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Haemophiliacs demand end to official secrecy

SIR DONALD ACHESON, the government's chief medical officer, is at the centre of a new controversy about Whitehall secrecy obstructing compensation claims by haemophiliacs infected with the Aids virus.

He will be asked this week to publish confidential advice he has given to Kenneth Clarke, the health secretary, which is believed to recommend an out-of-court settlement for more than 900 victims of imported blood products.

Acheson is understood to have made the recommendation to avoid the government being forced to hand over sensitive documents revealing decisions taken when the contaminated products were imported.

Ministers have consistently refused to sanction compensation until a court rules that negligence by the National Health Service was to blame.

David Watters, general secretary of the Haemophilia Society, who is writing to Acheson this weekend, believes the views of the government's chief medical adviser could be crucial. "It serves to demonstrate at just how high a level opinion on this matter is split," he said.

The court action being brought by the haemophiliacs is increasingly embarrassing for the government. A growing number of politicians believe money should be paid without the need for legal action.

More than 1,200 haemophiliacs were infected with HIV, the virus that leads to Aids, through contaminated blood products administered to them while in NHS care. At least 130 have died since the court action began, and many more may not live to see the outcome of a case which has already been postponed until

by Margarette Driscoll and John Davison

March and may last three years.

The prospect of scores of haemophiliacs dying as they are made to take their complaints to the courts has worried government advisers since the beginning of the action in 1988.

Health authorities, which are also being sued, are tiring of the complex and costly business of preparing their de-

a private High Court hearing last month.

On Tuesday, in a ruling that failed to satisfy either side, he ordered the release of some documents and the retention of others. Both sides are expected to appeal.

"It is a bitter disappointment that the issue was not handled and that it now vanishes into the black hole of appeals, adding to the cost," said Watters, for the Haemophilia Society.

"From my understanding it appears that the judge was unwilling to make a decision himself and made a half-baked decision to be handed on to a tribunal of judges in the appeal court."

The delay caused by the legal argument also goes against assurances given by the prime minister that any legal action would be concluded as quickly as possible.

"It is a very serious matter if a department of state is acting in direct contradiction to the prime minister," said Alf Morris, chairman of the cross-party Commons committee on disability.

"She speaks for the government as a whole, and once she has said that no obstacles will be put in the way that should be it."

The supporters of the haemophiliacs are still attempting to find a mechanism by which the cases can be settled out of court. Morris has asked the ombudsman to look at the case of Gerard Hillary, who died last year.

Hillary was 16 years old; he weighed three stone when he died. "It is a story almost too sad for tears," Morris said. "I am now awaiting a response from the ombudsman. If we can use Gerard Hillary as a test case it gives the others hope."

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fence. The legal adviser to one authority last week privately admitted it was a symptom of "corporate madness".

A meeting of the authorities' representatives last month decided to ask the Department of Health to investigate ways of settling the matter out of court. If the action goes ahead, government legal costs will run into millions of pounds.

Lawyers acting for the government have argued that it would be against the public interest to produce confidential department documents, including minutes of meetings between civil servants and ministers. Mr Justice Rougier considered their claims during