

VCJD GENERAL

VCJD TRUST MANAGEMENT MEETING – File note

Date 7 December 2005

Held at Wellington House, Dept of Health

Present

Dept of Health

Charles Russell

Jonathan Stopes-Roe

Richard Vallance

Anita James

Edwina Rawson

Brian Bradley

Current issues

1. JSR noted that the action from the last review meeting, in October 2004, had all been completed - in particular the variation to the Trust Deed to allow compensation for care abroad. Also since then there had been agreement that a house could be purchased for the Peduzie family. The next meeting of the Trust was expected to agree the terms and conditions of the expenditure on the house for the Peduzies – depending on suitable assurance from other funding sources that they were also making appropriate and proportional contributions.
2. The main current issue for the Trust was the particular hardship claims, both for emotional and for financial hardship.
3. The majority of the claims submitted to the Trustees to date for particular emotional hardship had now been settled. The Trust was aiming to agree principles for financial hardship at its meeting on 24 January 2006 which would facilitate settlement of most of these claims. It was expected that the Trust would be considering the details of the remaining hardship cases from February/March 2006. It was noted by RV that particular emotional hardship was an especially difficult issue which had caused some difficulties between claimants, in some cases even within the same family. Other claims from the Discretionary Fund had not yet been submitted, for example Victims' loss of earnings.
4. Families had been advised to delay submission of particular hardship claims until the principles had been agreed by the Trust.
5. There were 158 victims as at 4 November and the Trust had received 155 main applications. 152 of these had been fully considered (except for some of the £5,000 psychiatric injury and hardship claims) and the majority of the amounts claimed had been paid out. Approximately £32.2m had so far been paid in compensation. Approximately £7.5m had so far been disbursed for expenses.

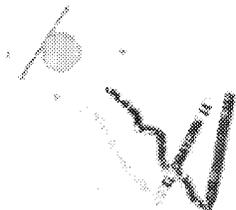
6. Charles Russell (CR) and the Trustees were very aware of the need to control costs and were taking suitable action to do so. The Trustees were being careful to discount payments to other solicitors for inappropriate or poor work which still arose.
7. RV reported, as at the meeting at Justin Fenwick's Chambers, that the ratio of expenses to claims would be more disproportionate in the short term, as they were dealing with difficult decisions affecting relatively small sums. Once the majority of Discretionary payments had been made, hopefully by the end of 2006 leaving larger claims to be processed, this ratio would improve.
8. RV outlined the position with respect to the remaining funds, which identified that approximately £30m remained available.
9. The Freedom of Information request from the BBC had been handled expeditiously – although it had created a significant amount of work. It was not clear whether the purpose was for resisting the OFCOM complaint or to be put in a further programme. CR had been advised that OFCOM had reached a decision but this had still not been communicated.
10. RV reported that a recent article in the Human BSE Foundation newsletter reflected dissatisfaction amongst those who had had claims for particular hardship refused, which would no doubt be a ground for complaint in any future media story. A meeting between the Trust and disaffected families may be arranged, although it was not necessary for the Department to be involved.
11. The next review meeting would be scheduled for Autumn 2006. RV offered to accommodate the next meeting in CR's offices.

