

APPOINTMENTS IN CONFIDENCE

Ms M Smith PS PS(H)

From : J Canavan CA OPU
505 Eileen House
Ext GRO-C

Date : 16 February 1993

cc : Mr Heppell HSSG
Mr Scofield CA OPU
Dr Rejman HC(M)2
Mr Powell SOLB3
Mrs James SOLB3
Mr Gale F1B

HIV INFECTED BLOOD AND TISSUE RECIPIENTS - SPECIAL NEEDS TRUST

Background

1. When announcing lump sum payments for those infected with HIV through blood or tissue transfer, Ministers also undertook to give them access to a special needs fund. This would be similar to the Macfarlane Trust (a charitable trust) set up with a Government grant to meet the special needs of HIV infected haemophiliacs.

2. We are seeking PS(H)'s agreement in principle to appointing three Macfarlane trustees to the new trust for blood transfusion cases and to approaching two other candidates to see if they are willing to serve as trustees of the new trust.

Collaboration with the Macfarlane Trust

3. The help given to the HIV infected recipients of blood or tissue is regarded as an extension of the help given to the similarly infected haemophiliacs and our policy is to deal even handedly with the two groups.

4. Close links between the new trust and the Macfarlane Trust would allow it to draw on the considerable experience of the Macfarlane trustees. It would also help ensure that the same levels of financial support were given to the two groups and so avoid invidious comparisons being drawn. Moreover it would be administratively more efficient as the new trust is likely to have a very small number of applicants (only 76 applicants have applied for the lump sums) and would not warrant its own full time administration.

5. The Macfarlane trustees have reservations about formally extending their Trust to cover the blood and tissue recipients and there would be legal difficulties in amending the deed. However the trustees are very willing to support the new trust by having common trustees and providing administrative services. The Macfarlane Trust has been very successful in administering to the special needs of the haemophiliacs and we see considerable advantages in taking up their offer of help

Relevant (duplicate)

for the new trust.

Trustees for HIV/Blood Trust

6. We are looking to appoint a maximum of 5 trustees for the new trust. The trustees would elect a chairman. We propose that three trustees of the Macfarlane Trust should be appointed. The Chairman and a number of other trustees have volunteered. If Minister is willing in principle to appoint from these trustees, we shall have further discussions with the Macfarlane Trust and let Minister have names for consideration.

7. Two other trustees would be needed. The Macfarlane Trust has benefitted from having ex DH officials among the trustees. For the new trust we suggest either Miss Pat Winterton, who recently retired as Assistant Secretary in the Department of Health, or Edwin Moutrie who recently retired from DH Solicitor's branch. For the trustee with a background outside the civil service we suggest either Mrs Leonore Winetroube or if she is unavailable John Bach. Information about Mrs Winetroube and Mr Bach is in the Annex. If PS(H) is content we shall approach the candidates to find out if they would be interested in serving as trustees, if invited.

Timing

8. If at all possible we are looking to set up the new trust before the end of this financial year. Money (up to £1/2m) is available but will be more difficult to find next year.

Action

9. We ask if PS(H) is content:

(i) that 3 trustees should be appointed to the new special needs trust. If so we will submit names after discussion with the Macfarlane Trust

(ii) that we should approach the following (in the order shown) to determine if they would be willing to serve as trustees, if invited. We shall come back to Minister for formal appointments to be made.

Miss Pat Winterton	- and -	Mrs L Winetroube
or		or
Mr Edwin Moutrie		Mr J Bach

GRO-C

J CANAVAN

ANNEX

Mrs Leonore WINETROUBE (57) Head of Professional Standards Department, General Council of the Bar since 1987. Member, Lord Chancellor's Standing Conference for Legal Services. Former Member/Chair, Social Work Committees. Former Vice-Chairman of Beverley Haltemprice Standing Committee.

John T BACH (56) Partner with Stephenson Harwood, solicitors since 1966. Has been a governor of Moorfields Eye Hospital SHA since 1977 and is Chairman of the Ethics Committee. Has a wide range of legal experience and has a great knowledge of hospital and health authority management.