



Department  
for Work &  
Pensions



# **DIFFUSE MESOTHELIOMA PAYMENT SCHEME**

**ANNUAL REVIEW 2023- 2024**





© Crown copyright 2024

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit

<http://nationalarchives.gov.uk/doc/open-government-licence/version/3> or write to them

Information Policy Team, The National Archives, Kew, London TW9 4DU, or email:

[psi@nationalarchives.gov.uk](mailto:psi@nationalarchives.gov.uk).

Where we have identified any third-party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at:

<https://www.gov.uk/government/publications/diffuse-mesothelioma-payment-scheme-annual-review-2023-to-2024>

Any enquiries regarding this publication should be sent to us at:

Private Pensions and Arm's Length Body Partnership Team

Diffuse Mesothelioma Payment Scheme

Department for Work & Pensions

Caxton House, 1st Floor

Tothill Street

London

SW1A 9NA

Email: [CAXTONHOUSE.DMPS@DWP.GOV.UK](mailto:CAXTONHOUSE.DMPS@DWP.GOV.UK)

<b>Table of Contents</b>	
	<b>Page</b>
<b>Ministerial Foreword</b>	<b>4</b>
<b>1 Background</b>	<b>6</b>
<b>2 Scheme Rules</b>	<b>6-7</b>
<b>3 Scheme Payments</b>	<b>7</b>
<b>4 The Role of Employers</b>	<b>8</b>
<b>5 The Role of the Insurance Industry</b>	<b>8</b>
<b>6 The Scheme Levy</b>	<b>8-9</b>
<b>7 Scheme Objective</b>	<b>9</b>
<b>8 Scheme Administrator</b>	<b>10</b>
<b>9 Scheme Performance and Monitoring</b>	<b>10-11</b>
<b>10 Scheme Statistics</b>	<b>12</b>
<b>11 Ongoing Commitment</b>	<b>12-13</b>
<b>Annex A – Annual Report of the Oversight Committee</b>	<b>14</b>
<b>1 Terms of Reference</b>	<b>14</b>
<b>2 Membership</b>	<b>15</b>
<b>3 Status of the Oversight Committee</b>	<b>16</b>
<b>4 Activities</b>	<b>16</b>
<b>5 Summary of Management Information</b>	<b>17</b>
<b>6 Outline of Work and Commitments</b>	<b>18</b>
<b>7 Conclusions by the Chair</b>	<b>18</b>



## Ministerial Foreword

I am pleased to publish the tenth Annual Review of the Diffuse Mesothelioma Payment Scheme (DMPS), which covers the period 6 April 2023 to 5 April 2024. The review covers the Scheme's activities during this period.

Since the Scheme was launched in April 2014 I am pleased that it has successfully helped over 2170 people with mesothelioma, awarding just over £304 million in compensation payments. This Scheme is crucial to those who are diagnosed with mesothelioma and are unable to pursue civil claims.

The average (mean) payment awarded to successful applicants for the latest year of operations was £139,000.

I would like to thank the contracted service providers for the claims administration and levy collection services and the Association of British Insurers for their support via the levy ensuring the Scheme continues to support those individuals

that have been diagnosed with such a terrible disease.

Finally, I would like to thank the members of the DMPS Oversight Committee, chaired by Baroness Rita Donaghy, for giving their time voluntarily to help review and scrutinise the performance of the Scheme and assess its effectiveness.

**Rt Hon Sir Stephen Timms MP**  
**Minister for Social Security and Disability**

## 1 BACKGROUND

The Diffuse Mesothelioma Payment Scheme (DMPS) was launched in April 2014 and began taking applications from July 2014.

The DMPS is a scheme of last resort. It provides compensation payments to people diagnosed with mesothelioma due to negligent exposure to asbestos during their employment who cannot pursue a civil claim because their former employer no longer exists and their former employer's insurer cannot be traced.

## 2 SCHEME RULES

To receive a payment applicants must demonstrate that they meet all the eligibility criteria. An applicant must make a claim to the Scheme Administrator with supporting evidence. The application form is available electronically via the DMPS website and in paper format.

