



"FW: Irish Hepatitis C Compensation Tribunal - correspondence in Scotland"

Document Type:	Formal
File Title:	GHP - Blood Policy - Skipton Fund
File Reference:	GHP/005/007
Protective Marking:	No Marking
Filed by:	Richard Gutowski/PH6/DOH/GB on 25/11/2004 at 09:38
Created by:	Bob.Stock on 18/03/2004 at 13:03

Named Security Prior To Moving To Archive:

Who can edit?	Nobody
Who has edited?	Richard Gutowski/PH6/DOH/GB
Who can read?	All readers of the document database

Modification History Prior To Moving To Archive:

Modified Date and Time	Details
20/08/2007 14:39	Refiled from WRK/004/001
05/02/2009 11:09	Refiled from GHP/005/007 Vol 2
18/08/2009 14:44	Modified registered file

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18/03/2004 13:03

To: Richard Gutowski/PH6/DOH/GB@GRO-C
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bcc:
Subject: FW: Irish Hepatitis C Compensation Tribunal - correspondence in Scotland

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Richard

Please see below (I haven't included the HCCC OR- as you already have that).

I have asked PO for a steer on how they want our PQs answered and whether, in the light of what happened at the Health Committee, they are still going to use my draft letter (should know

tomorrow morning hopefully). Even if they don't, that doesn't stop you using the information in my draft letter if you are happy with its accuracy.

I took the opportunity to ask Ann about how the haemophiliacs fit in – since on my reading of the Irish Hepatitis C Compensation Tribunal Act they were covered from the outset. It seems it was in the period leading up to the Act (presumably when haemophiliacs might not have been included in the same way under the non-statutory scheme that followed the Irish Expert Group report) that the haemophiliacs successfully petitioned for equal treatment – with the result the original drafts of the Act were amended so that haemophiliacs were covered on the same basis as transfusion claimants when the Act came into force.

Bob

-----Original Message-----

From: Stock RG (Bob)

Sent: 18 March 2004 12:53

Subject

To: [Ann_McGrane@](#) **GRO-C** Irish Hepatitis C Compensation Tribunal - correspondence in Scotland

Ann

As discussed by phone, I attach the Official Report of our parliamentary Health Committee of 16th March – from which you will see that the Committee intends to write to you requesting “all the documentation referred to in the Sunday Herald article”. I attach a web link to the SH article. You will see that some of the discussion centres around the use of the phrase “wrongful practices”. We will probably point out to the Committee at some convenient opportunity that this was a crib from the Summary and Conclusions of the Finlay Report (which actually uses the phrase “wrongful acts”).

It is difficult to predict exactly what the Committee will ask for – since as far as I can see it is extremely unclear what documentation the Herald article is referring to. From our perspective the important thing is that they do get the Finlay Report so they can see for themselves what it said.

You will see the controversy revolves around the fine line that can be drawn between being found at fault in a Judicial Inquiry and being found legally liable in a court of law, and between the Irish compensation scheme following swiftly after an adverse finding of the Inquiry and it being a consequence of it. We have been careful to use the concept of ‘found at fault’ rather than ‘legally liable’ in making comparisons with the Irish scheme and to point out that the scheme was set up against the background of that Inquiry conclusion (and the Expert Group report before it) – without explicitly stating that the two things were unconnected or not, but with the clear inference that we think they may have been. Hopefully that is a correct approach and one that you will not feel obliged to explicitly refute in any way – even though the official Irish Government line on it may approach it from a different angle.

If you feel it would be worth while discussing any of this after you have seen the attached then please give me a ring.

Bob Stock

Scottish Executive Health Department

GRO-C

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<http://www.sundayherald.com/40569>



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