

## **Tomecki Natalie LEGAL GROUP DWP-DH LITIGATION**

**From:** Webb Debby DOH GSI  
**Sent:** 04 February 2010 14:32  
**To:** Tomecki Natalie LEGAL GROUP DWP-DH LITIGATION  
**Subject:** Archer JR: 26.02.09 submission



pic11065.jpg  
(1 KB)



pic12136.jpg  
(2 KB)



pic32220.jpg  
(3 KB)



MS(PH)  
ision 26-Feb-0gy - Annex



2.



9. Current



pic17001.jpg  
(1 KB)

Natalie,

Apologies - I didn't spot that the submission had been deleted from the e-mail I had forwarded earlier.

Debby

----- Forwarded by Debby Webb/HP-SL/DOH/GB on 04/02/2010 14:29 -----

Debby  
Webb/HP-SL/DOH/GB

To

31/01/2010 19:56

Debby Webb/HP-SL/DOH/GB@DOH

cc

Subject

Fw: \*\*VERY URGENT\*\* Contamination  
of NHS Blood and Blood Products  
during the 1970s and 1980s

----- Forwarded by Debby Webb/HP-SL/DOH/GB on 31/01/2010 19:56 -----

-----  
Who can edit? Nobody  
-----

Who has Mark Noterman/CQEG/DOH/GB  
edited?  
-----

Who can read?

-----  
18/08/2009 15:06 (Konrad Borowski) - Modified registered file  
-----

(Embedded image moved to file: pic11065.jpg)

Morven  
Smith/POLICY/DOH/  
GB

To

Morven Smith/POLICY/DOH/GB@DOH

From

26/02/2009 13:37

cc

Beatrix

Ailsa Wight/PH6/DOH/GB@DOH,

Sneller/OIS/DOH@DOH, Brian  
Bradley/HP-SL/DOH/GB@DOH, Clare  
Montagu/OIS/DOH@DOH, Colin  
Phillips/CQEG-IIU/DOH/GB@DOH,

David

Harper/HPIHSD/DOH/GB@DOH, Edward  
Goff/HP-SL/DOH/GB@DOH, Elizabeth  
Woodeson/CQEG/DOH/GB@DOH, Freya  
Lock/MPI-PPB/DOH/GB@DOH, Gareth  
Jones/HPIHSD/DOH/GB@DOH,  
Graham.Kent@GRO-C, Ian  
Matthews/PR-OFF/DOH/GB@DOH,  
Ian.Hudson@GRO-C,  
Jonathan  
Stopes-Roe/HP-SL/DOH/GB@DOH,

Judith

Moore/OIS/DOH@DOH, Marc  
McGonagle/OIS/DOH@DOH, Mario  
Dunn/OIS/DOH@DOH, Mark  
Noterman/CQEG/DOH/GB@DOH, Michael  
Rogers/OIS/DOH@DOH, Murray  
Devine/OIS/DOH@DOH,  
Nigel.Goulding@GRO-C,  
Patrick

Hennessy/POLICY/DOH/GB@DOH,

Paula.Cohen@GRO-C  
Penelope Irving/OIS/DOH@DOH,

Peter

Bennett/SAT/DOH/GB@DOH, Peter  
Coates/FPB-PFIC/DOH/GB@DOH,

Richard

Douglas/FD/DOH/GB@DOH, Richard

Murray/EOR3/DOH/GB@DOH, Rowena  
Jecock/PH6/DOH/GB@DOH, Sarah  
Kirby/OIS/DOH@DOH, Stephen  
Dobra/SAT/DOH/GB@DOH

bcc

Subject

Re: Fw: \*\*VERY URGENT\*\*  
Contamination of NHS Blood and  
Blood Products during the 1970s

and

1980sF9B880EE60658C468025756900436D

D6

Dear Rowena,

MS(PH) has looked through the submission you sent up and she has a few queries. I would appreciate if these could be answered as quickly as possible. Particularly the last point as it will need to be included in MS(PH)'s note to SofS today.

- With reference to the withheld documents: I understand that MS(PH) is unable to look at the documents themselves as they are from former administrations. However, she is uncomfortable that she is asked to answer PQs, letters and related queries related to the withholding of documents when she does not know the detail of the documents. Could you please provide an explanatory note on each document being withheld that explains why it is being withheld?

When you cite the relevant Section of the FOI Act, could you please explain why that Section is relevant to the particular document?

- When was it agreed that animal testing would be done? How old are the documents concerned? When was it agreed that these documents could not be released due to risk to those in the field?

- If the documents are so old, how can issues of commercial interest or protection of individuals because of animal experimentation continue to apply?

- MS(PH) would also like further clarification of how the figures given to MFT and ET in 2006 were arrived at.