Brian Bradley
Strategy & Legislation Branch
Health Protection Division

vCJD Main Trust

**Receipts and Payments Account
For the year ended 5 April 2005**

| | Main Fund | | Discretionary Fund | | Total |
|---|------------------|----------------------|--------------------|---------------------|----------------------|
| | £ | £ | £ | £ | £ |
| Balance brought forward | | 18,796,116.19 | | 3,666,848.36 | 22,462,964.55 |
| Receipts | | | | | |
| Department of Health | | 14,350,000.00 | | | 14,350,000.00 |
| Income tax net supplement | | 81.69 | | | 81.69 |
| Bank of Ireland Net Deposit Interest to March 2005 | | 975,373.00 | | 133,311.00 | 1,108,684.00 |
| | | <u>34,121,570.88</u> | | <u>3,800,159.36</u> | <u>37,921,730.24</u> |
| Less: | | | | | |
| Payments | | | | | |
| Distributions - see schedule attached | | 3,016,696.05 | | 73,733.42 | 3,090,429.47 |
| John Melville Williams QC | | | | | |
| Fees | 9,200.00 | | | | |
| Expenses | <u>885.05</u> | | | | |
| | | 10,085.05 | | | 10,085.05 |
| Elaine Motion | | | | | |
| Fees | 7,100.00 | | | | |
| Expenses | <u>2,589.07</u> | | | | |
| | | 9,689.07 | | | 9,689.07 |
| David Stevens | | | | | |
| Fees | 10,438.00 | | | | |
| Expenses | <u>1,597.75</u> | | | | |
| | | 12,035.75 | | | 12,035.75 |
| Vicky Vidler | | | | | |
| Fees | 5,975.00 | | | | |
| Expenses | <u>1,651.60</u> | | | | |
| | | 7,626.60 | | | 7,626.60 |
| David Churchill | | | | | |
| Fees | 13,380.00 | | | | |
| Expenses | <u>2,107.55</u> | | | | |
| | | 15,487.55 | | | 15,487.55 |
| Malcolm Tibbert | | | | | |
| Fees | 10,025.00 | | | | |
| Expenses | <u>4,369.51</u> | | | | |
| | | 14,394.51 | | | 14,394.51 |
| Sir Robert Owen | | | | | |
| Expenses | | 81.60 | | | 81.60 |
| GRO-A Medical fees | | 44,389.66 | | | 44,389.66 |
| Income Tax | | | | | |
| balance for 2003/04 | 33,085.75 | | | | |
| on account of 2004/05 | <u>34,812.56</u> | | | | |
| | | 67,898.31 | | | 67,898.31 |
| Balance carried forward | | 30,923,186.73 | | 3,726,425.94 | 34,649,612.67 |



Edward Goff
 Sent by: Edward Goff
 24/10/2005 10:41

To: Jill Moorcroft/ISD4/DOH/GB@GRO-C
 cc: Jonathan Stopes-Roe/HP-SL/DOH/GB@GRO-C Gareth
 Jones/HPIHSD/DOH/GB@GRO-C
 bcc:
 Subject: FOI case - GRO-C

Jill

Further to my email below I think that it would be helpful to list the questions that I would like answered.

For ease of reference this FOI relates to a request for "copies of some of the correspondence between the vCJD Trust and the Department of Health and vice versa since March 1 2002. I am particularly interested in any correspondence on the costs of administering the scheme, delays in payments and the performance of Charles Russell as the administrators. I would also be interested in any internal DoH papers assessing the performance of the Trust and in particular Charles Russell".

*Gill,
 6 May 2004
 See sub-
 part-it
 notes for
 ①*

1. Our files include correspondence from third parties - from claimant's solicitors Irwin Mitchell to the Department and from Irwin Mitchell to Charles Russell. Are there any FOI rules regarding disclosing documents from third parties especially when the document is a letter from A to B; which B then chooses to attach to his letter to the Department? An example of this is a copy of a Charles Russell's letter of 11 May 2004 to The Times and to vCJD families which Charles Russell have copied to the Department (Obviously, personal details would be blacked out).

*See
 part-it
 note 2.*

2. We also have on file briefing papers for Ministers. For example, back in December 2003 Ian McCarthy, Minister without Portfolio requested a meeting with SofS to discuss the vCJD Trust and briefing was prepared.. Again, briefing was given to SofS in May 2004 in which it was proposed inviting Sir Robert Owen, Chair of the vCJD Trust to meet him to review progress and raise issues on the compensation scheme. Should both of these papers be excluded because they relate to developing policy/giving advice to Ministers?

*See
 part-it
 note 3*

3. Throughout the files frequent references are made to Sir Robert Owen, the Chairman of the vCJD Trust. This is a high-profile public appointment. Should his name be blotted out? *Keep in.*

4. Handling question
 It has been agreed that copies of all the papers disclosed will be sent to Charles Russell. Since some of the papers will make reference to Irwin Mitchell solicitors - do we have to send copies to them too? At what stage are they sent to either Charles Russell or Irwin Mitchell - at the same time the papers are sent to the enquirer?

*See part-it
 note 5
 Keep in*

5. Sometimes there is a series of documents which are successive drafts of a letter (e.g. draft letter to Sir Robert Owen in May 2004 and a draft letter to The Times, also in May 2004). Should we disclose all the working drafts, or just the finished letter, as sent? *Keep in.*

Rather than discussing this over the phone it must be easier to have a one to one chat with the papers?

Gareth

GRO-C

W/110

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----- Forwarded by Edward Goff/HP-SL/DOH/GB on 24/10/2005 08:54 -----



Edward Goff
Sent by: Edward Goff

21/10/2005 15:43

To: Jill Moorcroft/ISD4/DOH/GB@ **GRO-C**
cc:
bcc:
Subject: FOI case

Jill

Can we have a chat on Monday about an FOI case **GRO-C** re the disclosure of information
e.g. third party letters/ministerial briefing etc

Regards

Ted Goff
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