2. Minutes and actions from the last meeting**

One minor error was highlighted in the minutes of the last meeting which will be updated but otherwise the minutes of the last meeting were agreed. All actions were cleared or due to be addressed during the meeting.

### **3. Scheme MI**

Committee members discussed the MI summary and noted that it was predictable that the number of applications had slowed down in November and this will probably continue in December and January (disruption caused by Christmas / New Year). DWP confirmed that the amounts listed are the payments made out to successful claimants. It was also noted that the average DMPS payment is approximately £126,000.

Committee members raised questions around the Compensation Recovery Unit (CRU) process. DWP confirmed that when an application is received, GBI write out to the DWP CRU. Certificates from CRU are sent to GBI regarding the amount to be recovered. For successful applications, once certificates are received, GBI send a letter to the applicant or solicitor informing them of the amount that they are due under the tariff and the amount that will be recovered.

A Committee member raised the question of whether a copy of the CRU certificate goes to the applicant.

Committee members also wanted to see the average CRU recovery on the MI summary.

The Chair highlighted that it was interesting that quite a few applicants were unsuccessful because their insurer was traced. Other members mentioned that as the Scheme is more generous than the other Government funded mesothelioma schemes, applicants are more likely to apply to see whether they can receive a payment.

Committee members noted that the pending figures were quite high but were reassured that GBI have been corresponding with those cases and trying to gather the information that is needed to make a decision on the claim as soon as possible.

A Committee member commented that in 80% of cases additional information is required. Information on Employers Liability Tracing Office (ELTO) search is over half of that amount. Committee members wondered whether the ELTO search can be carried out within a shorter time frame.

#### **Publication of Management Information (MI)**

DWP highlighted that the MI information provided to members of the Oversight Committee is confidential and should not be shared. The Department would not normally share this level of information with stakeholders, but, given the role of the Committee, DWP recognise that having access to data about the Scheme is important in ensuring it is able carry out its role. Members can still gather the views/experiences of the stakeholders they represent without sharing with them the data about the applications that have been received. DWP is planning to publish official statistics in relation to the Scheme in due course.

### **4. Committee Queries**

Gallagher Bassett International (GBI) joined the meeting and introduced themselves. Committee members highlighted that they would like to know the success rate for people being represented by solicitors compared to those that are direct applicants. GBI confirmed that they could provide these figures to the Committee via DWP. Committee members also wanted to know whether it makes a difference to the success of a claim if an applicant is represented by a solicitor or not.

Another Committee member asked about the relationship between GBI and ELTO. GBI confirmed the process currently takes approximately 5 weeks which is the time taken for an extended ELTO search to take place and for results to be sent back. An insurer is sometimes found after the extended search. GBI noted that some solicitors are sending in copies of the results from the basic ELTO search in order to get the application submitted sooner rather than later. They are aware that this isn't sufficient for the application to proceed, and commit to providing the extended result once it is received.

Committee members suggested changing the wording of the DMPS application form to include that all of the information is required for an application to take forward e.g. including the ELTO extended search. GBI noted that this information is already made clear on the application form.

Committee members noted that GBI may deliver payments quicker if ELTO's work is carried out more quickly.

Committee members were interested in seeing the number of people diagnosed from July 2012 to April 2014 and April 2014 to date. This will give an indication of 'flow' and 'stock'.

Questions were raised on where GBI think the volumes are going; what more can we do to get claims made? Are there patterns around the country? Committee members highlighted that it would be helpful to have a geographical breakdown of the areas where cases are more prevalent. GBI mentioned that articles in the press have encouraged phone call queries but not necessarily applications. GBI are not able to track the enquiries to the applications received.

A Committee member suggested it may be useful to correlate the Health and Safety Executive (HSE) figures on mesothelioma deaths with the GBI data from the Scheme. It was noted that diagnosis may often be in different parts of the country from where exposure actually occurred so it will not necessarily show the geographical spread of exposure. GBI only have current addresses for applicants which will not show the areas where the applicants were actually exposed to asbestos.

### **Redacted files**

Within the Committee's terms of reference, it states that the 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 be provided to the Committee for scrutiny by the DWP.

The Committee discussed that they would like to view the cases via email or post if email is not possible, before the next meeting on 12<sup>th</sup> February. They would also like to visit GBI's office in South Queensferry and meet the team.

### **Negligent Exposure**

Committee members asked more questions on the negligent exposure explanation given by GBI. GBI reassured Committee members that they have experienced claim handlers who are making sure they make the right decisions on cases. Every case is supervised.

### **5. Scheme Publicity**

A paper was handed out at the meeting which listed the publicity avenues that DWP and GBI have undertaken since the Scheme began to raise awareness of the Scheme.

A Committee member suggested that GBI raise awareness of the Scheme with Marie Curie and other mesothelioma nurses. There was also a suggestion that a leaflet can be produced for all of the DWP Schemes that are available for a mesothelioma sufferer. The leaflet could be distributed to hospitals. One of the Committee members is attending a Macmillian conference in the New Year and a general leaflet can be placed within nurse's information packs. There are also forum groups that GBI can approach such as BTOG.

### **6. Levy Regulations**

Committee members asked whether the money recovered from the CRU will be used towards the Scheme.

### **7. Appeals update**

DWP provided an update that four First Tier Tribunal (FTT) cases have been received. Committee members wanted to know which areas the courts are based.

### **8. Forward Look**

Committee members agreed that their next meeting should be on 12<sup>th</sup> February 14:00-16:00 where they can discuss the redacted cases they would have received before the meeting.

Committee members agreed that they would like to visit the GBI team on Tuesday 24<sup>th</sup> March at South Queensferry office in Edinburgh.

### **9. AOB**

The Terms of Reference was signed off by Committee members.

**Next meeting will be on Thursday 12<sup>th</sup> February 2.00pm-4.00pm at Caxton House, London**