- MS(PH) would also like her note to SofS to include reference to the recommendation to give more money to MFT, ET and Skipton. Can you advise on appropriate amounts or how to word this?

Apologies for the short notice, but this needs to go to SofS today.

Thank you,

Morven Smith

Assistant Private Secretary  
Minister of State for Public Health  
Department of Health  
Richmond House

**GRO-C**

\*\*MS(PH)'s box closes at 2pm Monday to Wednesday and 12midday on Thursday. Please note MS(PH) does not have a box on Friday.\*\*

Morven  
Smith/POLICY/DOH/  
GB

To:

Rowena Jecock/PH6/DOH/GB

26/02/2009 12:26

cc

Ailsa Wight/PH6/DOH/GB@DOH,

Beatrix

Sneller/OIS/DOH@DOH, Brian  
Bradley/HP-SL/DOH/GB@DOH, Clare  
Montagu/OIS/DOH@DOH, Colin  
Phillips/CQEG-IIU/DOH/GB@DOH,

David

Harper/HPIHSD/DOH/GB@DOH, Edward  
Goff/HP-SL/DOH/GB@DOH, Elizabeth  
Woodeson/CQEG/DOH/GB@DOH, Freya  
Lock/MPI-PPB/DOH/GB@DOH, Gareth  
Jones/HPIHSD/DOH/GB@DOH,  
Graham.Kent **GRO-C**, Ian  
Matthews/PR-OFF/DOH/GB@DOH,  
Ian.Hudson **GRO-C**,  
Jonathan  
Stopes-Roe/HP-SL/DOH/GB@DOH,

Judith

Moore/OIS/DOH@DOH, Marc  
McGonagle/OIS/DOH@DOH, Mario  
Dunn/OIS/DOH@DOH, Mark  
Noterman/CQEG/DOH/GB@DOH, Michael  
Rogers/OIS/DOH@DOH, Murray  
Devine/OIS/DOH@DOH,  
Nigel.Goulding **GRO-C**,  
Patrick

Hennessy/POLICY/DOH/GB@DOH,

Paula.Cohen **GRO-C**,  
Penelope Irving/OIS/DOH@DOH,

Peter

Bennett/SAT/DOH/GB@DOH, Peter  
Coates/FPB-PFIC/DOH/GB@DOH,

Richard

Douglas/FD/DOH/GB@DOH, Richard  
Murray/EOR3/DOH/GB@DOH, Sarah  
Kirby/OIS/DOH@DOH, Stephen  
Dobra/SAT/DOH/GB@DOH

Subject

Re: Fw: \*\*VERY URGENT\*\*  
Contamination of NHS Blood and  
Blood Products during the 1970s

and

1980s(Document link: Morven

Smith)

Dear Rowena,

Thank you for the submission on Contaminated Blood and Blood Products. I have put it to the Minister due to the short timescale to get a note into SofS for the weekend, but would appreciate an urgent response to the following queries. MS(PH) may well have further queries of her own.

- Could we have an explanation of the payments given to patients through MFT in 1991? It is stated that these were as result of settlement of litigation.

- Can you provide an explanation as to what documentation/evidence patients have to provide to prove their eligibility

to MFT? How do patients go about proving their eligibility for payments?

- Can you please supply a background/further explanation of the third paragraph in the Skipton Fund section?

The decision to not make payments to dependents in respect of those who died before 29 August 2003 was based on the date that the Secretary of State made his decision.

- I understand that you are still consulting widely in DH regarding the recommendations, but can we please have a timeline regarding how long this will take? and when we can expect a full submission? Is this what you were planning to send up to us next Monday 2 March?

Thank you,

Morven Smith

Assistant Private Secretary  
Minister of State for Public Health  
Department of Health  
Richmond House

**GRO-C**

\*\*MS(PH)'s box closes at 2pm Monday to Wednesday and 12midday on Thursday. Please note MS(PH) does not have a box on Friday.\*\*

Rowena  
Jecock/PH6/DOH/GB

To

26/02/2009 09:38

Morven Smith/POLICY/DOH/GB@DOH

cc

Sarah Kirby/OIS/DOH@DOH, Penelope  
Irving/OIS/DOH@DOH, Marc  
McGonagle/OIS/DOH@DOH, Clare  
Montagu/OIS/DOH@DOH, Mario  
Dunn/OIS/DOH@DOH, Freya  
Lock/MPI-PPB/DOH/GB@DOH, Beatrix  
Sneller/OIS/DOH@DOH, David  
Harper/HPIHSD/DOH/GB@DOH, Gareth  
Jones/HPIHSD/DOH/GB@DOH,

Elizabeth

Woodeson/CQEG/DOH/GB@DOH, Ailsa  
Wight/PH6/DOH/GB@DOH, Jonathan  
Stopes-Roe/HP-SL/DOH/GB@DOH,

