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HPD (Head) Documents - Unformatted Document

"Re: People with haemophilia to take Government to court"

File Reference:	**WRK/001/006**
File Title:	**Working Files - General Health Protection - Hep C/B/A**
Filed by:	**Tanya Nickols/HPIHSD/DOH/GB** on **30/03/2005** at **11:25**
Created by:	**Richard Gutowski/PH6/DOH/GB** on **01/03/2004** at **18:05**

Tanya Nickols/HPIHSD/DOH/GB, <- By default all readers can see document.

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Richard Gutowski
01/03/2004 18:05

To: Gerard Hetherington/TRRO-PERFC/DOH/GB@GRO
cc: David Reay/POLICY/DOH/GB@GRO Ailsa Wight/PH6/DOH/GB@GRO
bcc:
Subject: Re: People with haemophilia to take Government to court

Gerard

Please see the attached. The threat to take us to the European Court is a long way away but the possibility of a debate in the House is much more of a short term possiblity. As far as the situation in Ireland is concerned we double checked our lines with the Irish Department of Health late Friday and they confirmed that what we are saying is correct. It is clear that Carol Grayson is putting her own spin on what she has been sent. We have also received a PO Case on this issue and will need to produce some robust lines which we will again clear with Dublin.

Carol Grayson has today written in and amongst other things is complaining that we are refusing to meet with her. We agreed that we would only correspond with Carol Grayson and other members of her Haemophilia Splinter Group in writing. The correspondence continues to be unpleassant and we know there have been approaches to the police about us being charged with biologicaal grevious bodily harm which have been thrown out. I think we need to consider some way of trying to bring the correspondence to an end without being accused of refusing to communicate because we have something to hide.

The call for a public enquiry into the accusation that the Department knowingly allowed contaminated blood to be used is linked to the allegations of the shredding of Lord Owen's papers. We commissioned a review of the papers which show that Lord Owen's papers are missing - we believe they were shredded by Solicitors during the HIV Litigation. We agreed that we would meet with Melanie Johnson to discuss how best to make the findings of the Review public - she was fairly robust about coming clean last time I spoke to her. I would like to bring someone in to finish off the Report in the sense of producing a chronology, cross referencing the documents referred to and clearing it with those consulted during its production. In addition we need to produce an Executive Summary which could be published. It would also be useful if at the same time someone ie Hugh Nicholas, could produce a subsidiary report on the issue of when NonA, NonB, and Hepatitis C was first identified and what decisions were taken at the time and for what reasons. This would give us an extra degree of confidence in our line that we dealt with Hepatitis C as soon as we became aware of it.

I would be grateful for your views.

Richard

----- Forwarded by Richard Gutowski/PH6/DOH/GB on 01/03/2004 16:54 -----

David Reay
01/03/2004 15:28

To: <Bob.Stock@GRO-C
<Susan.Paterson@GRO-C
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<cathy.white@GRO-C>, Richard
Gutowski/PH6/DOH/GB@GRO-C
cc:
bcc:
Subject: Re: People with haemophilia to take Government to court

Please find attached for your information two press articles re. the hep C scheme.

Just in case, attached is a precis of the situation in Ireland, as prepared for DH by Ann McGrane (who is the same woman referred to in the first article). A full copy of the letter sent to Ms Grayson is also attached.

Please note that Lord Warner has not been correctly quoted - our line to take is

"It is important to make a distinction here. The awards made in Republic of Ireland and Canada follow public inquires or criminal charges which established that wrongful practices were employed. The payment structures of these schemes are therefore based on claims for punitive damages. We do not acknowledge any such wrongful doing in England".

Regards

David

Ireland.doc Letter to UK Haemophilia Group Feb04.doc

----- Forwarded by David Reay/POLICY/DOH/GB on 01/03/2004 15:04 -----

David Daley
01/03/2004 14:31

To: David Reay/POLICY/DOH/GB@GRO-C
cc:
bcc:
Subject: Re: People with haemophilia to take Government to court

I think it helped that we were able to give that background to James Meikle on Friday. Newc Journal have also run with story this morning -

D

News

Row over 'insult' to blood victims

Mar 1 2004

By Alison Dargie, The Journal

The Government is under fresh pressure to justify the "abysmally low" compensation to NHS patients infected by contaminated blood.

Campaigners are demanding to know why patients with Hepatitis C will receive just £20,000 - a tenth as much as in the Republic of Ireland.

