

Cynllun Cynorthwyo Gwaed
Heintiedig Cymru

Wales Infected Blood
Support Scheme

WIBSS
4ydd Llawr / 4th Floor
Tŷ'r Cwmnïau / Companies House
Heol y Goron / Crown Way
Caerdydd / Cardiff
CF14 3UB

EBOST / EMAIL: wibss@wales.nhs.uk
Y WE / WEB: wibss.wales.nhs.uk
FFÔN / TELEPHONE: 02920 902280
EIN CYFEIRNOD / OUR REF:

DYDDIAD / DATE: 14th May 2019

Mr Thomas Powell
Senior Inquiry Lawyer
Infected Blood Inquiry
Fleetbank House
1st Floor, 2-6 Salisbury Square
London
EC4Y

Dear Mr. Powell,

Request for the production of further information under Rule 9(2) of the Inquiry Rules 2006.

I refer to your letter dated 16th April 2019 seeking additional information. In response to your request, I have replicated all the questions below with our response underneath each. As this letter and the attachments contain person identifiable information both the letter and attachments are sent via the "Egress" secure file sharing portal.

A - Determining eligibility - Policy

In respect of the decision-making process of the scheme, Mr Riley's previous responses explained that the Welsh Government sets the policies and levels of payments for the WIBSS. He explained that eligibility and payment rates are set out in the Wales Infected Blood Support Service Directions 2017 ('the Directions').

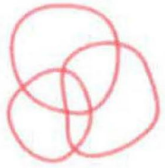
At Question 5 c) of Mr Riley's response dated 16 January 2019, he states that:

'where the criteria is not clear, the WIBSS Manager may seek clarification from Welsh Government regarding the interpretation of its Directions....The Directions, and therefore the Eligibility Criteria, are continually evolving and developing as more requests are being received.'

I therefore request further clarification as to how the WIBSS assess an application for support. In particular, can you please answer the following questions:

1. Please explain what internal policy and guidance, other than the Directions, do WIBSS staff rely upon when assessing new applications.

When assessing an application, WIBSS staff refer to the WIBSS Staff Guidance document and the Assessment of Chronic (Stage 1) Hepatitis C Infection Applications document. Although this document has been adapted to reflect the WIBSS criteria, it still contains references to technical references to SNBTS, the Scottish blood service. As SIBSS was established prior to WIBSS and operated in largely similar ways, its suite of guidance would provide the best reference material available at the time. We are currently liaising with Welsh Government (WG) and Welsh Blood Service (WBS) to establish a document completely relevant to Wales.



Cynllun Cynorthwyo Gwaed
Heintiedig Cymru

Wales Infected Blood
Support Scheme

2. Please provide copies of this guidance, including the most current updated eligibility criteria for each type of application.

I attached both documents referred to above. [The eligibility criteria are set out in both documents.](#)

The Welsh Government recently introduced an Enhanced Hepatitis Stage 1+ Payment Scheme to WIBSS, a simplified version of the Special Category Mechanism in England. WIBSS have implemented the policy and processed all the applications received to date. Although, this element of our scheme has not yet been incorporated into the Staff Guidance, a process note was produced setting out how each application should be dealt with. I attach this note for information too.

B. Applications refused, including appeals

In Mr Riley's response dated 22 November 2018 at 5.d, he explained that the scheme has refused eight applications since its inception. However, in his response dated 16 January 2019, seven applications are listed as refused and were forwarded to the Inquiry. It is also unclear how many cases were appealed (either by the Applicant's request or initiated internally).

Can you therefore please answer the following questions:

3. Confirm the correct number of applications refused by the WIBSS.

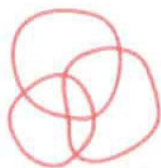
The correct number of applications refused by WIBSS when Mr Riley sent his letter of 22 November should have been seven. Details of these were submitted to you under cover of Mr Riley's letter dated 16th January 2019. A request for a small grant had been rejected, as it did not meet the scheme criteria, and this was miscounted as a rejected application.

4. Explain how many appeals have been considered by the WIBSS, how many of these were upheld and how many of these were overturned.

To date the WIBSS Appeal Panel has considered three appeals. The Appeal Panel convened on 16th November 2018. The documentation for all three appellants was sent to you under cover of Mr Riley's letter dated 16th November. One appeal was successful at the panel meeting. The other two appeals were unsuccessful. However, the Panel members agreed they would reconsider the cases if additional information were submitted.

The successful appeal had been rejected by WIBSS because the applicant had stated she had been an intravenous drug user, prior to the blood transfusion she received following the birth of her second child in 1997. She was notified that "current evidence indicates there is a greater than 1 in 2 (50%) chance of contracting Hepatitis C through IV drug use, whereas the chance of contracting it through blood transfusion is now negligible in the developed world, and was around 1 in 10,000 (0.01%) in the late 1980s and early 1990s."

Whilst the Appeal Panel agreed with the grounds for rejection, they felt that if the applicant had received infected blood, then her chance of being infected by it would be 1:1. All the



documentation relating to this appeal was sent to you under cover of Mr Riley's letter of 16th January 2019, and has not therefore been resent.

The other two appeals considered by the panel, upheld the WIBSS decision to reject, on the basis of lack of evidence a blood transfusion had taken place. The Panel agreed to reconsider its decision if the appellant(s) provided additional information. It also offered to review medical records to see if they could find anything in them, which would provide an assurance/evidence that a transfusion had been received.

WIBSS sent a letter to all appellants notifying them of the Appeal Panel's decision. Following receipt of the letter, the unsuccessful appellants both submitted additional documentation, which provided evidence of blood transfusion taking place. Following receipt of this additional information, the Appeal Panel agreed that the original WIBSS decision should be overturned.

Had the additional evidence submitted, been available to WIBSS when the original applications were reviewed, or indeed at any time prior to the Appeal Panel, the applicants would have been accepted onto WIBSS and would not have needed to go to Appeal. When the appellants were notified of the date of the Appeal Panel, they were encouraged to submit any additional information they could, for consideration by the Panel. At the time of the Panel, neither appellant had submitted additional information.

5. Please provide us a copy of all refusals and appeals not already provided to the Inquiry.

Two additional applications have been rejected since Mr Riley's letter of 16th January 2019. I have attached on the relevant documentation. Although both applicants has indicated verbally they may appeal, to date we have not received written confirmation of intention to appeal from either.

ALL REJECTED APPLICATIONS AND APPEALS REFERENCED ABOVE:

NAME	FILE NAME(S)
*REDACTED	pdf
*REDACTED	GRO-A pdf
*REDACTED	(Appealed).pdf
*REDACTED	(Appealed).pdf

**Names a redacted on covering letter, but information provided through secure EGRESS portal has not been redacted.*

If you require any further clarification or information, please contact me.

Yours sincerely,

GRO-C

Andy Butler
Director of Finance & Corporate Services
NHS Wales Shared Services Partnership



**Cynllun Cynorthwyo Gwaed
Heintiedig Cymru**

**Wales Infected Blood
Support Scheme**

4/5 Cwrt Charnwood	4/5 Charnwood Court
Heol Billingsley	Heol Billingsley
Parc Nantgarw	Parc Nantgarw
Caerdydd	Cardiff
CF15 7QZ	CF15 7QZ

Ffon symudol •

E-bost • email:

Rhyngrwyd • Internet: www.nwssp.wales.nhs.uk

Mewnryd • Intranet: www.nwssp.wales.nhs.uk

Twitter: [@nwssp](https://twitter.com/nwssp)