

DIFFUSE MESOTHELIOMA PAYMENT SCHEME (DMPS) OVERSIGHT COMMITTEE MEETING

Thursday 6th November 2025

Date: Thursday 6th November 2025
Time: 2 pm to 3.30pm
Location: Via Microsoft Teams

ATTENDEES

Oversight Committee (OC) Members

Baroness Rita Donaghy – Chair
Laurence Besemer – Forum of Insurance Lawyers (FOIL)
Nevyn Stephenson – Asbestos Victim Support Group (AVSG)
Joseph Bailey – Association of British Insurers (ABI)
Shelly Asquith – Trade Union Congress (TUC)
Kevin Johnson – Leigh Day - Association of Personal Injury Lawyers (APIL)
Daniel Easton – Leigh Day - Association of Personal Injury Lawyers (APIL)

Department for Work and Pensions (DWP) Secretariat

Stuart Whitney
Dawn Harrison (Minutes)

TopMark Scheme Administrator Representatives

Sandra Williamson
Christohper Burns
Jodie Gaskell

Guest Observers

Lisa Ward – DWP

Apologies

Steven McGhee – Zurich Commercial - Complex Diseases

AGENDA ITEMS

1 Welcome, Introductions and Apologies – Lead: Chair

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

2 Acknowledgement of Resignations and Affirmation of New Members – Lead: Chair

The Chair acknowledged resignations from Stephen Glynn (Association of Personal Injury Lawyers), Richard Thompson (Zurich Insurance) and David Ellis (Asbestos Victim Support Group). The Chair welcomed Steven McGhee (Zurich Insurance), Nevyn Stephenson (Asbestos Victim Support Group) and Daniel Easton (Association of Personal Injury Lawyers). For this meeting, the Chair also welcomed Joseph Bailey representing the Association of British Insurers on behalf of Steven McGhee.

3 Matters Arising from the Minutes of the Meeting 6 November 2024 – Lead: Chair

There were no matters arising from the minutes of the meeting held 4th June 2025, and all agreed the content as an accurate account of the meeting. DWP confirmed that the minutes of that meeting are now available on Gov.uk.

4 Review of the Action Log – Lead: Chair

DWP requested that the actions point relating to the Tariff Review, the Topmark Site Visit and the TopMark website review to be closed as all work on these points had been concluded. All agreed.

5 Review of DMPS Scheme Administration MI – Lead: TopMark

A general discussion took place and TopMark called out the following points from the monthly management information (MI) for the period 1st April 2025 to 31st October 2025.

- 205 applications received compared to the previous year
- 40% aged 80 years and over
- 44% aged between 70 and 79 years
- 84 % of the overall applications are aged 70 years and over
- 16% of applications are aged 69 years and under
- 11% of applications are female which is like the previous year
- 102 successful applications paid
- The average age of successful applicants is 75 years
- Average payment - £133k
- 86 decisions made on applications were successful
- 70 decisions made were unsuccessful
- 18 applications were withdrawn
- 3 withdrawn applications were due to civil claims
- 390 applications are pending
- 310 of the pending cases are long standing applications – those that are 3 months or more
- 197 of long-standing applications are confirmed as “protected” cases – those cases whereby civil claims are being pursued alongside the DMPS application, and outcome is awaited on the civil claim
- 6 cases were reviewed - 3 were upheld and 3 were overturned
- 1 FTT case is pending
- 0 complaints

A member queried the accuracy of the figures showing as '0' on the September and October MI relating to comparisons between successful applications and rejected cases.

TopMark explained that in this instance an error occurred due to staff absence and cover provided to produce the reports. Therefore, during the compilation of the Oversight Committee (OC) monthly MI report and the general (distributed within DWP) MI report for September and October there was some discrepancy between applications received and those applications whereby a decision had been made.

TopMark stated that by comparison to the general monthly MI, the OC MI shows the total number of decisions overall and what the decisions are. Upon review of the OC MI, TopMark identified the error and corrected this to show the figures required for September and October.

