

Diffuse Mesothelioma Payment Scheme (DMPS)

Oversight Committee

15 October 2015

13:00-15:00

Minutes

Attendees:

Baroness Rita Donaghy	Chair
Bridget Collier	Association of Personal Injury Lawyers
Graham Dring	Asbestos Victims Support Group Forum
Hugh Robertson	Trades Union Congress
Steve Bellingham	Royal Sun Alliance Insurers
Laurence Besemer	Forum of Insurance Lawyers

1. Welcome and introductions

The Chair welcomed members to the meeting.

2. Minutes and actions from the last meeting

The minutes of the May meeting were agreed. The Committee asked for a report on progress with the outstanding action of updating the 'Help and advice for people with mesothelioma' leaflet. DWP agreed to speak with the officials responsible for this work and provide an update at the next meeting.

The Chair emphasised the importance of Committee members receiving the agreed monthly management information summaries. DWP apologised that these had not always been issued on a monthly basis, and committed to ensuring that this information was sent through in a regular and timely manner.

AP1 – DWP to ensure that Committee members receive the agreed monthly management information and to send the full MI data on a quarterly basis.

The Committee had previously suggested that applicants be provided with a checklist of evidence that should be sent in with their application form. DWP confirmed that such a checklist is already included on the application form. It was also emphasised that the Scheme Administrator encourages applicants to submit their application as soon as possible even if all the supporting evidence is not available. This way the application can be logged on the system and evidence be provided later when it is available.

DWP also assured the Committee that earlier concerns in relation to the tailoring of letters to deceased applicants had been addressed by the Scheme Administrator.

DWP updated Committee members on progress with publishing the 2014/15 annual report for the Scheme, indicating that publication would be before the end of November.

3. Scheme MI

Committee members noted the high volume of claims in the first six months of Year 2 – almost on a par with Year 1. DWP speculated that this could be as a result of the lower than expected number of claims in Year 1. Members also queried the high level of pending cases and DWP explained that this was as a result of solicitors submitting claims early without all the necessary supporting evidence for a decision to be made. Most often the missing evidence would be the extended ELTO search. This is quite common and the Scheme Administrator is happy to keep applications open for as long as it takes the evidence to be gathered.

Members discussed the low level of applications from dependents and wondered if there had been sufficient communications directed to this group. Again, DWP suggested that this may be a result of solicitors lodging claims fairly quickly after diagnosis while the sufferer is still alive.

One Committee member raised an issue relating to the level of detail on ELTO searches possibly compromising some claims to the Scheme. DWP agreed to take the issue away and investigate this further.

AP2 - DWP to investigate the potential for applicants to be disadvantaged as a result of ELTO search results not specifying dates of insurance cover (i.e. an ELTO search shows an insurer for the year of employment and so is turned down by the DMPS. Subsequent civil action also fails as the employer wasn't covered for specific date of exposure in the year of employment. Applicant is barred from re-applying to the Scheme – potentially leaving them without any compensation).

Members noted that after Year 2 they would like to look at the outcomes of solicitor-led applications versus those applicants who apply without solicitor support. This would be to ensure there is no disadvantage to not engaging a solicitor to assist with applications.

They also indicated that they would like to review another sample of cases in 2016/17 as they had done in 2014/15.

AP3 – DWP noted the Committee's intention to look at solicitor-led versus sufferer-led applications and review respective outcomes in 2016/17 as well as conduct a further review of a small sample of cases.

Finally Committee members noted the low level of reviews requested by applicants on the Scheme Administrator's decisions. They took this as positive evidence of the Scheme Administrator's performance.

4. First-tier Tribunal Cases

DWP provided Committee members with an update on outstanding First-tier Tribunal cases. Committee members were content that the Tribunal outcomes were showing good decision making on behalf of the Scheme Administrator.

5. Committee's next meeting

Members agreed to meet again on Thursday 26th May 2016. The Chair offered to book a room in the House of Lords for a 1pm start.