

Mr Jex PS(MS(H))

From : J Canavan EHF1A

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cc : Mr Dobson EHF1A
Mr Powell SOLB3
Dr Rejman MEDISP
Mr Thompson
AIDS Unit
Mrs Ryan NHSRIU

File GEB 5
ACQ 9

HIV INFECTED BLOOD TRANSFUSION RECIPIENTS - PRESS ARTICLES 11 AND 12 MAY.

1. I attach a line to take and background note on HIV infected blood transfusion recipients, following the Sunday Observer and Times articles over the weekend. (Briefing on the Hepatitis C virus issue, raised by the Sunday Times, is to follow, before close of play today).
2. The inference in the Sunday Observer that as many as 400 people have been infected with HIV through blood received in the course of NHS treatment is unclear. Reports received by the Communicable Disease Surveillance Centre suggest that the total is less than half the number quoted in the article.
3. You should by now have received a draft reply for MS(H) (submitted last week after consultation with SHHD) to Sam Galbraith's most recent letter seeking clarification of the Government's position about HIV infected transfusion recipients. This is probably the enquiry from Sam Galbraith referred to in the Sunday Observer article last weekend.

GRO-C

J CANAVAN
Room 505 Eileen House
Extension GRO-C

HIV INFECTED BLOOD TRANSFUSION RECIPIENTS

Line to take

The Government has compassion for all victims of medical accidents, but that is not the argument.

The special circumstances which apply to the haemophiliacs - who suffer from a hereditary condition affecting their employment, mortgage and insurance prospects, which has been compounded by the onset of HIV - do not generally apply to blood transfusion recipients or to other victims of medical accidents.

The Government does not believe that a general scheme of no fault compensation for medical accidents provides a fair and workable solution.

HIV INFECTED BLOOD TRANSFUSION RECIPIENTS

Background Note

1. The previous two awards to haemophiliacs, in 1987 and 1989, have been followed by campaigns to give similar help to those who had contracted HIV/AIDS as a result of blood transfusions.
2. 135 reports have been received of cases in UK infected with HIV through blood transfusions. The number known to have been transfused in the UK is 49. The number reported with AIDS is 28 of whom 20 are known to have died. (At least 14 of the number reported with AIDS are already included in the HIV reports.)
3. No claims for compensation have been made against the Government, although in Scotland it has been intimated that claims may be made against the Secretary of State in 4 cases.
4. We estimate that the cost of a payment scheme limited to people with HIV transfused in the UK would not be trivial - probably some £3-5m.
5. Pressure on behalf of those infected with HIV through blood transfusions has been resisted on the grounds that the circumstances of the haemophiliacs would rarely apply to the recipients of blood transfusions.
6. Haemophiliacs were doubly disadvantaged by their pre-existing haemophilia, which affected their employment, mortgage and insurance prospects, and by their HIV infection. Moreover the hereditary condition of haemophilia can mean that more than one member of the family may be infected. (A similar combination of factors could apply to others such as those suffering from thalassaemia or sickle cell anaemia, but there have been none reported with HIV, and in any case they would be few in number).
7. The real difficulty over granting a concession would be to re-establish a credible "ring fence" to prevent any further movement towards a general system of no-fault compensation. In contrast to the haemophiliacs, it is difficult to draw any logical distinction between the HIV-infected blood transfusion cases and other victims of medical accidents.
8. The worst of all possible worlds would be to slide into no-fault compensation through a series of reluctant concessions to well-orchestrated campaigns. No-fault compensation was recently debated in Parliament, and rejected on the grounds that a general scheme would be unworkable and unfair.