



Department
for Work &
Pensions

MEETING MINUTES

Title:	Diffuse Mesothelioma Payment Scheme (DMPS) Oversight Committee Meeting	
Date:	Wednesday 17th May 2023	
Time:	14:00 hrs to 16:00 hrs	
Location:	Meeting via Microsoft Teams	
Attendees:	Oversight Committee Members	DWP Secretariat
	Baroness Rita Donaghy – <i>Chair</i>	Stuart Whitney Dawn Harrison (<i>Minutes</i>)
	Laurence Besemer – <i>Forum of Insurance Lawyers</i>	TopMark Scheme Administrator Representatives
	Rob Rayner – <i>Asbestos Victim Support Group Forum</i>	Sandra Williamson Christopher Burns Tony Fagan
	Richard Thompson – <i>Zurich Commercial Occupational Disease Claims Unit</i>	Guest Observers
	Kevin Johnson – Leigh Day Stephen Glynn – Deka Chambers <i>Association of Personal Injury Lawyers</i>	Emma Harrison DWP George May DWP Mohammed Patel DWP
Apologies:	Shelly Asquith – <i>Trade Union Congress</i>	

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 2nd November 2022	Chair
There were no matters arising from the meeting of 2nd November 2022 and the Chair and members agreed the minutes as an accurate account of the meeting.	

<p>3) i) Affirmation and Introduction to New Members - Rob Rayner Kevin Johnson Stephen Glynn</p> <p>ii) Acknowledgement of Resignation - Joanne Gordon (AVSG)</p>	<p>Chair</p>
<p>The Chair welcomed Rob Rayner (RR), Kevin Johnson and Stephen Glynn to the committee and affirmed all as new members. The Chair acknowledged Joanne Gordon's resignation and stated that she will write to Joanne to personally thank her for the contributions during her time as a committee member.</p> <p>RR confirmed that he has Joanne's personal contact details and can forward the letter on if required.</p>	
<p>4) Action Log</p>	<p>DWP</p>
<p>DWP confirmed that of the three action points held on the log, two (relevant to the Tariff Review), remain live and one action point relating to the Redacted Case Exercise can now be closed at the end of the meeting as the current exercise had concluded.</p> <p>DWP requested that "closed" action points could now be archived as they had been held on the log for over 12 months. The Chair and members agreed.</p>	
<p>5) DMPS Scheme Administration MI</p>	<p>DWP / TopMark</p>
<p>TopMark presented the recent MI to everyone for general discussion. The main points summarised from information relating to the period 1st November 2022 to 31st March 2023.</p> <ul style="list-style-type: none"> • Total number of claims so far 184 – an increase of 19 claims from the same period last year. • A total of 349 claims were made in the last financial year 22/23. • 24% of applicants aged 80 – 84 . • 45% of applicants are between the ages of 70 and 79 – a decrease of 4% from last year. • 17% of applicants under the age of 69 – like the previous year. • 11% of female applications – a decrease of 2% from last year. • Average payment £140,894 – a slight decrease from £143k last year. • Success rate averages 61%. – decrease of 10% from last year. • Unsuccessful/withdrawn rate averages 39%. – (mainly due to an increase in the number of protected cases made to the Scheme). • 6 cases have been reviewed - of which, all were upheld by TopMark. • 2 cases submitted to the First Tier Tribunal are still ongoing. • 149 long standing cases are still outstanding – an increase of 12 from the first half of the year. Again, due to an increase in the number of protected cases applied for by solicitors on behalf of their clients. 	

The Chair thanked TopMark for the detailed presentation of the MI.

6) Tariff Review Updates

DWP

DWP provided the latest updates to the Chair and members regarding the DMPS Tariff Review and confirmed that;

- Over 7000 cases obtained from the CRU Register had been sent to respective insurers and personal injury lawyers.
- The closing date for returns was 31st January 2023.
- Over 1680 positive responses were returned and sent to DWP Analyst Team (DAT).
- DAT confirmed that there was sufficient data provided to carry out a qualitative analysis.
- DAT are currently disseminating the data and have compiled a draft report in the interim period.

DWP outlined the next stages of the review – including some of the key milestones and timeframes that will need to be undertaken as the review progresses.

A member raised a point regarding additional factors such as legal fees and how these and other elements would be represented in the data. DWP stated that the legal fees would form part of the review.

DWP stated that guidance would be needed from key stakeholders and that a further meeting would be scheduled with committee members assisting with the Tariff Review as a consultation process, to review the report, consider additional factors and discuss the next stages. The Chair and members will continue to be provided with regular updates throughout.

The Chair expressed thanks to everyone involved for the work that had been undertaken to date.

7) Redacted Case Exercise

All

For the benefit of new members, the Chair provided a brief explanation regarding the purpose of the exercise and thanked TopMark and participating members for undertaking a review of the selected redacted cases.

A general discussion took place and a member expressed concerns regarding the capability of undertaking a qualitative assessment of cases that had been so heavily redacted.

DWP stated that if a particular court or tribunal hearing case had been cited then it is held in the public domain and therefore, would not necessarily require redaction, and suggested that for future exercises, these cases should not be redacted by TopMark.

A member suggested that if they felt a particular case should not be redacted, to carry out a thorough review, then TopMark be approached to provide further details for clarification of that case.

The Chair, members and TopMark agreed this approach.

DWP suggested that the exercise be included in the Chair's report of the Annual Review for 2023. The Chair agreed.

8) The DMPS Annual Review

DWP

DWP confirmed that the Annual Review and supporting statistics had been duly published by 30th November 2022 in accordance with the legislation.

9) Publication of Meeting Minutes

DWP

DWP stated that a request had been previously made by a new member for the meeting minutes to be approved by the Chair and members (confirmed by e-mail correspondence) for earlier publishing.

The Chair and Members agreed.

10) Any Other Business

All

A member mentioned an additional insurance association that he represents which has mutual interest in the DMPS Oversight Committee. He requested that it would be beneficial in the future for both if information could be shared (subject to prior publication of the meeting minutes), and equally conveyed to the DMPS Oversight Committee.

The Chair agreed that it would be in everyone's interest to share information (subject to confidentiality protocols) and thanked the member for raising awareness of his association.

Another member mentioned that following a meeting with the Isle of Man (IOM) Social Security Director, and Finance Minister, IOM were considering a DMPS and wanted to engage with DWP.

DWP confirmed that they had liaised with IOM and a meeting between DWP and IOM had been scheduled.

11) Date of Next Meeting

Chair

Wednesday 8th November 2023 at 2 pm – Hybrid meeting via MS Teams and Caxton House, London.