Another member queried the volume of protected cases and if for monitoring purposes this could be included as data within the OC MI. TopMark explained that it could be considered but, when TopMark review these cases, they are also reliant on confirmation from solicitors that a civil claim is being pursued and what the outcome of that claim is.

Further to this, DWP confirmed that details are provided in the general MI, that highlight the number of protected claims and the identity of those applicants. Therefore, this information is not for external distribution to protect the personal details and identity of those applicants. DWP stated that TopMark are contracted to review these cases on a regular basis.

TopMark asked that if the committee found this useful, protected case numbers from the long-standing applications, could be summarised as a figure on the OC MI. All agreed.

Action Point:

TopMark to include an additional data set on the monthly OC MI that summarises the number of protected applications made to the DMPS.

6 Tariff (Amendment) Regulations 2025 Updates – Lead: DWP

DWP confirmed that the tariff (Amendment) Regulations 2025 came into force on 4th November 2025. The tariff compensation payments increased by 49% across all age groups for those successful applications to the DMPS with a confirmed diagnosis of mesothelioma on or after 4th November 2025.

7 Tariff (Amendment) Further Considerations – Lead: Asbestos Victim Support Group

DWP confirmed receipt of a letter from the Asbestos Victim Support Group (AVSG) that welcomed the amendment and thanked those involved in progressing the tariff amendment.

Further to this a member representing the AVSG mentioned that in the letter a request had been made for further considerations to be given to;

- a commitment by DWP to review the DMPS tariff on an annual basis
- the review to include a “tapered” timeframe regarding the dates that any future amendments will come into force
- introduction of a limited treatment fund for successful applicants

A general discussion took place regarding the above points. The main points raised for concern included:

- the large increase of 49 % - due to the lengthy period taken to review the tariff since the last review which was over ten years ago
- an annual review of the tariff
- significant payment increases for those applicants diagnosed on or after 4th November 2025 as opposed to those applicants diagnosed immediately before this date who will receive less compensation.
- The inequalities in the differences between additional payments awarded for treatments in civil claims compared to zero payment awarded to cover treatments under the DMPS

The Chair acknowledged the issues raised particularly in relation to an annual review of the tariff and queried what could be done and who could help to progress this.

DWP confirmed that within the DMPS legislation there is no legal requirement to review the tariff annually and that there are only certain areas that could be considered for review. Furthermore, realistically there was no quick-fix solution to expedite any further reviews.

DWP stated that there would still be a large amount of work (as with the recent review) to undertake to ensure that future reviews were completed effectively. As with the recent exercise, DWP mentioned that this would also involve help from internal and external stakeholder groups to gather the necessary data. DWP hoped that this work would again be on a voluntary basis and not outsourced to an organisation as was the case when the tariff was originally established in 2013-2014.

DWP drew the attention to the Chair and members the details of the Explanatory Memorandum published alongside the Statutory Instrument whereby the Minister made a commitment (paragraph 10.1) to review the tariff on a biennial basis and that it would be DWP's intention to honour this.

APIL members expressed their concerns about the amount of work and time needed to gather data relevant to civil claims within their member organisations and queried the possibility of adopting other simpler methods of reviewing the tariff annually to avoid further delays whilst gathering large volumes of data.

A member suggested that to ease the pressure on APIL and ABI, on an annual basis, apply rises in inflation rates and rises that fall in line with the Judicial College Guidelines for general damages. Following this approach, at periodic intervals cross check the data by undertaking a more comprehensive and detailed review of the tariff.

DWP welcomed the possibility of looking at other methods to review the tariff and would appreciate any offers of help from committee members to progress future reviews. However, DWP stated that the likelihood of this (mainly due to resourcing issues), would occur every two years and not annually. The Chair acknowledged this and queried the possibility of using an inflationary approach to review the tariff alternate years.

