

Diffuse Mesothelioma Payment Scheme (DMPS)

Oversight Committee

9 May 2017

13:00-14:00

Room 1.33 Caxton House

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
Laurence Besemer	Forum of Insurance Lawyers
Jackie Ross	Gallagher Bassett International (Scheme Administrator)
Annette Loakes	DWP
Stuart Whitney	DWP
Alfie Cobden	DWP
Lexi Rees	DWP

Apologies:

Stephen Bellingham	Royal Sun Alliance Insurers
Jason O'Sullivan	Gallagher Bassett International

1. Welcome and introductions

The Chair welcomed members to the meeting and conveyed the apologies.

2. Minutes and actions from the last meeting

- Paper 1: November 2016 Minutes – The Committee had no comments on the November Minutes and these were agreed.
- Paper 2: Action Log – Edit action log AP3 – This to confirm that the analysis of solicitor-led versus applicant-led applications and review of the different outcomes was still to be done, but the review of redacted cases has been completed.

3. March (end of year) Scheme MI

- Paper 3: Jackie Ross of GBI gave a summary overview of the end of year MI. There followed a brief discussion about the number of withdrawn and unsuccessful claims and why they might have been withdrawn. GBI was of the view that the applicant or solicitor were placing a claim to DMPS just in case they were not able to pursue other routes and when they had been able to pursue an alternative route they had rightly withdrawn their claim.
- March MI spread sheet showed a total of 347 applicants in 16/17 which is a reduction from last year and the year before although the number of applicants increased from December to April 17 quarter 4 105 compared to quarter 3 70.
- DWP pointed out that the final column of the MI relating to successful applications will change once the final end of year successful cases had fed into the Scheme's MI.
- GBI reiterated that they are always happy to take claims even if the claimant is unsure they will meet the right criteria.
- One member highlighted an issue with the HMRC employment schedule only going to 1961 so there are possible issues regarding evidence of individual's employment pre 1961. In these cases GBI have to rely on the witness statement and the rest of the information supplied with the application, along with the ELTO check.
- The same member also raised questions about how it is determined whether an applicant should be classed as self-employed. There had been a few recent cases where the application had been denied on the basis of the individual being classed as self-employed.

AP – Committee to provide examples of those cases which have been denied on the basis of the individual being self-employed.

- The Committee noted that there has been a rise in the category of cases where negligent exposure cases has not been proven from 1 in quarter 3 to 8 in quarter 4. This is also the third consecutive year where this has increased. The Committee also expressed its concern as to whether there was a difference in outcomes in these type of cases where the application had been solicitor-led or individually-led.

AP – This matter will be discussed again at the next meeting of the Committee where DWP/GBI will provide a breakdown of the cases between those that are solicitor-led compared to individual-led, and DWP will provide an update on the policy position regarding the issue of negligence.

AP – There was also reference made to a increase in cases from Northern Ireland leading up to April 2017, which is the 3 year cut-off date. DWP will look into whether the Comms campaign had contributed to that. Additionally, Committee members would find out whether there is an Asbestos victim support group in Northern Ireland.

- The Chair expressed its gratitude on behalf of the Committee to GBI for supplying the detailed MI.

4. DMPS Official Statistics

- The committee was informed that DWP would be discussing an alternative publication frequency of DPMS statistics with ministers in due course.
- There followed a brief discussion on the timing of next year's levy announcement. The levy last year reached 2.7% still below the 3% cap.

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

- DWP confirmed that drafting of the DMPS Annual Review for 2016/17 will commence in the next couple of months.
- The 2017 review will be published by the end of November and will include the Oversight Committee's report for the same period. It was agreed that the Chair would send her report out for comment by mid-late August.

AP – needed for chair

6. DMPS External Audit 2017

- DWP confirmed that this year's external audit is likely to be undertaken in June.
- The Committee was asked to contribute to the terms of reference of the audit and whether they had a view on any additional checks that could be made.
- Members requested a crib sheet/checklist be provided for their next set of sample cases for review in February 2018.
- The Committee will also look at the findings of the 2017 audit to see if it helps inform what could be included in the 2018 audit.

AP – The Committee would like to re-visit this topic at the next meeting prior to the February 2018 sample case exercise.

AP – also an action point here for us to supply a crib sheet

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

- The proposed change to discounted rates relating to compensation payments were discussed where a member gave a useful insight/update on the MoJ consultation. DWP stated that it needed to consider whether further research needs to be done on the DMPS tariff amounts and would come back to Committee members with a view.
- It was also noted that this was Annette Loakes's last Oversight Committee meeting as she along with Hazel Norton-Hale were moving to a new post in DWP. The Chair expressed the member's thanks for her work on the DMPS and the Committee.
- It was agreed the next meeting will take place on the 31st October, 2:00pm-3:30pm.