



Department  
for Work &  
Pensions

# **Diffuse Mesothelioma Payment Scheme (DMPS) Oversight Committee Meeting minutes**

**Date:** 18 November 2020  
**Time:** 2pm to 3.30pm  
**Location:** Meeting via Microsoft Teams (facilitated by TopMark)

## **Attendees**

### **Oversight Committee Members**

Baroness Rita Donaghy	Chair
Laurence Besemer	Forum of Insurance Lawyers
Joanne Gordon	Asbestos Victim Support Group Forum

### **DWP Secretariat**

Stuart Whitney  
Dawn Harrison (minutes)

### **TopMark Scheme Administrator Representative**

Susan Jeffrey  
Sandra Williamson  
Christopher Burns

### **Guest observers**

Alison Mossman	DWP Finance Business Partner
George May	DWP Commercial Directorate
Alison Kempton	Head of DWP Non Pensions ALB's Policy Group

### **Apologies**

Mary Bell	Zurich Insurance plc
Neil McKinley	Association of Personal Injury Lawyers
Kevin Rowan	Trade Union Congress

# **Agenda item**

## **1) Welcome, introductions and apologies**

**Lead: Chair**

The Chair welcomed all to the meeting and made apologies for absent attendees.

## **2) Minutes of the meeting 13 May 2020**

**Lead: Chair**

There were no matters arising from the Minutes of the meeting held on 13 May 2020 and was agreed that they were a correct record of the meeting.

## **3) Oversight Committee Action Log**

**Lead: Chair**

DWP provided updates on the Action Log and stated that the “closed” actions remain on the Action Log for the benefit of the new committee members. Furthermore, that they act as a reminder of work that has been carried out over the years. However, consideration to be given by the Chair and members to either retain or remove the legacy “closed” actions.

The Chair agreed that the “closed” actions of more than twelve months old to be removed from the Oversight Committee Action Log.

DWP provided assurances that removed closed actions would be archived and retained within DWP.

**Action Point:**

**DWP to remove closed action points of more than 12 months old from the OC Action Log and continue to review and update where appropriate.**

## **4) Covid-19 impacts**

**Lead: DWP / TopMark**

DWP provided assurances to the Chair and Members that despite Covid-19 restrictions, a “business-as-usual” approach has been maintained between DWP and TopMark and that there was no disruption to services as efficient contingencies were in place to manage any impacts.

DWP stated that cases continue to be effectively managed and successful applicants are still being paid in a timely manner. Both TopMark and DWP will continue to monitor the situation on a regular basis.

DWP expressed thanks to TopMark for their continued professional services during the Covid pandemic.

The Chair acknowledged this and expressed her gratitude to TopMark and everyone for their hard work in maintaining the efficient administration and running of the Scheme.

## **5) DMPS levy update**

**Lead: DWP**

DWP provided an update on the levy figure for 2020/2021. Following initial consultation with the Association of British Insurers (ABI) – week commencing 23 November 2020, the levy will be announced in Parliament at the end of January 2021.

DWP stated that prior notification (circa December 2020) will be given to the Employer Liability Insurers to give them an indication of what the levy figure will be for 2020/2021 to prompt them for timely payment and inform them when their individual invoices will be issued in January 2021 following announcement of the levy.

DWP stated that the levy for 2020/2021 is likely to be less than the levy set for 2020, mainly due to a surplus amount derived from the lower number of applications and a decrease in the average payment awarded in the year 2019-2020.

## **6) DMPS Scheme administration management information (MI)**

**Lead: DWP / TopMark**

TopMark provided an update on the MI and the bi-annual MI to date and compared figures and trends to those of the previous year.

Main Points:

- majority of claims receipted are from applicants aged 70 to 84 years
- between April 20 and October 20 – 192 claims received
- average payment made to date is £143,000
- April 20 to May 20 – a lag in the number of claims (possibly due to the outbreak of the Covid pandemic impacting solicitors and insurers)

- applications from younger people similar to those of previous year

The Chair queried as to whether the total figures included those from the Compensation Recovery Unit (CRU).

