

Statement by the Rt. Hon Nick Brown, Minister of Agriculture, Fisheries and Food at the publication of the BSE inquiry report, 26 October 2000

Extract from Hansard

The Minister of Agriculture, Fisheries and Food (Mr Nick Brown): With permission, Mr Speaker, I wish to make a statement on the report of the BSE Inquiry, chaired by Lord Phillips of Worth Matravers.

Today, the Government are publishing the report, and I want to announce our initial response and to outline a package of measures for the benefit of people suffering from variant CJD and their families, as well as the families of people who have already died of the disease. This is not however the occasion to announce the Government's substantive response to the Inquiry's report. That will come later.

I should like to express the Government's thanks to Lord Phillips, Mrs June Bridgeman and Professor Malcolm Ferguson-Smith for their thorough Inquiry, which has occupied them for the best part of the past three years.

As the Government recognised when setting up the Inquiry, BSE is a national tragedy. To date, 85 definite or probable cases of variant CJD have been reported in the United Kingdom. Of those 85, 80 people have died. An unknown number of cases are yet to come. It is not possible to give precise forecasts because of the many uncertainties about the disease. I know that the whole House will join me in expressing deepest sympathy to those who have fallen victim to variant CJD, and to their families.

BSE has also had a serious impact on many tens of thousands of people whose livelihoods depend on the rearing of livestock and the processing and manufacturing of meat products.

The Inquiry was set up by my right hon. Friends the Members for Copeland (Dr Cunningham) and for Holborn and St Pancras (Mr Dobson) and the then Secretaries of State for Scotland, for Wales and for Northern Ireland. Its remit was to establish and review the history of the emergence and identification of BSE and new variant CJD and to reach conclusions on the adequacy of the response, taking into account the state of knowledge at that time. The Inquiry Report comprises 16 volumes and some 4,000 pages. Volume 1 sets out the key findings and conclusions.

I shall quote directly from the Report's executive summary. The key conclusions are:

"BSE developed into an epidemic as a consequence of an intensive farming practice - the recycling of animal protein in ruminant feed. This practice, unchallenged over decades, proved a recipe for disaster.

In the years up to March 1996 most of those responsibilities for responding to the challenge posed by BSE emerge with credit. However, there were a number of shortcomings in the way things were done.

At the heart of the BSE story lie questions of how to handle hazard - a known hazard to cattle and an unknown hazard to humans. The Government took measures to address both hazards. They were sensible measures, but they were not always timely nor adequately implemented and enforced.

The rigour with which policy measures were implemented for the protection of human health was affected by the belief of many prior to early 1996 that BSE was not a potential threat to human life.

The Government was anxious to act in the best interests of human and animal health. To this end it sought and followed the advice of independent scientific experts - sometimes when decisions could have been reached more swiftly and satisfactorily within government.

In dealing with BSE, it was not MAFF's policy to lean in favour of the agricultural producers to the detriment of the consumer.

At times officials showed a lack of rigour in considering how policy should be turned into practice, to the detriment of the efficacy of the measures taken.

At times bureaucratic processes result in unacceptable delay in giving effect to policy.

The Government introduced measures to guard against the risk that BSE might be a matter of life and death not merely for cattle but also for humans, but the possibility of a risk to humans was not communicated to the public or to those whose job it was to implement and enforce the precautionary measures.

The Government did not lie to the public about BSE. It believe that the risks posed by BSE to humans were remote. The Government was preoccupied with preventing an alarmist over-reaction to BSE because it believed that the risk was remote. It is now clear that this campaign of reassurance was a mistake. When on 20 March 1996 the Government announced that BSE had probably been transmitted to humans, the public felt that they had been betrayed. Confidence in government pronouncement about risk was a further casualty of BSE.

Cases of new variant of CJD (vCJD) were identified by the CJD Surveillance Unit and the conclusion that they were probably linked to BSE was reached as early as was reasonably possible. The link between BSE and vCJD is now clearly established, though the manner of infection is not clear."

Those are direct quotations from Lord Phillips's executive summary.

The Government welcome the report. We will be studying its findings with care and looking closely at the lessons that flow from them. It is right that the House, and the wider public, should have the opportunity to do so. They are important findings and they address some fundamental questions about the adequacy of the response to BSE.

The Report contains many lessons from public administration. We will be focusing our response on areas including the implementation of policy decisions; the process of contingency planning; co-ordination across Departments and other agencies; the assessment, management and communication of risk; the role of scientific advisory committees; and the Government's assessment and use of scientific advice.

Even now, there are some unresolved questions about BSE. We do not know with certainty how the disease entered the cattle herd, or why it has been so predominantly a disease affecting this country. Lord Phillips's conclusion is that the origin of BSE is likely to have been a new prion mutation in cattle, or possibly sheep, in the early 1970s. In the light of that conclusion, my right hon. Friend the Secretary of State for Health and I will be commissioning an independent assessment of current scientific understanding, including emerging findings, of the origins of the BSE epidemic. That study will then be considered by the Spongiform Encephalopathy Advisory Committee, and published.