[Home - TopMark Claims Management \(mesoscheme.org.uk\)](http://mesoscheme.org.uk)

The evidence required to support the application should include:

- a copy of the diagnosis of diffuse mesothelioma
- proof of employment history

- a witness statement detailing how the exposure to asbestos occurred and/or
- confirmation they have not received a specified payment
- confirmation that they are unable to make a civil claim - the results from an Employers' Liability Tracing Office (ELTO) search.

### **3 SCHEME PAYMENTS**

Payments are tariff based according to the applicants age on diagnosis. The DMPS tariff is currently under review. Details of the outcome of the tariff review will be announced in the coming months.

Payments are subject to recovery of benefits rules – meaning that any relevant social security or government lump sum payments already paid in respect of diffuse mesothelioma are recoverable from any DMPS payment. This is to ensure that a person does not receive a government payment twice for the same condition.

Dependants of people with mesothelioma who have died may also be eligible for a payment under the scheme.

## **4 THE ROLE OF EMPLOYERS**

The Employers' Liability (Compulsory Insurance) Act 1969 requires all employers in Great Britain to insure liability to their employees for injury or diseases sustained throughout the course of their employment.

This 1969 Act provides a right to compensation for employees who sustain injuries at work because of negligence from their past or present employers.

However, in the cases of a long-latent disease (as with diffuse mesothelioma) it can be problematic for people to pursue civil claims due to the difficulty in tracing employers or their employers' insurance policies to bring proceedings to the courts.

## **5 THE ROLE OF THE INSURANCE INDUSTRY**

To address this the insurance industry agreed to finance a scheme that pays a lump sum payment to individuals negligently exposed to asbestos by their employers.

## **6 THE SCHEME LEVY**

The DMPS is funded by a levy imposed on the Employers' Liability Insurance industry. Each year



those active insurers are informed of their contributory share of the levy and the monies are collected by the contracted service provider.

The Levy is recalculated on an annual basis.

The value of the value for 2023-2024 was set at £27.3m and calculated as follows:

- an estimated cost of the Scheme for 2023-2024 of £27.6m. This is primarily based on the volume of claims anticipated for 2023-2024 and the successful number of applications paid in this period, minus
- a surplus of £0.3m leftover in respect of the levy collected during 2022-2023.

An annual surplus has been common since the Scheme's inception, arising primarily because of variations in the level of successful applications paid out each year.

## **7 SCHEME OBJECTIVE**

As a scheme of last resort the DMPS should provide an application and decision-making process that is accurate, simple, impartial, timely and sensitive to the circumstances of people with mesothelioma and their dependants.

## **8 SCHEME ADMINISTRATOR**

The Scheme Administrator is contracted to the Department following a re-tender for claim administration and management services. Since 2018 TopMark Claims Management (which is a division of the Davies Group Ltd) has been appointed to provide the services to February 2028.

It is the Scheme Administrator's responsibility to ensure robust checks are made against all claims and to ensure all alternative options have been pursued.

The Scheme Administrator must have a sound understanding of the disease and its effects. At the same time it must be sensitive in interactions with applicants, their dependants or representatives and undertake claims processing quickly and efficiently.

## **9 SCHEME PERFORMANCE AND MONITORING**

The Department's overall assessment of the Scheme's Administrator's performance is based on several factors:

- monthly management information provided by the Scheme Administrator
- agreed service levels and key performance indicators
- production of [annual statistics by the Scheme Administrator for 2023-24](#), published alongside this Review
- performance review meetings held every two months
- monthly management information distributed to the Oversight Committee (OC) members

The monthly management information provided typically included the following:

- number of applications received
- method of application
- number of successful / unsuccessful applications
- reason for unsuccessful applications
- average (mean) award to successful applicants
- age and gender of all applicants
- number of reviews requested and their outcome
- number of reviews that are subsequently referred to First Tier Tribunal
- number of reviews that are referred to the Upper Tier Tribunal
- number of formal complaints

## 10 SCHEME STATISTICS

During the tenth year of operation the Scheme has paid out a total of £304.7 million in compensation to 2,170 successful applicants with the average (mean) payment awarded around £139,000. 405 applications were received in this reporting period of which 75% were successful awarding a total of just over £26m in compensation.

Compensation payment amounts awarded are according to the applicant's age and are the same for both female and male applicants.

The DMPS annual statistics are published alongside this annual review.