Brian

Bradley/HP-SL/DOH/GB@DOH, Mark  
Noterman/CQEG/DOH/GB@DOH, Edward  
Goff/HP-SL/DOH/GB@DOH, Michael  
Rogers/OIS/DOH@DOH, Ian  
Matthews/PR-OFF/DOH/GB@DOH,

Patrick

Hennessy/POLICY/DOH/GB@DOH,

Murray

Devine/OIS/DOH@DOH, Colin  
Phillips/CQEG-IIU/DOH/GB@DOH,

Peter

Bennett/SAT/DOH/GB@DOH, Stephen  
Dobra/SAT/DOH/GB@DOH, Peter  
Coates/FPB-PFIC/DOH/GB@DOH,

Judith

Moore/OIS/DOH@DOH, Richard  
Douglas/FD/DOH/GB@DOH, Richard  
Murray/EOR3/DOH/GB@DOH,  
Ian.Hudson **GRO-C**  
Nigel.Goulding **GRO-C**,  
Paula.Cohen **GRO-C**  
Graham.Kent

Subject

Fw: \*\*VERY URGENT\*\* Contamination

of NHS Blood and Blood Products  
during the 1970s and 1980s

(Embedded  
image moved (Embedded image moved to file: pic32220.jpg)  
to file: RESTRICTED - Policy  
pic12136.jpg)

Morven,

Please find attached advice as requested by MS(PH) yesterday.

Rowena

(See attached file: MS(PH) submission 26-Feb-09.doc) (See attached file:  
2. Chronology - Annex A.doc) (See attached file: 9. Current measures -  
Annex  
B.doc)

----- Forwarded by Rowena Jecock/PH6/DOH/GB on 26/02/2009 09:02 -----

Morven  
Smith/POLICY/DOH/  
GB

To

25/02/2009 13:34

Hennesy/POLICY/DOH/GB@DOH,

Edward

Elizabeth

cc

Rowena Jecock/PH6/DOH/GB@DOH,  
Patrick

Ailsa Wight/PH6/DOH/GB@DOH,

Goff/HP-SL/DOH/GB@DOH, Brian  
Bradley/HP-SL/DOH/GB@DOH,

Woodeson/CQEG/DOH/GB@DOH, David  
Harper/HPIHSD/DOH/GB@DOH

Sarah Kirby/OIS/DOH@DOH, Freya  
Lock/MPI-PPB/DOH/GB@DOH, Mike De  
Silva/HPIHSD/DOH/GB@DOH, Penelope  
Irving/OIS/DOH@DOH, Maeve  
Walsh/OIS/DOH@DOH, Clare  
Montagu/OIS/DOH@DOH, Mario  
Dunn/OIS/DOH@DOH, Jo  
Revill/OIS/DOH@DOH, Judith  
Moore/OIS/DOH@DOH

Subject

Fw: \*\*VERY URGENT\*\* Contamination  
of NHS Blood and Blood Products  
during the 1970s and 1980s

Dear All,

I apologise about the confusion over part of my initial email. I did not mean to imply that the Minister was unhappy about the team's handling of the publication of Lord Archer's report. I was referring to the handling of the issue as whole in an historical context as well as how we came to the position we are at now. Particularly with reference to our position regarding a public inquiry.

Thank you,

Morven Smith

Assistant Private Secretary  
Minister of State for Public Health  
Department of Health  
Richmond House

**GRO-C**

\*\*MS(PH)'s box closes at 2pm Monday to Wednesday and 12midday on Thursday. Please note MS(PH) does not have a box on Friday.\*\*

----- Forwarded by Morven Smith/POLICY/DOH/GB on 25/02/2009 13:26 -----

Morven  
Smith/POLICY/DOH/  
GB

To

25/02/2009 12:57

Rowena Jecock/PH6/DOH/GB, Patrick  
Hennessy/POLICY/DOH/GB, Ailsa  
Wight/PH6/DOH/GB, Edward  
Goff/HP-SL/DOH/GB, Brian  
Bradley/HP-SL/DOH/GB, Elizabeth  
Woodeson/CQEG/DOH/GB, David  
Harper/HPIHSD/DOH/GB

cc

Sarah Kirby/OIS/DOH@DOH, Freya  
Lock/MPI-PPB/DOH/GB@DOH, Mike De  
Silva/HPIHSD/DOH/GB@DOH, Penelope  
Irving/OIS/DOH@DOH, Maeve  
Walsh/OIS/DOH@DOH, Clare  
Montagu/OIS/DOH@DOH, Mario  
Dunn/OIS/DOH@DOH, Jo



Revill/OIS/DOH@DOH, Judith  
Moore/OIS/DOH@DOH

Subject

Fw: \*\*VERY URGENT\*\* Contamination  
of NHS Blood and Blood Products  
during the 1970s and 1980s

Dear All,

In addition to my previous email, Could the note for MS(PH) to send to  
SofS also include her requesting approval to speak to former Ministers  
regarding this issue?

