



Department
for Work &
Pensions

MINUTES OF THE MEETING

Title:	Diffuse Mesothelioma Payment Scheme (DMPS) Oversight Committee Meeting	
Date:	19th May 2021	
Time:	14:00 hrs to 16:00 hrs	
Location:	Meeting via Microsoft Teams	
Attendees:	Oversight Committee Members Baroness Rita Donaghy – Chair Laurence Besemer – Forum of Insurance Lawyers Joanne Gordon – Asbestos Victim Support Group Forum Mary Bell – Zurich Insurance plc Neil McKinley – Association of Personal Injury Lawyers	DWP Secretariat Stuart Whitney Dawn Harrison (Minutes)
		TopMark Scheme Administrator Representatives Susan Jeffrey Sandra Williamson
		Guest Observers Alison Mossman DWP George May DWP Darren Bird DWP
Apologies:	Kevin Rowan – Trade Union Congress	Christopher Burns - TopMark

ITEM	LEAD
1) Welcome, Introductions and Apologies	Chair
The Chair welcomed everyone to the meeting and apologies were received on behalf of one member and one Scheme Administrator representative.	
2) Matters Arising from the Minutes of the Meeting 18th November 2020	Chair
There were no matters arising from the previous minutes.	
3) Action Log	Chair
DWP provided updates on the Action Log requesting the closure of two completed action points and an additional one included regarding the Tariff Review. The Chair and Oversight Committee Members agreed.	

<i>Action Point: DWP to close 2 action points and include an action point regarding the Tariff Review.</i>	
4) Redacted Exercise Review	All
<p>A general discussion took place and the Chair thanked everyone for making wide ranging comments throughout the exercise and that there had been a varying degree of cases to scrutinise.</p> <p>TopMark commented on the level and detail of the comments and stated that it was useful to them for the Chair and Members to put forward their observations that provide a balanced view of how the claims are administered appropriately in a professional, timely and sensitive manner.</p> <p>The Chair commented that she had identified varying trends throughout the cases – the common one being the capacity to trace the insurer.</p> <p>Two Members raised concerns over the level of information that was redacted, but TopMark stated that, as they were facilitating this exercise under the auspices of GDPR, they were legally restricted as to how much personal detail they could include.</p> <p>DWP brought it to the attention of the meeting that when the next Redacted Exercise is scheduled to take place in two years' time (circa March 2023), that the scheme administration contract will be in the process of re-tender.</p> <p>The Chair and Oversight Committee Members agreed that the next exercise should take place in 18 months' time.</p> <p><i>Action Point: TopMark to instigate the Redacted Exercise circa October 2022.</i></p>	
5) Covid – 19 Impacts	All
<p>DWP provided assurances to the Chair and Members that despite Covid-19 restrictions, a “business-as-usual” approach continues to be maintained between DWP and TopMark and that the scheme continues to operate professionally and efficiently.</p> <p>DWP stated that cases continue to be effectively managed and successful applicants are still being paid in a timely manner.</p> <p>Both TopMark and DWP work very closely and will continue to monitor the Covid situation on a regular basis.</p>	
6) DMPS Levy Update	DWP
<p>DWP informed the Chair and Oversight Committee Members that the annual value of the Levy for this year is £28.9 million. Also, for the first time since the Scheme started, 96% of payments have successfully been collected from the insurers as at the middle of May.</p>	
7) DMPS Scheme Administration MI	DWP / TopMark
<p>TopMark presented the recent MI to everyone for general discussion. The main points summarised were;</p> <ul style="list-style-type: none"> • Total number of claims for this year 305 	

- 75% of applicants are over the age of 70
- 10% of applicants under the age of 64
- Average payment £144,000
- Common reasons for unsuccessful claims due to insurers been traced, negligent asbestos exposure not proven and insufficient medical evidence provided

8) Tariff Review Updates

DWP

DWP proposed to present an initial report to the Oversight Committee outlining the need for the tariff review, and the impact of the Parliamentary process given the level of Scheme payments are set out in secondary legislation, and the impact on the Insurers who pay the levy.

Taking into consideration the Committee's prior request to consider uprating, this will be included as part of the review and a phased approach is planned;

Phase 1 – Undertake historic research, stakeholder analysis and produce initial report on Findings. Include analysis of other Schemes and what factors are considered for uprating.

Phase 2 – Impact and Risk Assessments if increasing the level of tariffs for Parliamentary debate.

Key points for consideration;

- Impact on secondary legislation and Parliamentary debate
- Impact on the annual levy and the ABI
- Commitment to insurers to keep GWP to 3% or less
- Impact on the Scheme administration
- Any reputational risks

A Member queried analysis of the data relevant to the civil compensation claims and the statistical information already held by insurers in relation to civil compensation claims; and how, and at what stage this will be factored into the review.

DWP requested further assistance from the insurers with this area as this would be required when giving consideration to any potential increase in the tariff payments.

DWP proposed to provide progress updates to the Oversight Committee on a bi-monthly basis.

The Chair welcomed this.

Action Point:

DWP to provide bi-monthly progress report to the Chair and Oversight Committee Members regarding the DMPS Tariff Review.

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

DWP acknowledged this and thanked the Members for their assistance.

9) Reflection on the Year

DWP

DWP stated that in spite of the Covid Pandemic, the Scheme had continued to be administered to the highest standard and improvements had been successfully implemented around the Scheme's operations – one achievement being;

- TopMark's production of effective statistical information for publication alongside the Annual Review

In acknowledgement of this, a letter of thanks was sent by DWP's Secretariat's Deputy Director to TopMark last Autumn.

10) Any Other Business

All

One Oversight Committee Member announced their pending retirement in September 2021 and put forward a suggestion regarding a recommended replacement.

DWP signposted the Member to the ABI in order to ensure that the ABI are content with a suggested replacement member. Following ABI agreement, the person is invited by the Chair to join the Oversight Committee as a full member.

In addition to this one Oversight Committee Member announced that their election as President of APIL, and depending on work load, may need to offer a replacement, but was hoping to remain on the Oversight Committee for the foreseeable future.

The Chair congratulated both and thanked them for their continued support.

11) Date of Next Meeting

Chair

The Chair confirmed the next meeting on Wednesday 17th November 2021 at 2pm. Due to uncertainty with the Covid Pandemic venue to be confirmed.