They are preparing to go to the European Court of Human Rights, claiming victims in Britain are discriminated against. Meanwhile, North politicians pledged to tackle the Government in the House of Commons.

Peter Longstaff is a haemophiliac who was infected with hepatitis and HIV when he was treated with infected blood products.

His partner Carol Grayson, of St George's Terrace, Jesmond, Newcastle, said: "Why should a life in Eire be worth 10 times more than a life in England?

"There is no difference between the situation in Eire and the situation here - it is comparing like with like. In both cases the governments agreed to make ex-gratia payments, without accepting blame or liability, on moral and compassionate grounds. The payouts offered are abysmal. It's just an insult and if that's all we're going to be offered, we won't even accept it."

In the UK there are 5,000 haemophiliacs with Hepatitis C as a result of unclean NHS blood and blood products, some imported from America and Africa.

Under a deal announced last month, everyone in the UK who was alive on August 29, 2003, and whose Hepatitis C was caused by NHS treatment with blood products before September 1991, is eligible for payment.

People with Hepatitis C will receive an initial lump sum of £20,000. Those who develop more advanced stages of the illness, such as cirrhosis or liver cancer, will get a further £25,000.

By contrast, the compensation scheme in the Irish Republic has been running for several years and has seen victims paid more than £250,000 each. It also includes payments to partners of victims, dead and alive, whom the UK scheme ignores.

Mrs Grayson said: "We are taking our case to the European Court of Human Rights. We believe Eire has set a precedent for levels of compensation, and for people in a neighbouring European country to be paid less amounts to discrimination."

Newcastle Central Labour MP Jim Cousins promised to raise the issue in the Commons. He said: "There has been no proper explanation of this disparity and there needs to be a full debate. There is a huge discrepancy between compensation awarded in Eire and compensation in England and that must cause people here a great deal of upset and distress.

"We are talking about the greatest public health disaster of the past hundred years in this country, in which upwards of a thousand people have already died and hundreds, possibly thousands, more people will certainly die as a result of infected blood products.

"We need to ask, how did this happen and how can we properly make amends both in terms of health treatment for the survivors but also in terms of compensation to the victims and their families?"

In the House of Lords Health Minister Lord Warner of Brockley said: "It is important to distinguish between the scheme and that in Ireland, where public inquiries and criminal charges affected the basis of the scheme."

That point was echoed by a Department of Health spokesman last night.

But in a letter to Mrs Grayson, Ann McGrane, of the Irish department of health, said payments were made "on compassionate grounds, without legal liability on the part of the state" and described the tribunal as "a no-fault compensation scheme".

David Reay

David Reay
01/03/2004 11:16

To: David Daley/COMMS/DOH/GB@GRO-C
cc:
Subject: People with haemophilia to take Government to court

David, FYI. It could have been worse...

David

----- Forwarded by David Reay/POLICY/DOH/GB on 01/03/2004 11:06 -----

Gerry Robb
01/03/2004 11:02

To: Richard Gutowski/PH6/DOH/GB@GRO-C, David Reay/POLICY/DOH/GB@GRO-C, Hugh Nicholas/PH6/DOH/GB@GRO-C, Vicki King/PH6/DOH/GB@GRO-C
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Subject: People with haemophilia to take Government to court

----- Forwarded by Gerry Robb/PH6/DOH/GB on 01/03/2004 11:01 -----

Christopher Duncan <christopher_duncan@GRO-C>
01/03/2004 10:25

To: Gerry Robb/PH6/DOH/GB@GRO-C, Helen Hamlet/PH6/DOH/GB@GRO-C, Chris Neish/COMMS/DOH/GB@GRO-C
cc: Penny Read <penny_read@GRO-C>, Allie Wick <Allie_Wick@GRO-C>, Victoria Smith <victoria_smith@GRO-C>
Subject: People with haemophilia to take Government to court

Dear All,

Please find attached an article from today's Guardian written by James Meikle. It explains that pressure group Haemophilia Action UK plan to take the Government to the European court of justice to gain greater compensation for their hepatitis C infection. The Haemophilia Action UK members contracted the virus through treatment with infected blood-cutting products.

<<Guardian 01.03.04.jpg>>

Kind regards

Chris

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Guardian 01.03.04.jpg

(Content modified in mailfile prior to filing since first received on **01/03/2004 18:05**.
Last modified in mailfile: **01/03/2004 18:12**)