



Department
for Work &
Pensions

MEETING MINUTES

Title:	Diffuse Mesothelioma Payment Scheme (DMPS) Oversight Committee Meeting	
Date: Time:	Wednesday 8th November 2023 14:00 hrs to 15:30 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
	Shelly Asquith – <i>Trade Union Congress</i>	
	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>	Liam O'Kelly DWP Penny Higgins DWP
Apologies:		Tony Fagan (TopMark)

AGENDA ITEM	LEAD
1) Welcome, Introductions and Apologies	Chair
The Chair welcomed everyone and made apologies for absent attendees.	
2) Matters Arising from the Minutes of the Meeting 17th May 2023	Chair
There were no matters arising from the minutes of the meeting held 17 th May 2023 and all agreed the content as an accurate account of that meeting.	
DWP confirmed that the minutes of the meeting had been published on Gov.uk.	

3) Action Log	DWP
<p>The Chair confirmed that there are two live action points held on the Action Log – both pertaining to the Tariff Review and stated that these would remain until the Review is completed.</p> <p>DWP confirmed that the action point relating to the Redacted Case Exercise had now been closed and that historic action points (older than 12 months) had been archived but are available to members if they wish to view them.</p> <p>All agreed the Action Log contents.</p>	
4) DMPS Scheme Administration MI	DWP / TopMark
<p>A general discussion took place regarding the MI and TopMark presented the latest data from 1st April 2023 to 31st October 2023. The main points covered included;</p> <ul style="list-style-type: none"> • Total number of claims so far 229 – an increase of 64 from 165 claims received in the same period last year. • A total of 328 claims were made in the last financial year 22/23 – set to match or exceed that this year. • 21% of applicants aged 80 – 84, much the same as the previous period. • 47% of applicants are between the ages of 70 and 79 – a slight decrease of 2% from last year. • 19% of applicants under the age of 69 – slight increase of 1% from previous year. • 11% of female applications – a slight decrease of 1% from last year. • Average payment £143,664 – much the same as same period last year – about £144,000 • Success rate averages 25%. – decrease of only 1% from last year. • Unsuccessful/withdrawn rate averages 9%. – (mainly due to an increase in the number of protected cases made to the Scheme). 11% last year • 14 cases have been reviewed - of which, there was a split with 50% either being upheld or overturned by TopMark. • 2 First Tier Tribunal cases are still ongoing. 5 total this financial year – 1 withdrawn, 2 conceded. • 218 long standing cases are still outstanding – an increase of 57 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. • 16% of applicants in last financial year were underage of 69 (54 applicants) 57% of those have been successful. • 43% of those aged 69 and over have been successful to date. <p>The Chair thanked TopMark for the detailed breakdown of the MI.</p> <p>A member referenced the conceded tribunal cases and the 50% overturn of reviewed cases and asked if there were lessons learnt from those? TopMark confirmed stock had been taken and largely those cases related to the unusual or low-level exposure which were very much borderline and difficult to take a view on. It was emphasised that it is a difficult job to balance ease of access to potential claimants with correct application of the scheme and likelihood of establishing legal liability.</p>	

5) Tariff Review a) Updates b) Claimant Lawyer Responses	DWP/APIIL
<p>DWP informed the Chair and members that two colleagues had attended the APIL Asbestos Conference (following invitation) to present information on the DMPS.</p> <p>DWP stated that questions were raised by various delegates pertaining to the Tariff Review (TR) who were encouraged by responses provided by DWP and that the TR was progressing.</p> <p>APIL members thanked DWP for input at the conference and informed the Chair and other members that they had encouraged APIL member firms to submit the information previously requested by DWP.</p> <p>DWP provided the latest updates to the Chair and members regarding the DMPS TR and confirmed that;</p> <ul style="list-style-type: none"> • Application of legal fees had been considered and a request for information had been issued to APIL member firms at the beginning of August 2023. • Closing date for responses was 30th October 2023. • Extension to closing date granted to mid November 2023. • To date over 12 APIL member firms had submitted positive responses. • The requested data will be collated and sent to DWP analysts the last week of November 2023. <p>A general discussion took place regarding how the nature and value of legal fees would be assessed (including other additional factors) and apportioned to the tariff.</p> <p>DWP stated that at this stage this level of detail was not available, and no predictions could be made until the supplied data had been analysed and applied to the existing draft report produced by the DWP analysts. Also, that further discussions and guidance would be needed from key stakeholders to assist with the decision-making process later. A member noted engagement with key stakeholders to date but flagged that all Oversight Committee members would wish to be engaged in the decision-making process.</p> <p>The Chair asked for an indicative timeline to completion of the TR and DWP outlined the proposed next stages of the review – including some of the mandatory key milestones and timeframes that will need to be undertaken as the review progresses. However, DWP caveated the timeframes due to the complexity of the review and availability of key internal and external stakeholders involved in assisting progress.</p> <p>DWP provided assurances that there is a full audit-trail of all information collated, communications and correspondence exchanged between all key stakeholder and will continue to provide the Chair and members with regular updates throughout.</p> <p>The Chair expressed thanks to everyone involved for the work that had been undertaken to date, for stakeholder commitment to progress the TR and to all firms who had provided salient information when requested to do so by DWP.</p>	

6) The DMPS Annual Review	DWP
<p>DWP informed the Chair and members that work had started on the DMPS Annual Review for the reporting year 2022-2023 and that the final version of the review and supporting statistical data was scheduled for publication on 28th November 2023.</p> <p>The Chair thanked DWP for input regarding the Oversight Committee Report and requested that members see a draft of the report.</p> <p><i>Action Point – DWP to circulate the draft Oversight Committee Report to members only for information.</i></p>	
7) Any Other Business	All
None.	
8) Date of Next Meeting	Chair
Wednesday 22 nd May 2024, 2 pm to 3 30 pm – Hybrid Meeting via MS Teams and Caxton House, London.	