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*From the Parliamentary Under Secretary of State*

POH(6)4301/271

17-1-95

John L Marshall Esq MP

Dear John,

Thank you for your letter of 6 December 1994 to Gerald Malone enclosing one from Mr **GRO-A** of **GRO-A** about compensation for patients who have been infected with hepatitis C as a result of NHS treatment. As this subject is part of my Ministerial responsibilities I have been asked to reply. I am sorry you have not received an earlier response.

We have great sympathy with those who may have become infected with hepatitis C through blood transfusions or blood products. The Government do not accept that there has been any negligence and have no plans to make payments to such patients.

Most haemophilia patients were infected with hepatitis C before blood products were treated to destroy viruses. These patients received the best treatment available in the light of medical knowledge at the time.

The first anti-hepatitis C tests did not become available until late 1989. These first tests had too large a number of false positive and false negative results and no satisfactory confirmation tests were available. Expert advice was that these tests should not be introduced because of these deficiencies. The Department of Health funded several trials of the first and second generation anti-Hepatitis C test kits. Routine screening of all blood donations was introduced in late summer 1991 when satisfactory kits became available together with confirmatory tests. The screening tests now available are even more accurate than the second generation kits.

The Health Departments are considering a range of potential initiatives to improve the understanding, treatment and management of hepatitis C.

The Health Departments have announced a UK-wide look back exercise with a view to tracing, counselling and, where appropriate, treating those who have been put at risk as a result of exposure to the hepatitis C virus through blood transfusion. This work had already been put in hand and will be undertaken as quickly as possible.



On the more general issue of compensation, the Government has never accepted the case for a no fault scheme of compensation for medical accidents. It is unfair to others and still requires proof of causation which is often difficult to establish. Every individual case where a medical accident has occurred is a personal tragedy for both the individual concerned and their family. If the NHS is proved negligent in a court, it accepts its liability to pay damages.

I hope that this will reassure you that the Government will do all it can to care for those affected.

A handwritten signature in black ink, appearing to read "Baroness Cumberlege".

GRO-C

BARONESS CUMBERLEGE