

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

Attendees

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
Donald Selvester	TopMark
Susan Jeffrey	TopMark
Stuart Whitney	DWP
Vicky Boyd	DWP, Observer
Margaret Russell	DWP

Apologies: Apologies were received from Tammy Fevrier.

1. Welcome and introductions

- The Chair welcomed members to the meeting including: Susan Jeffrey and Margaret Russell, who were attending for the first time; and Vicky Boyd, who attended the meeting as an Observer.

2. Minutes and actions from the last meeting

- Paper 1: Minutes of the meeting held 22 May 2018.
The Committee agreed the minutes as an accurate record of the meeting.
- Paper 2: Action log:
 - AP3 15/10/15 – analysis of solicitor-led versus applicant-led applications.
This will remain open until the Committee undertakes its next sampling exercise of redacted cases;
 - AP1 16/11/16 – extending the scope of the external audit.
This will remain open. This was discussed as item 5 on the agenda;
 - AP2 09/05/17- proving negligent exposure.
This will remain open until the Committee undertakes the sampling exercise of redacted cases
 - AP3 31/10/17 – clarification of successful awards made to applicants to be included in the Management Information (MI).
The Committee agreed to close this Action as TopMark is including this information in the MI.

3. Scheme MI

- Paper 3: MI April – September 2018
 - There was a discussion about Long-standing applications. TopMark explained that these included:
 - some cases for which TopMark is awaiting information before it can make a decision; and
 - some unsuccessful cases that have been kept open whilst a civil claim is being pursued.
 - The Committee discussed the timescales for obtaining employment records from Her Majesty's Revenue and Customs (HMRC). It was noted that it is helpful to accompany requests to HMRC with a statement explaining the request relates to an applicant living with Mesothelioma and evidence of diagnosis. This will help HMRC to prioritise the requests

AP1 06/11/18 – DWP to contact HMRC to ascertain whether there are any issues or delays with the employment checks for requests that relate to an applicant living with Mesothelioma, from HMRC's point of view.

- Paper 4: MI October 2018
 - There was a discussion about the increase in the number of review requests being made. TopMark explained that this was likely to be driven by its processes. TopMark aims to make decisions on applications as soon as possible. TopMark explains to unsuccessful applicants why the application was unsuccessful and sets out any additional information that would be needed for the application to succeed.
 - TopMark confirmed that this approach does not disadvantage certain groups of clients and it takes a more proactive role in giving additional support to direct applicants who are not supported by a solicitor.

4. DMPS Official Statistics

- DWP published the sixth official statistics publication for the DMPS 01/04/14 to 31/03/2018 on 15/08/2018. This release updated the fifth release with data from 01/04/17 to 31/03/18.
- Headlines figures included:
 - the average (mean) payment to successful applicants was around £145,000 in the last 12 months, up from £141,000 on the previous year;
 - £36 million was paid out in 2017/18;
 - excluding pending applications, 74 per cent of applications received in 2017/18 were successful
 - there was a very slight increase in the number of applications received in 2017/18 (360).

5. External Audit of the DMPS

- The annual audit of the Scheme has been deferred due to the change of administrator in April.
- It was agreed that the independent auditor will continue to check the administrative processes and key controls for managing claims, and a member(s) of ELTO will audit TopMark's use of the tracing process and claims handling, on a random sample of cases.
- The Association of British Insurers (ABI) again asked DWP to consider whether the scope of the audit can be extended. ABI has requested a number of times for a 'technical audit' to be carried out. This would 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.

AP2 06/11/18 - The ABI will provide DWP with its proposals for the scope of the 'technical' audit.

6. Annual Review and Report

- Timetable:
DWP must publish this year's review by the end of November 2018 and are currently working to a date of 29 November.
- The Chair will provide DWP with a report of the activities of the Oversight Committee to include in the Annual Review.

7. Next sample redacted case exercise

- There was discussion about how the next sample redacted case exercise could be undertaken. It was agreed:
 - the exercise should take place during February or March 2019;
 - the sample will look at 24 applications and include a mix of:
 - successful and unsuccessful applications;
 - solicitor-led and un-represented applications;
 - applications from males and females
 - each application will be scrutinised by two members of the Committee
- DWP and TopMark agreed to work together to facilitate Committee members' access to the sample of applications.
- The report of the exercise will be available to discuss at the next full meeting of the Committee.

8. AOB

- The next meeting will be held on 15 May 2019 at 14.00-15.30 in the House of Lords.