

Diffuse Mesothelioma Payment Scheme (DMPS) Oversight Committee
15 May 2019
14.00-15.30
House of Lords
Minutes

Attendees

Baroness Rita Donaghly	Chair
Bridget Collier	Association of Personal Injury Lawyers
Graham Dring	Asbestos Victims Support Group Forum
Hugh Robertson	Trades Union Congress
Susan Jeffrey	TopMark
Stuart Whitney	DWP
Margaret Russell	DWP

Apologies: Apologies were received from Tammy Fevrier (DWP), Donald Selvester (TopMark), Laurence Besemer (Forum of Insurance Lawyers), Stephen Bellingham (Royal Sun Alliance Insurers).

1. Welcome and introductions

- The Chair welcomed members to the meeting.

2. Minutes and actions from the last meeting

- Paper 1: Minutes of the meeting held 6 November 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.
The Committee agreed to close this Action based on the findings of its recent sampling exercise of redacted cases.
 - AP1 16/11/16 – extending the scope of the external audit.
The Committee agreed to consider extending the scope of the external audit at the previous meeting. As it had not received any proposals the Committee agreed to close this Action.
 - AP2 09/05/17- proving negligent exposure.
The Committee agreed to close this Action based on the findings of its recent sampling exercise of redacted cases.
 - AP3 22/05/18 – Management Information to include details of First Tier Tribunal (FTT) cases.
The Committee agreed to close this Action as TopMark is including this information in the MI made available to the Committee.
 - AP1 06/11/18 – employment checks for requests that relate to an applicant living with Mesothelioma.
The Committee agreed to close this Action as TopMark informed the Committee that there are no delays with HMRC providing employment checks for requests that relate to an applicant living with Mesothelioma. A Committee member raised an

issue regarding HMRC employment checks for posthumous claims and that there have been reports of delays and even refusals at HMRC to carry out these checks. The member agreed to make some further enquiries.

3. Scheme MI

- Paper 3: MI October 2018-March 2019
 - The Committee noted that the number of applications to the scheme had remained fairly steady, as well as the percentage of successful claims. There has been an increase in the number of younger applicants to the scheme.
- Paper 4: MI April 2019
 - The Committee noted the April MI. No issues were raised.

4. Update on External Audit of the DMPS

- An independent auditor has reviewed TopMark's administrative processes and key controls for managing applications and is finalising the narrative of the audit report.
- DWP and TopMark have agreed some minor amendments to the narrative with the auditor to improve clarity of the report and recommendations.
- DWP will present a summary of the audit findings at the next Oversight Committee meeting.

5. Sample redacted case exercise

- Paper 5: Feedback on sample case exercise
 - The exercise took place during March and April 2019. The Committee looked at 24 redacted applications, which included a mix of successful and unsuccessful applications, solicitor-led and un-represented applications and applications from males and females. Each application was scrutinised by two members of the Committee.
 - TopMark identified actions to improve how the applications could be presented for the next exercise.
 - The exercise provided the Committee with reassurance that the Scheme is running as intended and that TopMark is administering the scheme effectively and efficiently. The Committee specifically commended TopMark in the way it was handling applications.
 - The Chair thanked the Committee and TopMark for participating in this important exercise. The Committee agreed to carry out a further exercise in 2021.

6. Review of payment tariff

- The level of payments made by the Scheme had been raised in recent debates on the Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations 2019 and Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2019.

- The Government had given a commitment to review the payment tariff to ensure that payments remained at an appropriate level. DWP intends to begin a review during this financial year and will provide an update at the next meeting of the Oversight Committee.

7. Claims from the Isle of Man

- DWP provided a summary of legal advice obtained about the eligibility of applications to the DPMS made from the Isle of Man.
- The DMPS does not extend to the Isle of Man or the other Crown Dependencies (Jersey and Guernsey). The Crown Dependencies have their own legislative assemblies, legal systems and courts of law. They are not part of the UK. The Diffuse Mesothelioma Payment Scheme requires that exposure to asbestos must have occurred in the UK.
- A person currently living in the Isle of Man would be eligible to make an application to the DMPS only if he or she had been negligently exposed to asbestos through working in the UK.

8. Update on Membership of the Committee

- Hugh Robertson and Graham Dring confirmed they would be stepping down from the DMPS Oversight Committee and would secure replacements before the next meeting. The Chair, and DWP, thanked them both for their service to the Committee.

9. AOB and date of the next meeting

- The contract for the levy collection service is due to be renewed later in the financial year. DWP will provide an update at the next meeting.
- The date of the next meeting (due to take place in November 2019) will be set in September following consultation with the new committee members.