

Briefing for meeting with
Macfarlane and Lileen Trusts

Briefing with officials

Tuesday 11 July at 10.15 am

Main meeting

Wednesday 12 July at 2.15 pm.

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MS(PH)

From: Brian Bradley HP S&L

Date: 7 July 2006

Copies: PS/CMO
Ms L Kendall
Mr M Swindells
Dr D Harper
Mr G Hetherington
Dr A Wight
Mr W Connon
Mr J Stopes-Roe

Macfarlane and Eileen Trusts – meeting with the Chair and Trustees on 12 July.

Briefing for MS(PH)

The meeting is scheduled for 14.15, following a briefing meeting at 10.15 on 11 July.

Agenda

1. Welcome and introductions
2. Funding for the Eileen Trust
3. Funding for the Macfarlane Trust

1. Welcome and Introductions

We have been advised that the following will attend from both Trusts:

Peter Stevens (Chairman)

Martin Harvey (Chief Executive)

GRO-A (Serving Registrant Representative)

Andrew Evans (Chairman of the MacFarlane Trust Partnership Group and registrant)

GRO-A - Registrant Trustee

Sue Phipps - Trustee on the Eileen Trust

Handling note

It is unusual for registrants of such a Trust to be directly involved in meetings with Ministers of the sponsor Department. However, the Trustees feel strongly that it is appropriate for registrants to be involved in the Trust which has been set up for their benefit and they say they have always conscientiously followed a policy of registrants attending meetings with the Department. We expect the registrants will make their case for increased funding powerfully but politely. We suggest that MS(PH) listens to what they have to say and conveys any decision to the chairman and chief executive,

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possibly accompanied by **GRO-A** (the user trustee) after the formal meeting. We understand from Mr Harvey that this approach will be acceptable.

2. Funding for the Eileen Trust

The Eileen Trust is a relatively small Trust created to provide *ex gratia* payments to non-haemophiliacs who were infected with HIV as a result of contaminated blood products provided by UK health services. It is managed by the same administrators and most of the Trustees serve on both Trusts. It does, however have slightly different issues and some of those involved feel somewhat overshadowed by the larger and more vocal pressure group of haemophiliacs. You may wish to invite Mrs Phipps to make the case for the Eileen Trust registrants.

Mrs Phipps will leave after this item as she has no interest in the Macfarlane Trust

3. Funding for the Macfarlane Trust

My submission of 14 June addresses the claim presented by the chair of the Trusts for substantially increased funding and the options recommended. A further copy of the submission is attached at Annex A for ease of reference.

Mr Stevens would like to present an overview of the case, followed by a brief contribution from Mr Harvey and a view from each of the registrants present of how their lives have been affected by this infection.

It is possible that they may raise the case of **GRO-A** as an example of a much more favourable settlement than is available from the Trust. This is not discussed in the submission. Details of this case are at Appendix A. In brief, the case concerns a litigant who contracted a (relatively rare) infection from a blood transfusion in 1995. There was no recourse to any other payment scheme, the (then) National Blood Authority accepted liability and a settlement was negotiated.

The line to take here is that

- We deeply regret that patients were infected with HIV/AIDS through blood and blood products.
- However, In general, compensation is only given for those who suffer negligent damage from NHS treatment.
- In this case this Government does not accept liability.

Other business

There is no other business agreed with the MFT for this meeting. Briefing is, however, appended about several issues which may still be raised by registrants. Gerard Hetherington's submissions of 26 June and 26 May cover these issues in greater detail.