One member agreed that this would be useful and drew comparisons to the Pneumoconiosis Compensation Workers Act whereby an annual uprating is applied that considers the inflationary rates and negates the need for lengthy and quite burdensome data gathering. Also, by taking this approach the member suggested that this would give assurances to the victims that there would be no lengthy periods in between any future DMPS tariff reviews.

DWP expressed concerns about merely applying inflationary rates on annual basis to uprate the DMPS tariff due to the variations in amounts of civil compensation paid for each case

across all age groups. Therefore, this would not necessarily give an accurate representation of figures relating to average civil compensation payments made and could affect any potential tariff increase. Also, it was difficult to compare the state schemes to the DMPS as eligible dependants under these schemes are paid significantly less than those who can claim from the DMPS.

A member acknowledged the observation that DWP made in relation to the differing levels of compensation awarded through civil claims and that the DMPS tariff awards compensation is based on those average claims. He stated that any heads of loss on civil claims for damages i.e care costs, pensions, expenses etc, increase with inflation.

DWP agreed and stated that the application of inflationary rates was factored into the recent tariff review.

A member stated that average civil compensation payments are reviewed and suggested that within the DMPS consideration should be given for individuals to have the ability to recover private treatment costs. He stated that, this would not place any additional risk on the insurance industry that funds the DMPS as claims for treatment costs within civil claims remain quite low.

The Chair suggested writing to the Minister because whilst the OC members were pleased with the amendment to the tariff it had taken a decade to achieve this and involved an enormous amount of work by volunteers from the OC and the DWP. However, under the circumstances a biennial uprating based on inflation would be preferable.

The Chair stated that in the meantime, OC members would continue to observe any potential changes in average civil compensation payments and seek an agreement by way of a letter to the Minister that the application of annual inflationary rates to increase the tariff could be the way forward for future tariff increases.

DWP pointed out that due to future resourcing levels within DWP the Minister would not necessarily commit to something that was not achievable. DWP suggested that if the committee was intending to write to the Minister that it may be useful to incorporate some of the points made in the letter from the AVSG and that as secretariat to the committee DWP would facilitate this.

The Chair sought views from members regarding the content of the letter to Minister to include:

- an annual change of the tariff
- incorporation of inflationary rates
- a commitment to undertake a more comprehensive review later perhaps over a five-year period.

All agreed.

DWP pointed out to the Chair and members that with regards to the treatment costs the two state schemes do not factor treatment costs in at all. Also, it would not be feasible to factor these costs into the DMPS as the scheme is one of last resort.

DWP stated that under the DMPS eligible dependants receive the same payment but technically speaking, are not eligible for any treatment costs because the dependants are the ones that do not need the medical treatment.

The Chair acknowledged this and suggested that at this time it would not be appropriate to consider medical treatment costs and that focus should be given to requesting an annual review of the tariff.

DWP provided clarification that some areas for review and considerations are DWP policy decisions. Whereas the primary remit of the committee is to scrutinise the operation of the DMPS and not in the policy decision making side. The Chair acknowledged this.

Action Point:

The Chair to draft a letter to the Minister on behalf of the committee sent via the secretariat to request an annual change to the DMPS tariff.

8 Presentation and Redacted Case Exercise (RCE) – Lead: TopMark

The Chair thanked TopMark for the scheme’s operational PowerPoint presentation and stated that the information was extremely useful to assist with the redacted case exercise (RCE).

TopMark stated that cases for the RCE were still being prepared internally and should be ready for distribution to the Chair and members within the next two weeks.

9 TopMark Staff Changes – Lead: TopMark

Jodie Gaskill confirmed that she had recently joined TopMark as newly appointed Operations Director.

10 DMPS Annual Review – Lead: DWP

DWP confirmed that work was in progress with TopMark to publish the DMPS Annual Review and supporting statistics by 30th November 2025.

11 Any Other Business – Lead: All

None.

12 Date of Next Meeting

Wednesday 10th June 2026 at 2pm – 3 30 pm.