

Diffuse Mesothelioma Payment Scheme (DMPS)
Oversight Committee
22 May 2018
14.00-15.30
House of Lords
Minutes

Attendees

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|-----------------------|------------------------------------------|
| Baroness Rita Donaghy | (Chair) |
| Bridget Collier | (Association of Personal Injury Lawyers) |
| Laurence Besemer | (Forum of Insurance Lawyers) |
| Graham Dring | (Asbestos Victims Support Group Forum) |
| Hugh Robertson | (Trades Union Congress) |
| Stephen Bellingham | (Royal Sun Alliance Insurers) |
| Stuart Whitney | (DWP) |
| Ade Awoyinka | (DWP) |
| Donald Selvester | (Operations Manager, TopMark) |
| Mark Smith | (Director, TopMark) |

Apologies: Stephanie Staubach, the managing director of TopMark

1. Welcome and introductions

- The Chair welcomed members to the meeting including TopMark the new Scheme administrator who were attending for the first time.

2. Minutes and actions from the last meeting

- Paper 1 - 31 October 2017 minutes – The Committee had no comments on the minutes and these were agreed.
- Paper 2 – The action log –
 - AP1 09/05/17- determining whether an applicant to the DMPS is self-employed – is to be closed, as there are no outstanding issues. The determination of self-employment is a legal test, under employment law.
 - AP2 09/05/17- proving negligent exposure - is to remain open until the Committee undertakes a redacted sampling exercise of cases.
 - AP3 09/05/17 – an increase in claims from Northern Ireland - is to be closed. The increase was likely due to a comms campaign and letter containing erroneous information about the cut-off dates for making an application to the Diffuse Mesothelioma Payment Scheme (DMPS). It was also confirmed that there was no asbestos victims support group in Northern Ireland.
 - AP3 31/10/17 – clarification of successful awards made to applicants in the Management Information (MI) - to remain open. TopMark will review the presentation of the MI generally with input from the Committee.

3. External Audit of the DMPS

- The annual audit of the Scheme will be deferred to September/October because of the change of administrator in April.
- DWP had discussed extending the scope of the audit with the Association of British Insurers (ABI).
- The audit will continue to check the administrative processes and key controls for managing claims but DWP will consider whether its scope can be extended to be more technical to provide assurance to the levy payers and the Committee that the correct claims are being paid, ineligible claims are declined and claims are being appropriately re-directed to common law.
- The meeting discussed how the extended audit might be conducted and the extent to which the report can be publicised for transparency. The Committee offered its support.
- There will be feedback on the audit at the next Oversight Committee meeting.

AP1 22/05/18 DWP to consider the detailed audit specification with input from the ABI and to consider how the report can be publicised.

4. The New Scheme Administrator

- TopMark gave a brief overview of its history, corporate structure, technical expertise and experience in claims management.

5. May scheme MI

- A member of the Committee asked for papers to be circulated at least three days in advance of the meeting.
- DWP agreed to consider whether non-secure papers could be e-mailed in response a query from a member.
- It was noted that all outstanding cases had been transferred from Gallagher Bassett to TopMark.
- TopMark gave a brief summary of the MI: the number of applications have remained relatively stable - 31 in March and 30 in April. 117 outstanding cases were received from Gallagher Bassett.
- Concentration across the age-ranges had generally remained stable.
- TopMark were processing claims well within their contractual deadlines.
- A member questioned the spike in payments in March. It was explained that this was likely due to the impending changeover of administrator, whereby Gallagher Bassett received an increased number of claims some of which were processed before the cut-off date and others transferred to TopMark.
- The Committee also noted that there had been a year on year reduction in successful claims which might be due to the way in which the data is recorded.
- The Committee felt that the data provided on reviews of unsuccessful cases was helpful and should continue to be provided as well as a report on First Tier Tribunal (FTT) cases.

- Due to the difference in the way in which Gallagher Bassett and TopMark record data, the Committee felt unable to consider fully the MI because of a lack of correlation between the two sets of figures.
- It was agreed that the change of administrator provided an opportunity to review the presentation of the MI, for example, the inclusion of tables and a glossary would be helpful. However, it was agreed that the MI would need to continue to record core headline information and a breakdown, as currently provided.

AP2 22/05/18 – TopMark to provide the Committee with a template MI for their consideration in the next month.

AP3 22/05/18 TopMark to provide subsequent meetings with a report of the reviewed unsuccessful cases and FTT cases.

6. DMPS Official Statistics

- DWP asked the Committee for views on the presentation of the official Scheme statistics and it was noted that there was an opportunity for greater clarity in the underlying data.
- It was agreed that re-formatting the presentation of the MI could help improve the clarity of the official statistics.
- There was no deadline for publishing the statistics so the usual publication date could be delayed to enable the Committee and the Department to consider improvements in the presentation.

7. Oversight Committee visit to TopMark

- The Oversight Committee will visit TopMark on Tuesday 17 July 2018 from 12.30-15.30.
- The Committee will want to see the administrative and call handling processes.

8. AOB

- The date of the next meeting will be 6 November 2018 at 14.00-15.30.
- It was agreed that the next redacted sampling exercise will be discussed at the November meeting.
- A member provided feedback to TopMark on the application process and in response TopMark –
 - agreed to copy Compensation Recovery Unit certificates to the solicitor along with information about the award;
 - confirmed that on-line applications generate a case reference number;

- confirmed that there is a facility within the on-line application portal for other documents such as the Employers Liability Tracing Office search to be attached; and
- to avoid errors will quote the full name of applicants and the case reference number.