TopMark stated that the figures provided were gross and for the purpose of the levy, the CRU figures are required to be shown separately.

## **7) Outcome of the Upper Tier Tribunal (UTT) case**

**Lead: TopMark / DWP**

TopMark provided a brief summary of the first UTT case experienced in the Scheme and referenced the Chair and Members to their lawyer's summary report (distributed to Members prior to the meeting) for further reading,

## **8) Annual publication of statistics and Annual Review**

**Lead: DWP / TopMark**

DWP stated that this is the first year that the DMPS Annual Review (2019-20) will be published alongside the statistical data for the Scheme on 26 November 2020. Also, following de-classification of the official statistics in July 2020, TopMark will produce the statistics and supporting excel data for annual publication for the foreseeable future. DWP to send the website link to the Chair and Committee Members when the Annual Review and Statistical Data has been published on the Gov.UK website.

TopMark presented Members with a preview of their graphical interpretation of DMPS statistics and the high-level detail that will accompany the Annual Review.

DWP acknowledged TopMark's presentation and the Chair and Members agreed that the information was both informative, well laid-out and an improvement from that of previous years. The Chair expressed her gratitude to TopMark for the production of the statistical information and supporting excel data.

### **Action Point:**

**DWP to send the web link to the Chair and Committee Members when the Annual Review and Statistical Data has been published on the GOV.UK website.**

## **9) Redacted Exercise**

**Lead: DWP**

DWP provided a brief overview (for the benefit of new members) of the Random Sample Redacted Case Exercise that is undertaken bi-annually and what it involves.

DWP stated that TopMark would be able to facilitate this between TopMark and Oversight Committee Members and that the exercise can still go ahead online despite the current Covid restrictions. However, TopMark stated that if this wasn't possible, redacted cases could be despatched securely via mail to the Chair and any other Members if necessary.

TopMark provided details of how the exercise had previously been carried out in March 2019– outlining the category of redacted cases that were scrutinised with the ratio being 2 x cases per 2 Members.

The Chair acknowledged the importance of this exercise and agreed that the process should be followed as per previous years, and 24 cases should be selected with a combination of 50% successful and 50% unsuccessful with a cross representation of both female and male cases – possibly covering the period from March 2019 to March 2021.

The Chair asked Members to leave the time period to the discretion of TopMark in view of the fact that only cases that are fully closed can be randomly selected for scrutiny.

All agreed and the Redacted Exercise is scheduled to take place the first week in March 2021 and will be facilitated by TopMark.

**Action Point:**

**TopMark to facilitate the Redacted Exercise and schedule for first week in March 2021.**

## **10) Tariff Review**

**Lead: DWP**

DWP provided a brief explanation as to why the Tariff Review (TR) had been delayed – mainly due to internal resourcing issues. However, this is remedied and actions to progress the TR will commence in mid- January 2021.

DWP explained that previously the DMPS tariff had been derived from two factors, these being medical / actual based factors through external research and consideration of the discounted rates in civil claims. However, DWP advised the Members that a commissioned researcher may be required to help with the calculation of whether there should be a change in the tariff payments.

A Member went on to explain that the discount rate affects any future losses and if this was to be applied it would affect any payment with the applicant's age also being taken into consideration. So, for example, a younger sufferer would receive a significantly larger amount.

DWP proposed to present a document to the Oversight Committee outlining the need for the tariff review, and the impact of the Parliamentary process given the level of Scheme payments set out in the secondary legislation, and the impact on the Insurers who pay the levy. DWP will approach some members to provide expert support to this work.

The Chair asked Members to confirm their ability to support to DWP.

DWP acknowledged this and thanked the Members for their assistance.

The Chair asked whether uprating could also be factored into the review although it has previously been resisted. DWP will consider this as part of the review.

## **11) Any other business**

**Lead: All**

None

## **12) Date of next meeting**

**Lead: Chair**

19 May 2021 at 2pm – due to the current Covid situation, venue to be confirmed.