



Department
for Work &
Pensions

MEETING MINUTES

Title:	Diffuse Mesothelioma Payment Scheme (DMPS) Oversight Committee Meeting	
Date:	Wednesday 2nd November 2022	
Time:	14:00 hrs to 16:00 hrs	
Location:	Meeting via Microsoft Teams and Caxton House, London	
Attendees:	Oversight Committee Members Baroness Rita Donaghy – Chair Joanne Gordon – Asbestos Victim Support Group Forum Shelly Asquith – Trade Union Congress Richard Thompson – Zurich Commercial Occupational Disease Claims Unit Laurence Besemer – Forum of Insurance Lawyers	DWP Secretariat Stuart Whitney Dawn Harrison (Minutes)
		TopMark Scheme Administrator Representatives Sandra Williamson Christopher Burns
		Guest Observers Emma Harrison DWP
Apologies:	Kevin Rowan – Trade Union Congress Neil McKinley – Association of Personal Injury Lawyers	Darren Bird (DWP) Alison Kempton (DWP) George May (DWP) Donald Sylvester (TopMark)

AGENDA ITEM	LEAD
1) Welcome, Introductions and Apologies	Chair
The Chair welcomed everyone to the meeting and made apologies for those unable to attend.	
2) Matters Arising from the Minutes of the Meeting 17th Nov 2021	Chair
There were no matters arising from the meeting of 9 th June 2022 and the Chair and Members agreed the minutes as an accurate account of the meeting.	

3) i) Affirmation and Introduction to New Member Shelly Asquith - Trade Union Congress ii) Acknowledgement of Kevin Rowan's Resignation	Chair
<p>The Chair welcomed Shelly Asquith to the committee and affirmed her as a new member. The Chair acknowledged Kevin Rowan's resignation and thanked him for the contributions he made whilst being a member of the committee.</p>	
4) Action Log	DWP
<p>The Chair confirmed that the current actions on the Action Log regarding the Tariff Review and the Redacted Case Exercise remain 'ongoing' and are for further discussion at agenda items 6 and 7.</p>	
5) DMPS Scheme Administration Management Information (MI)	DWP / TopMark
<p>TopMark presented the recent MI to everyone for general discussion. The main points summarised from information relating to the period April '22 to 31 October '22 include:</p> <ul style="list-style-type: none"> • Total number of claims so far 165 – a decrease of 25 claims from the same period last year. • 33% of applicants aged 80 – 84 – an increase of 3% from last year. • 49% of applicants are between the ages of 70 and 79 – a decrease of 6% from last year. • 18% of applicants under the age of 69 – an increase of 3% from last year. • 13% of female applications – a decrease of 3% from last year. • Average payment £143,404 – an increase compared to the £139,00 from last year • Success rate averages 71%. • Unsuccessful/withdrawn rate averages 29%. • 4 cases have been reviewed - of which, 3 were upheld by TopMark and 1 overturned • 1 case submitted to the First Tier Tribunal was overturned. • 149 long standing cases are still outstanding. This amount can exist due to a protected application being made to the Scheme whilst a civil claim is being pursued concurrently. These cases can remain open for up to a period of three years, whilst the civil route is being investigated on behalf of clients by solicitors and/or personal injury lawyers. <p>The Chair thanked TopMark for the detailed presentation of the MI.</p>	
6) Tariff Review Updates	DWP
<p>DWP provided the latest updates to the Chair and Members regarding the DMPS Tariff Review and confirmed that;</p> <ul style="list-style-type: none"> • DWP received the Compensation Recovery Unit (CRU) Register – containing details of over 10,000 cases of successful civil compensation claims for the period 2015 to 2021. • Prior to distribution amongst the personal injury lawyers and insurers, the data contained in the register had been cleansed and separated accordingly containing the claims relevant only to those insurers and personal injury lawyers. • Over 7,000 cases have been issued to respective personal injury lawyers and insurers and responses are expected by 31st January 2023. • DWP are anticipating a 65% return of cases. • DWP require ONLY the gross compensation payment awarded to claimants and the jurisdiction of that claim. 	

- Cases were distributed between July 2022 and October 2022.
- To date, two organisations have already submitted positive returns.
- DWP will continue to maintain a record of all distributions and subsequent returns.

DWP stated that the next steps (post 31st January 2023), will involve collation of all the returns and submitting the figures to the DWP analysts for interpretation and dissemination of data for the period 2015 to 2021.

One member stated that there may be a problem with some returns due to individual organisations' document retention and archive policies being for a period of three years – resulting in the destruction of client records prior to 2018/2019.

The Chair and DWP expressed thanks to those Committee Members who are assisting with the review.

7) Redacted Case Exercise

All

DWP stated that the Redacted Case Exercise (RCE) is undertaken between the Chair, committee members and TopMark. TopMark will facilitate the exercise and distribute a proportionate number of redacted cases between the Chair and members.

For the benefit of new members and those new to the exercise, the Chair provided an explanation regarding the purpose and process of the exercise and what the members' involvement will be when reviewing the redacted cases and scrutinising the claims management and administrative processes.

The Chair also stated that members will work in pairs to review cases allocated to them. Following this the group will then meet to jointly discuss the findings and comments regarding the cases and the handling of each case. The Chair then went on to inform members that individual cases should include a proportionate number of;

- Represented cases
- Unrepresented cases
- Successful cases
- Unsuccessful cases
- Average ages
- Employment Status (where available)

TopMark confirmed that for the purpose of the exercise, redacted cases will be distributed (securely) electronically to members.

DWP stated that if the Chair and members agreed, it would be useful for the purpose of the exercise to allocate 6 cases per member – taking into consideration the points above regarding the nature of the cases.

DWP stated that for the purpose of uniformity, they will e-mail the Chair and Members to confirm their preference of the nature of cases they wish to review.

Action Point;

1) DWP to e-mail the Chair and members regarding their preference of the nature of cases for review and inform TopMark of responses.

2) TopMark to prepare list of redacted cases for mid - February 2023

3) TopMark to liaise with the Chair and Committee Members to co-ordinate and progress the RCE.

DWP confirmed that completion of the exercise should be before the end of the financial year 2023 to enable the findings of the exercise to be reported on in the DMPS Annual Review of 2022-2023. All agreed.

DWP asked the Chair if the findings from the RCE could be discussed during the next Oversight Committee meeting. This was agreed.

8) DMPS Annual Review - 2021-2022

DWP

DWP confirmed that work had commenced on this year's DMPS Annual Review.

For the benefit of the new members, the Chair and DWP confirmed the purpose of the Annual Review and the contribution that is made by the Chair on behalf of the Oversight Committee to summarise what has been achieved over the year.

DWP stated that the review is legislated and must be published on Gov.uk by 30th November each year alongside the annual statistical data that supports the review.

9) Any Other Business

All

DWP confirmed that the re-tender for the Scheme Administration and Claims Management has concluded, and new contracts are in the process of being signed by DWP and the successful contractor.

10) Date of Next Meeting

Chair

Wednesday 17th May 2023 – 2 pm to 4pm via MS Teams and Caxton House, London