Thank you,

Morven Smith

Assistant Private Secretary  
Minister of State for Public Health  
Department of Health  
Richmond House

**GRO-C**

\*\*MS(PH)'s box closes at 2pm Monday to Wednesday and 12midday on  
Thursday. Please note MS(PH) does not have a box on Friday.\*\*

----- Forwarded by Morven Smith/POLICY/DOH/GB on 25/02/2009 12:55 -----

Morven  
Smith/POLICY/DOH/  
GB

25/02/2009 12:43

Rowena Jecock/PH6/DOH/GB, Patrick  
Hennessy/POLICY/DOH/GB, Ailsa  
Wight/PH6/DOH/GB, Edward  
Goff/HP-SL/DOH/GB, Brian  
Bradley/HP-SL/DOH/GB, Elizabeth  
Woodeson/CQEG/DOH/GB, David  
Harper/HPIHSD/DOH/GB

cc

Sarah Kirby/OIS/DOH@DOH, Freya  
Lock/MPI-PPB/DOH/GB@DOH, Mike De  
Silva/HPIHSD/DOH/GB@DOH, Penelope  
Irving/OIS/DOH@DOH, Maeve  
Walsh/OIS/DOH@DOH, Clare  
Montagu/OIS/DOH@DOH, Mario  
Dunn/OIS/DOH@DOH, Jo  
Revill/OIS/DOH@DOH, Judith

Subject

**\*\*VERY URGENT\*\*** Contamination of  
NHS Blood and Blood Products

during

the 1970s and 1980s

Dear All,

Thank you for your submission regarding the recent publication of Lord Archer's Independent Inquiry Report. MS(PH) has seen this report and is very concerned about the contamination of NHS blood and blood products during the 1970s and 1980s. She is particularly concerned about how this issue has been handled.

The Minister feels that it is clearly not acceptable in such tragic and unique circumstance for DH to claim no liability and to give no more money to the Trusts.

She has asked for the following work to be done by 9am tomorrow morning. She has also asked for a list of the Ministers responsible for blood policy since 1970. I have contacted the Cabinet Office regarding this and they will be responding this afternoon.

Copies of all documents withheld from the inquiry.

Brief Chronology of patients being infected through NHS blood and blood

products - in terms of when they have been identified as having been infected and, if known, when they are likely to have been infected. Details of any payments made directly to patients who received contaminated blood and blood products - in relation to the two additional payments made in the early 1990s - one in 1990 and one in settlement of litigation in 1991.

Background on the setting up of all three trusts - MacFarlane, Eileen and Skipton specifically:

- how each was set up?
- why each was set up?
- how the amounts of funding were decided?

5. A brief note on the attitude of the Government of the Day to this issue.

6. How to respond immediately to the request for an apology to victims?

I will show MS(PH) the note given to me by Rowena when she is back from her meeting, but can this also be included as part of this pack?

7. How much can we give to the Eileen and MacFarlane Trusts as an immediate amount of additional resources?

8. How to take forward consideration of each recommendation of the report? She needs a more robust response than was given in the

previous  
note.

9. What is in place so that this tragedy is never repeated?  
9. A note from MS(PH) to SofS on this issue and our proposed way forward/response.

I understand that this is a huge amount of work to be gathered for tomorrow morning, but MS(PH) would like to put a note into SofS's weekend box which is going tomorrow at 14:00.

Thank you very much and I appreciate all your help to take this work forward immediately.

Thank you,

Morven Smith

Assistant Private Secretary  
Minister of State for Public Health  
Department of Health  
Richmond House

**GRO-C**

\*\*MS(PH)'s box closes at 2pm Monday to Wednesday and 12midday on Thursday. Please note MS(PH) does not have a box on Friday.\*\*

(Embedded image moved to file: pic17001.jpg)

(Content modified in mailfile prior to filing since first received on 26/02/2009 13:37.

Last modified in mailfile: 26/02/2009 13:42)

- - Disclaimer - -

This e-mail and any files transmitted with it are confidential. If you are not the intended recipient, any reading, printing, storage, disclosure, copying or any other action taken in respect of this e-mail is prohibited and may be unlawful. If you are not the intended recipient, please notify the sender immediately by using the reply function and then permanently delete what you have received.

Incoming and outgoing e-mail messages are routinely monitored for compliance with the Department of Health's policy on the use of electronic communications. For more information on the Department of Health's e-mail policy click here <http://www.dh.gov.uk/terms>