Although it was beyond the remit of the Inquiry to examine current public protection measures, I know that the House will want to know that the chairman of the Food Standards Agency advises that the report gives rise to no immediate need of new food safety measures. He intends to discuss that aspect of the report at the next public meeting of the agency's on-going review of BSE controls.

Both the Spongiform Encephalopathy Advisory Committee and the Food Standards Agency board propose to review relevant elements of the Report. We will take account of any conclusions or advice that they wish to offer in the Government's response to the Report. The same applies to Select Committees.

The Government will announce their substantive response to the Report in the coming months. Following that announcement, the House will have an early opportunity to debate in Government time both the report and the Government's response. However, there is one element in the report that the Government are singling out for attention now: the care of patients suffering from variant CJD and support for the families caring for them.

The needs of variant CJD victims were frequently insufficient addressed, especially in the early days of the disease. The rapidly degenerative nature of variant CJD requires timely and accurate diagnosis and a swift response from local health and social services departments. Patient care has been variable in the past and not always responsive enough to the rapidly changing needs of patients.

My Right Hon. Friend the Secretary of State for Health issued new guidelines in August to improve the care of variant CJD victims. The Government now intend to go further.

I can tell the House that, given the special circumstances of those patients, my Right Hon. Friend will establish a new national fund for the care of victims of variant CJD. The fund will ensure a speedy response to diagnosis and improvements in the quality of care for patients. This package will be co-ordinated through the national CJD surveillance unit in Edinburgh.

The new national care fund will be used to purchase care and equipment appropriate to the individual needs of variant CJD patients. The fund will be held by the CJD surveillance unit care co-ordinator, supported by a new national network of experts available to support local clinicians and local social services caring for patients wherever they live.

My Right Hon. Friend the Secretary of State for Health met families of variant CJD victims and representatives of the Human BSE Foundation yesterday to discuss the new package of care. Over the next few weeks, his Department will be working with the families affected to refine the package to ensure that it is effective and properly meets the needs of patients.

This dreadful disease has a devastating effect on victims and their families. The families have campaigned for improved diagnosis and care for those who may yet be affected by this national tragedy. I am sure that the House will want to acknowledge the dignified and constructive way in which they have done so.

In addition to the enhanced care package, we are determined to provide appropriate support for those who are suffering from variant CJD, for those who care for them, and for the families of those who have already died.

The Government therefore intend to put in place financial arrangements to benefit sufferers from variant CJD, and their families, taking account of their particular needs in individual cases.

The Government's preferred option would be to establish a compensation scheme, resulting in a special trust fund, which could amount to millions of pounds. There are a number of possible options. We intend to work closely with the families affected to identify the best way forward. The first discussions with the families and their representatives will take place next week.

The Government want to express their appreciation for the co-operation of all witnesses who have been called before the Inquiry. Although the Inquiry team states that - this is a direct quote -

“Any who have come to our Report hoping to find villains or scapegoats, should go away disappointed.”

the Report does make a number of specific criticisms of a number of individuals.

I shall not comment on individual cases. The Report contains an annexe listing those who are criticised. Some of the individuals who are criticised also receive praise from the Inquiry, but there is no corresponding list of individuals who are praised. Elsewhere, the report identifies shortcomings that do not amount to criticisms, and therefore do not feature in the annexe. For both these reasons, it is important that the Report is considered in its entirety.

Whenever serving public servants are subjected to criticism by a public inquiry, the question arises whether any form of disciplinary action should be taken. The report states:

“If those criticised were misguided, they were nonetheless acting in accordance with what they conceived to be the proper performance of their duties.”

However, mindful of the importance of the issues covered by the inquiry, an independent person, Sheila Forbes, a Civil Service Commissioner, will lead a review and advise accordingly. The Government want the review to be carried out quickly, across the Departments involved.

The devolved Administrations also received the Report and will respond for their interests.

Hon. Members will also wish to know that I am today sending copies of the Report to the European Commission, the European Parliament and the Governments of each European Union member state. In addition, I have arranged for the Report to be placed on the internet, accessible via the Ministry of Agriculture's website.

On taking office in 1997, this Government put consumers at the heart of decision-making on food safety issues. We have established the independent Food Standards Agency. We have opened up our scientific advisory committees, including the appointment of consumer representatives. We put scientific advice to Government in the public domain, encouraging a culture of openness, trusting the public and stimulating informed public debate. The “deregulation culture” that called for a “bonfire of regulations” has been replaced by a proportionate approach that strives for better regulation, with the protection of the public at its heart. We have put in place

working arrangements to encourage the sharing of ideas and information between Government Departments and other agencies.

The Inquiry has made a very thorough assessment of the history of BSE and of the response of the Government of the day. It has added greatly to our understanding of this detailed and complex area. Work is already under way across the whole of government to follow up on the Inquiry's findings. Most importantly today, we are setting in hand improved packages of care and arrangements for financial support for victims of variant CJD and their families. I commend the Inquiry's report to the House.