

**DIFFUSE MESOTHELIOMA PAYMENT SCHEME (DMPS)
OVERSIGHT COMMITTEE MEETING
Wednesday 4th June 2025**

Date: Wednesday 4th June 2025
Time: 12 30 pm to 2 pm
Location: Via Microsoft Teams

ATTENDEES

Oversight Committee (OC) Members

Baroness Rita Donaghy – Chair
Laurence Besemer – Forum of Insurance Lawyers
David Ellis – Asbestos Victim Support Group Forum
Richard Thompson – Zurich Insurance Company, Complex Disease Claims Team
Kevin Johnson – Leigh Day Association of Personal Injury Lawyers

Department for Work and Pensions (DWP) Secretariat

Stuart Whitney
Dawn Harrison (Minutes)

TopMark Scheme Administrator Representatives

Sandra Williamson
Christopher Burns
David Howell

Guest Observers

Alex Fleming – DWP
Charles Frobisher – DWP

Apologies

Shelly Asquith – Trade Union Congress

AGENDA ITEMS

1 Welcome, Introductions and Apologies – Lead: Chair

The Chair welcomed everyone to the meeting and made apologies for one member.

2 Matters Arising from the Minutes of the Meeting 6 November 2024

There were no matters arising from the minutes of the meeting held 6 November 2024, and all agreed the content as an accurate account of the meeting. DWP confirmed that the minutes of the meeting are now available on Gov.uk.

3 Review of the Action Log – Lead: Chair

DWP confirmed that following the meeting held on 6 November 2024, two action points were added to the action log for further discussion under agenda items 6,7 and 8. The action point relating to the TopMark website review was complete and is now closed. All agreed.

DWP informed the Chair and members that closed action points from the log that were more than 12 months old had now been archived but were available to view if required.

4 Review of DMPS Scheme Administration MI – Lead: TopMark

A general discussion took place and TopMark called out the following points from the management information for the last financial year 2024/2025;

- 396 applications received compared to 405 the previous year
- 269 long standing applications – those that are 3 months or more
- 161 long standing applications are “protected” cases
- 41% of applicants are aged 80 years and over compared to 36% the previous year
- Most applicants are those who started working in the 1950's, 1960's and 1970's
- 83% of the overall applications are aged 70 years and over
- 9% of applications are female which is 2% less than the previous years
- The average age of successful applicants is 75 years
- 56% of applications have had a decision made
- 73% of applications have been successful
- 20% of applications have been unsuccessful
- 7% of applications have been withdrawn
- Unsuccessful and withdrawn applications are usually the result of an employer and / or insurer being successfully traced

TopMark provided information relating to “protected” claims (claims that are made to the DMPS alongside a potential civil claim), and that these claims can only be officially recorded on their system when TopMark are informed by the applicant's representative that a civil claim has been made.

TopMark informed everyone that they review the applications monthly to check for claims that may also have a “protected” status and report on these via the management information issued to DWP.

A member queried the status of a claim whereby a person seeking a civil claim could not prove liability on the insurer or employer for negligent causation of diffuse mesothelioma and if that person could then fall back on an application to the scheme. TopMark advised that an application could be made to the scheme, and the success of the application would be dependent upon the level of information provided to satisfy the eligibility criteria.

A member asked TopMark what level of information is required, for example, an assessment from a solicitor or advice from a barrister. TopMark stated that any information, advice and evidence on the person's circumstances would be used to hopefully progress a successful claim.

A member expressed concerns around the pressures placed on solicitors when making assessments of civil applications when the applicant is nearing the end of life and in some cases the absence of eligible dependants to pursue either a civil claim or claim to the DMPS. He informed everyone that these cases require quick decisions on the potential for the civil claim to be successful. Under these circumstances, the member queried the possibility of implementing procedural changes that would allow for a posthumous claim to be made to the DMPS.

DWP stated that the DMPS primary legislation would potentially need to be changed, and social security benefits generally do not allow for posthumous claims, so this would be difficult to establish.

The Chair asked that in the meantime whilst DWP look at reviewing the policies relating to the provision of posthumous claims to also review the DMPS application form so that protected claims can be identified from the start of that application. All agreed.

Action Point: DWP and TopMark to review the DMPS application form and amend any wording – the aim being to identify a “protected” application from the start of the claim.

5 Tariff Review Updates- Final Stages – Lead: DWP

DWP provided an update on the progress of the DMPS Tariff Review. The main points included

- Minister has given authority to make and lay the statutory instrument
- Laying instructions subject to negative legislation have been sent to DWP Legal
- DWP are awaiting approval from the Parliamentary Business and Legislation (PBL) Cabinet Committee.
- PBL readout expected week commencing 21st July 2025
- Anticipated laying date is 13th October 2025 - pending PBL approval
- Coming into Force date is 4th November 2025 – pending PBL approval

DWP informed the Chair and members that once approval had been gained from PBL, DWP will update the committee by confirming the laying and coming into force dates and provide further details if appropriate to do so regarding the analytical report on the tariff review.

The Chair thanked everyone who had helped to progress the review to date.

6 Redacted Case Exercise – Lead: Chair

DWP informed the Chair that the redacted case exercise was due to be completed by year end 2025 and asked the committee to consider the types and number of cases for review.

DWP confirmed that TopMark would facilitate the exercise and distribute redacted cases to the Chair and members for review.

For the benefit of those who had not undertaken this exercise before, the Chair provided a brief overview of what it entails, and the timeframes involved. The Chair requested that the redaction process should not be so thorough as to render the information meaningless to review.

It was agreed that cases would once again be reviewed in pairs and each case will therefore be reviewed by two people. Members were asked to consider the types of cases they wished to review e.g. represented cases, unrepresented cases, successful cases, unsuccessful cases

DWP confirmed that following a review of the cases a meeting would be scheduled to discuss the findings. All agreed.

Action Point:

TopMark to liaise with Oversight Committee members to co-ordinate the Redacted Case Exercise (RCE) and confirm time frames for completion.

Action Point:

DWP to schedule a follow-up meeting to discuss the RCE findings.

7 TopMark Website Review – Lead: TopMark

TopMark and DWP confirmed that the website had been reviewed in its entirety and is now complete. All agreed.

The Chair thanked TopMark and DWP.

8 TopMark Site Visit – Lead: All

It was agreed by everyone that the proposed site visit to the TopMark be cancelled – mainly due to travel time constraints and associated costs.

DWP suggested that a useful alternative would be the possibility of TopMark doing a presentation to the committee regarding the claimants' journeys for both successful and unsuccessful applications. The Chair said this would be extremely useful and all agreed.

A member asked if this could be done prior to the start of the redacted case exercise as it would provide a better understanding of the process involved when reviewing cases for this exercise and would also provide an insight into an application to the scheme from the viewpoint and experiences of the claimant.

Action Point;

TopMark to do a presentation to the committee regarding the DMPS application process prior to the start of the redacted case exercise. DWP to schedule a presentation meeting and dates to be confirmed.

9 Any Other Business – Lead: Chair

None.

10 Date of Next Meeting

Thursday 6th November 2025 at 2 pm to 3 30 pm via MS Teams.