Further details of previous releases of DMPS statistics can be found at:

[Diffuse Mesothelioma Payment Scheme statistics - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/dmpe-dmpe-statistics)

## 11 ONGOING COMMITMENT

TopMark have continued to work collaboratively and diligently with the Department to mitigate any associated risks and ensure that successful applicants receive their compensation in a timely manner.

Both contracted service providers (TopMark and Tracing Services Limited) continue to maintain sound business relationships, holding regular meetings to ensure that performance is maintained, and business continuity has not been affected.

## Annex A

# ANNUAL REPORT OF THE OVERSIGHT COMMITTEE

## 1 TERMS OF REFERENCE

The Oversight Committee (OC) serves as an independent scrutiny and advisory service to the Department for Work and Pensions (DWP).

The Committee provides a stakeholder perspective on the Scheme and complements the monitoring function undertaken by DWP – ensuring that those who are eligible receive payments through simple but thorough and efficient processes.

The Committee also makes any recommendations on how to improve the processes where necessary.

The full Terms of Reference are on the Gov.uk website.

[Diffuse Mesothelioma Payment Scheme Oversight Committee - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

## 2 MEMBERSHIP

The membership of the Oversight Committee is made up of representatives from key interest groups with links to other stakeholders and end users and members give their time on a voluntary basis.

Membership for the period 6 April 2023 to 5 April 2024:

Baroness Rita Donaghy	Independent Chair
Rob Rayner	Greater Manchester Asbestos Victims Support Group (GMAVSG)
Shelly Asquith	Trades Union Congress (TUC)
Laurence Besemer	Forum of Insurance Lawyers (FOIL)
Richard Thompson	Senior Claims Technician Zurich Commercial Insurance – Complex Disease Unit
Stephen Glynn Kevin Johnson	Association of Personal Injury Lawyers (APIL)

### **3 STATUS OF THE OVERSIGHT COMMITTEE**

The DWP retains sole, formal responsibility for monitoring the performance, administration and contract management of the Scheme.

### **4 ACTIVITIES**

The Oversight Committee held two meetings during its tenth year (2023 – 2024), on 17 May 2023 and 8 November 2023.

Any matters arising from the meetings are recorded on an Action Log and DWP prepares the meeting minutes that are available on the Gov.uk website.

[Diffuse Mesothelioma Payment Scheme Oversight Committee - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/organisations/diffuse-mesothelioma-payment-scheme-oversight-committee)

The Committee received monthly Management Information (MI) in a secure and timely manner from the Scheme Administrator throughout the period of 2023-2024.

Whilst the Oversight Committee does not deal directly with Scheme users, it does monitor the processes of TopMark and DWP. The Committee acknowledged that the processes and systems are well established.



## 5 SUMMARY OF MANAGEMENT INFORMATION

The key areas of the MI that the Committee focus on are;

- The number of applications to the Scheme
- The number of applications that are successful and unsuccessful
- The number of withdrawn applications
- The total compensation awarded
- The average compensation awarded to successful applicants
- The age and gender of the applicants
- The number of reviewed applications and the outcomes
- The number of complaints
- The number of pending decisions
- Payments received by the Compensation Recovery Unit (CRU)
- The number of applications referred to the First Tier and Upper Tier Tribunal

The Committee also analyses the data and makes observations from comparisons of the previous year's data and the current year.

A more detailed analysis of the statistics for the total period of the Scheme is on the Gov.uk website:

[Diffuse Mesothelioma Payment Scheme Annual Statistics \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

## **6 OUTLINE OF WORK AND COMMITMENTS**

TopMark have attended the meetings and provided detailed monthly MI Reports. They have also produced the statistical information that is published alongside the Annual Review and the Committee welcome the style and content of the report.

The Committee also acknowledges and thanks the DWP team for the work that is ongoing to progress the Tariff Review.

## **7 CONCLUSIONS BY THE CHAIR**

This is the tenth year of the Scheme and of the Committee's work. Members are volunteers representing very different organisations. I thank them for their invaluable work, contributions during the meetings and their collegiate approach.

I would also like to thank the DWP team for providing the secretariat support throughout the year whereby they have facilitated the meetings, managed stakeholder and member communications and produced and published the meeting minutes.

Rita Donaghy  
November 2024