

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

## **Oversight Committee**

**12 February 2015**

**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
Ros Sannachan	DMPS Senior Performance Manager (DWP)
Rebecca Murphy	DMPS Performance Manager (DWP)
Ana Easton	DMPS Adviser/Oversight Committee Secretariat (DWP)

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

The Chair welcomed members and DWP officials to the meeting.

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

Two minor changes were agreed on the minutes of the last meeting and all actions except one had been completed.

In relation to the action point on the locations of First-tier Tribunal hearings, a member asked the Department to clarify the background of those hearing the cases.

The Committee then discussed the Ministerial Statement that had been made on 10 February announcing that the Scheme's payment tariff would increase from 80% of average civil damages to 100% of average civil damages.

The Department confirmed that the levy covering the first year of the Scheme had been calculated on the 80% payment rate, as that was the relevant rate at that time. It is expected that even with the increased payment rate for those diagnosed with diffuse mesothelioma on or after 10 February, the announced amount of the levy will be sufficient to cover the costs of the Scheme in the first year. The Committee noted that the change had been made as a result of lower than anticipated levels of applications to the Scheme, meaning that the Scheme could afford to pay more to applicants without exceeding the agreements made with the insurance industry on the level of the levy to fund the Scheme.

The Department provided more information on the additional administrative safeguards that were mentioned in the Written Statement, and clarified that they did not impact upon the role of the Committee, nor did they alter any of the fundamental principles of the Scheme. Rather they were being put in place to assure the insurance industry that the Scheme remains one of last resort, as set out in the Mesothelioma Act and the Scheme Regulations.

The Committee noted that would use its oversight role to monitor the impact of this change.

### **3. Scheme MI**

The Department reiterated its intention to publish as official statistics data relating to the Scheme. It is hoped that the first release of this data will be contained within the Department's annual report on the Scheme. After that point it is likely that new releases of data will happen on a six-monthly basis, although this is still under discussion. The Committee noted this and raised a number of minor queries on the management information provided with the meeting papers.

### **4. Redacted cases**

Committee members summarised their views following their review of 20 redacted cases provided by the Scheme Administrator (Gallagher Bassett International Ltd). It was noted that members had not conducted a technical audit, but had rather reviewed the case papers to get a feel for the way in which the Scheme Administrator was handling applications. The main points were as follows:

- From the cases reviewed it appeared that the Scheme Administrator was managing cases well and applying the eligibility criteria correctly.
- A common sense approach was apparent and decisions appeared sensible.
- Members were impressed with the diligent chasing of responses from applicants where evidence / information were missing from the original application.
- The response times of the various Government / insurance organisations from whom applicants need to obtain information were encouraging.
- There appeared to be a consistent approach to the case handlers' management of cases across the sample.
- It was felt that it could be useful to be explicit about the amount that has been included within the tariff payment to cover legal costs. This could encourage applicants to seek advice and assistance in applying.
- There was evidence that the Scheme Administrator was sensitive and supportive in their approach to dealing with direct applicants.
- It was felt that some of the communications the Scheme Administrator had with applicants could be more tailored and could offer more support on other options available to the applicant if their application is turned down.

It was agreed that members would have the opportunity to discuss the redacted cases with the Scheme Administrator during their visit to meet staff on 24<sup>th</sup> March.

## **5. Visit to GBI office on 24 March**

Some minor amendments were suggested to the draft agenda for the day. It was agreed that if members had specific queries about any of the redacted cases they had seen they should send these to the Secretariat by Friday 13<sup>th</sup> March so that the Scheme Administrator has time to consider them in advance of the visit.

**Next meeting will be on Thursday 28<sup>th</sup> May 2.00pm-4.00pm at Caxton House, London**