

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

## **Oversight Committee**

**31 October 2017**

**13:00-14:00**

**House of Lords**

## **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
Stephen Bellingham	Royal Sun Alliance Insurers
Laurence Besemer	Forum of Insurance Lawyers
Jackie Ross	Gallagher Bassett International
Jason O'Sullivan	Gallagher Basset International
Stuart Whitney	DWP
Catherine Hegarty	DWP
Lexi Rees	DWP

**Apologies:** None

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

- The Chair welcomed members to the meeting as well as Catherine Hegarty and Lexi Rees from DWP who were attending their first meeting of the Committee.

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

- Paper 1: May 2017 Minutes – The Committee had no comments on the May Minutes and these were agreed.
- Paper 2: Action Log – 15/10/15, AP3 to be updated to reflect current position; 09/05/17, AP1 Committee was concerned that applicants were being asking for information they could not supply in order to show whether they were not self-employed particularly as this is not a straightforward issue when considering the employment law definition and tests. However, these are being dealt with on a case by case basis with legal advice being sought where appropriate and; 09/05/17 AP3 At the May 2017 meeting there was a reference to an increase in cases from

Northern Ireland leading up to April 2017, which is the 3 year cut-off date. DWP agreed to look into whether the Communications campaign had contributed to that. DWP went back to Northern Ireland to explain the reasoning for the 3 year cut-off date and ascertained that the campaign (flyer) had had an impact on the increase in cases. Since then there have been no further known cases.

- Members considered requirements for the next and future audit of redacted cases, should these be done annually instead of bi-annually with a possible focus on negligent cases.
- Committee to consider the number and types of cases required for their next redacted case exercise. GBI will collate the cases involving negligence throughout 2017 and send them to the Committee for audit in February 2018.

**AP** – Committee to audit negligent cases provided by GBI

### **3. September Scheme MI**

- Paper 3: Jackie Ross of GBI gave a summary overview of the September MI.
- Applicants to the scheme dipped during August but have returned to the expected numbers of applications at the end of quarter 2.
- Age groups of applicants remain the same, with more coming from the 70-74 and 75-79 groups.
- A member had queried in advance of the meeting whether the amounts in compensation paid to successful applicants were net or gross payments.
- GBI clarified they were gross and advised they would clarify this in future.
- Consideration was also given to adding a further line showing net payments for greater clarification.
- The Committee again thanked GBI for their diligence in administering the scheme.

**AP** – Clarification of the awards made to successful applicants to be included in future MI.

### **4. DMPS Official Statistics**

- The consultation on the publication of official statistics moving to once year from the current bi-annual got just 8 responses. There was a concern over whether such a change would lead to less transparency, but reassurances have been given that this was not the case and that the Department would look at how the statistics could be made clearer and more informative.
- The Committee was given an indication that the official statistics will be moving to an annual publication from July 2018.

### **5. Oversight Committee Annual Report for 2016/17 and the DMPS Annual Review**

- A draft of the Chair's report on the Committee's activities was included in the papers.
- Members were asked to send comments to the DWP by close on Monday 6 November so that this can be fed into the DMPS Annual Review.
- DWP have requested a publication date of the Annual Review for the before the end of November, which will include the updated Oversight Committee's report.

**AP** – DWP to send electronic copy to members for comment by close, Monday 6 November.

### **6. Issues of negligence**

- There were discussions on what constitutes negligence given the number of unsuccessful applications where negligence not being proven has been stated as the reason in the MI. How is the meaning of negligence being applied by the Scheme? Have some of these withdrawals occurred because of other reasons that are not specifically to do with negligence?
- This issue is something that the Committee and the Department continues to monitor and the Committee will also look at in detail when conducting a future sample case exercise.

#### **7. AOB (including date of Committee's next meeting)**

- A member brought up where the liability lies for any shortfalls in the cost of the Scheme after the first four years. The Department confirmed that there were no issues around any shortfalls as the levy is adjusted each year to deal with any shortfalls (or surpluses), and the first four years referred to in the legislation relates to another issue (smoothing).
- One member asked about the Scheme's Complaints Procedure and whether it was publicly available. GBI said it would forward the Complaints Procedure to the Committee.
- It was agreed the next meeting will take place on the 24 April 2018, 2:00pm-3:30pm.
- It was also noted that Stuart Whitney had been formally appointed as Annette Loakes' successor and an exercise would start soon for a replacement for his previous role. The Chair and Committee congratulated Stuart on his promotion.

**AP** – GBI to circulate their Complaints Procedure.