



Department
for Work &
Pensions

MEETING MINUTES

Title:	Diffuse Mesothelioma Payment Scheme (DMPS) Oversight Committee Meeting	
Date: Time:	Thursday 9th June 2022 14:00 hrs to 16:00 hrs	
Location:	Meeting via Microsoft Teams	
Attendees:	Oversight Committee Members Baroness Rita Donaghy – Chair Joanne Gordon – Asbestos Victim Support Group Forum Neil McKinley – Association of Personal Injury Lawyers Richard Thompson – Zurich Commercial Occupational Disease Claims Unit	DWP Secretariat Stuart Whitney Dawn Harrison (Minutes)
		TopMark Scheme Administrator Representatives Donald Selvester Sandra Williamson Christopher Burns
		Guest Observers Emma Harrison DWP George May DWP
Apologies:	Laurence Besemer – Forum of Insurance Lawyers Kevin Rowan – Trade Union Congress	Darren Bird (DWP) Alison Kempton (DWP)

AGENDA ITEM	LEAD
1) Welcome, Introductions and Apologies	Chair
<p>The Chair welcomed everyone to the meeting and made apologies for those unable to attend.</p> <p>The Chair informed everyone that a colleague from TopMark (known to everyone), had now left the company and expressed her gratitude for the hard work and commitment that this person had demonstrated over the past few years. TopMark acknowledged this.</p>	
2) Matters Arising from the Minutes of the Meeting 17th Nov 2021	Chair
<p>There were no matters arising from the meeting of 17th Nov 2021 and the Chair and Members agreed the minutes as an accurate account of the meeting.</p>	

3) Action Log	DWP
<p>DWP provided updates of the action log and confirmed three standing action points regarding the Tariff Review and the Redacted Case Exercise (RCE), that will remain on the log for further review at the next meeting.</p> <p>Action Point: <i>DWP to include the RCE as an agenda item for discussion at the next Oversight Committee meeting.</i></p>	
4) DMPS Levy Update	DWP
<p>DWP confirmed that the annual levy for the year 2021/2022 had been formally announced on 25 January 2022 and the value was £22m.</p> <p>The Chair queried as to whether the value was sufficient to service the number of pending claims and meet the obligations of the Scheme.</p> <p>DWP provided assurances that working with TopMark and forecasting the number of claims pending and the number of claims anticipated, that £22m was sufficient to fund the Scheme for the coming year.</p>	
5) DMPS Scheme Administration MI	DWP / TopMark
<p>TopMark presented the recent MI to everyone for general discussion. The main points included;</p> <ul style="list-style-type: none"> ➤ Decrease in the number of applications to the Scheme. ➤ Claims averaging 20 per month ➤ Notwithstanding surge in the number of claims in March 2022 (40) – probably due to financial year end reconciliation across some insurers and legal representatives. ➤ More insurers are being traced, so potential applicants to the Scheme can pursue civil claims. ➤ Approximately 50% of the unsuccessful applications are due to being able to pursue civil claims. <p>DWP stated that people are still encouraged to lodge a “protected” claim with the Scheme if it is not clear from the outset that they would be entitled to pursue a straightforward claim through a civil route. This is due to the period for registering a claim that is set out in the legislation. This then protects the applicant from any potential delays encountered from civil claims. Whilst at the same time, ensuring they can still be considered for a payment from the Scheme should the civil claim be unsuccessful.</p> <p>The Chair queried as to the whether it would be worthwhile to compare the proportionate differences of the number of protected claims against those settled through a civil claim, and that it would be interesting to see if there was a specific trend arising with these claims.</p> <p>TopMark stated that it would be feasible to undertake some analysis and produce some comparative figures.</p> <p>A member queried a potential discrepancy in the figures reported in the MI earlier. TopMark confirmed that the figures represented the legacy claims that were transitioned from the previous contractor in 2018 when TopMark replaced Gallagher Bassett.</p>	

Action Point:

TopMark to analyse the comparison between protected claims and successful civil claims and produce some data for discussion at the next meeting.

TopMark referred to two outstanding First Tier Tribunal (FTT) cases. Also, that with these cases, they consider and review each claim diligently with advice and guidance from their legal advisors prior to making any decisions about claims that are not straightforward and so avoid the need to refer to the FTT.

6) Tariff Review Updates

DWP

DWP provided an update regarding progression of the Tariff Review. The main points being;

- DWP will progress the review internally and will continue to work collaboratively with Oversight Committee (OC) Members and the Association of British Insurers (ABI) to progress the review. A Ministerial Submission has been issued to inform the Minister that work has commenced on the review.
- DWP have secured the Compensation Recovery Unit (CRU) Register of recovered claims for occupational mesothelioma for the period 2015 to 2021. The register has had all duplicate claims removed and for the purposes of distribution, has been segmented according to each legal representative and insurer.
- DWP require the gross civil compensation payment figure against each settled claim on the CRU register.
- As part of due-diligence protocols, DWP have engaged with DWP Data Sharing and Information Security teams to determine the most appropriate and secure method to distribute the relevant data to the insurers and legal representatives.
- DWP have prepared an accompanying letter to issue to the insurers and legal representatives, that provides a rationale as to why the Tariff Review is being undertaken.
- Following guidance and advice from the DWP Data Sharing and Security Advice Centre, DWP will be able to declassify the information shared from “official-sensitive” to “official”. This will mean that no data sharing agreement will be required and that no detailed personal information will be compromised. Furthermore, there will no longer be the need for an encrypted e-mail facility to be set up by DWP.
- DWP will start to distribute the CRU data that is relevant to insurers and legal representatives within the next two weeks via the OC Members and the ABI. A turnaround time of six months is expected to allow recipients to analyse and return the data to DWP.
- Returned data will be collated and forward to DWP analysts.

A member expressed his concerns about the claimants’ confidentiality and that each solicitor would need to obtain permission from their clients regarding releasing the value of the compensation awarded against every claim.

DWP provided assurances that because names and other personal details are not required at all for the review – nor do they show on the CRU Register, it is envisaged that this will not subject solicitors and insurers to seek permission from their clients to release the figures. er

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commented that to manage expectations around time management, that DWP allow sufficient time (circa six months) for the data to be returned. The Chair and DWP agreed.

The Chair acknowledged the work that had been undertaken to date and expressed her gratitude to the members who have been and are continuing to actively support DWP with the review. This was echoed by DWP.

7) Venue of Future Oversight Committee Meetings

Chair

The Chair stated that it would be good (due to the easing of covid restrictions) to hold a face-to-face meeting and invited members to comment on their preferences for a venue for the next meeting. A general discussion took place, and it was agreed by everyone to hold the next meeting at Caxton House, London with the option of DWP facilitating a hybrid meeting for those who are unable to travel to London.

8) Any Other Business

All

DWP informed the Chair and Members that the DMPS Claims Management and Administration re-tender had formally commenced and that it was hoped that the tender would be concluded in November 2022, prior to the expiration of the current contract in February 2023.

9) Date of Next Meeting

Chair

Wednesday 2nd November 2022 at 14:00 hrs – Caxton House, Tothill Street, London.