

4E 22
Him 16
CC Carolyn Fairbairn

RESTRICTED - POLICY

Mr Abrahams APS/M(H)

From : Paul Pudlo CA-OPU2

Date : 5 June 1995

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Mr Blake
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**PAYMENTS FOR THOSE FOR THOSE INFECTED WITH HEPATITIS C THROUGH
BLOOD TRANSFUSION/BLOOD PRODUCTS**

1. This note provides an update for the meeting on 7 June.

VIEWS OF THE TERRITORIALS

2. SCOTLAND - The view of officials is that while the "no-compensation" position is becoming increasingly untenable, proposals to link payments to social needs and the degree of harm suffered would be difficult to establish and the (clinical) judgements required would make it costly and complex to administer. A crude estimate suggests costs on the basis of the HIV settlement in the order of £30m. The views of Ministers are currently being sought.

3. WALES - Legal advisers are of the view that it would be difficult to sustain rejection of claims for compensation on the grounds of a distinction between those infected with HIV and HCV. Such grounds are considered insufficiently robust to resist judicial review.

Given the variable impact of Hepatitis C on individuals, clinical assessment of the effect will be difficult. At HIV rates the estimated cost for Wales is around £21m. If funded out of existing health votes there would be serious difficulties in delivering other health priorities. The views of Ministers are being sought.

4. NORTHERN IRELAND - Officials' view is that it is difficult from point of view of equity to resist comparisons with HIV compensation. But this could mean a substantial drain on health resources. The views of Ministers have not been sought yet.

NO 10

Number 10 has not been fully briefed on the issues pending Health Department deliberations. Carolyn Fairbairn will be attending the meeting. One option mentioned by her that does not appear to have been considered so far, is to buy off the risk through private sector insurance. That is to provide all those affected with insurance cover against adverse effects. The pros and cons would depend on the cost of the premium but one advantage before decisions had to be taken would be to have the benefit of independent risk analysis.

The Prime Minister has been asked by John Marshall MP (Hendon South) to receive a deputation of colleagues to discuss the plight of those infected with Hepatitis C. It is likely that the delegation would press for compensation along the lines of the HIV settlement, in which John Marshall was an active supporter. John Marshall is tabling an EDM calling for consideration of compensation to Haemophiliacs infected with Hepatitis C. No decision on how to respond has been made yet.

Legal Advice

Officials have undertaken an urgent discovery of relevant papers and legal advice on vulnerability to a charge of negligence has been sought. This is not yet available.

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Ext **GRO-C**