

**OFFICIAL SENSITIVE**

**21 DEC 2024**

**TO: MINISTER FOR THE CABINET OFFICE  
FROM - INFECTED BLOOD HEALTH POLICY TEAM  
CLEARED BY - MARIA NYBERG/JAMES QUINAULT**

**ACTION**

**Infected Blood Expert Group: Chair and Clinician names**

**SUMMARY**

1. We recommend that you:
  - a. Agree the recommended candidate for the technical chair.
  - b. Agree the recommended candidates for the clinical experts.
  - c. Note the terms of engagement letters and the benchmark rates to be negotiated.
  - d. Note the draft work programme for the Expert Group.

**RECOMMENDATION**

2. For the technical chair role, we recommend Professor Sir Jonathan Montgomery who is an eminent academic and experienced Chair advising Government.
3. For the Clinical experts, we recommend Professor Patrick Kennedy, Dr Ahmed Elsharkawy, Professor Graham Foster and Professor Jane Anderson. All have the relevant technical expertise needed across the relevant infected blood inquiry infections.

**TIMING**

4. An early response is required to ensure updates to No10 are sent promptly to enable fast on-boarding once agreement is received.

**BACKGROUND**

5. Following agreement from No10 on 15 Dec to establish a Technical Expert Group to support the Government's response to the infected blood inquiry and your subsequent statement in Parliament on 18 Dec, we have contacted a number of experts to fill the roles.
6. The expert group will be made up of a technical chair, clinicians, social care, statistician, and legal experts. You have previously agreed to appoint the Chair,

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clinicians, social care and statistical experts via Direct Ministerial Appointment route. The legal firm will be a direct award using the Crown Commercial Services framework.

7. We have shortlisted candidates to fill the role of the Chair and clinical experts, bios are at Annex A.
8. On social care experts, we have contacted the Association of Directors of Adult Social Services who have confirmed they may be able to support but will confirm after Christmas leave. We are exploring options for the statisticians and have reached out to potential candidates who will also respond after Christmas leave. We will provide advice to you on these experts following the Christmas period.
9. The statisticians will form part of the Technical Working Group to supporting critiquing / quality assuring any outputs produced by officials and the expert group. This group will also include NHS Resolution, NHS BSA and Government Actuaries Department. We will be contacting the statisticians that have supported the inquiry for similar work.
10. Of the candidates we contacted for the role of the Chair, Professor Sir Jonathan Montgomery is well suited to the role, as well as being the only option as other candidates were either not available, declined due to conflicts of interests or requested fees over the agreed threshold. Sir Jonathan is currently a Chair of the Oxford Foundation Trust, and also teaches at UCL on various legal and ethical issues including Infected Blood, so has knowledge of the subject matter. Previously, Sir Jonathan was a chair of the DHSC Moral and Ethical Advisory Group set up during Covid-19 and as such is an experienced Chair.
11. For the clinical experts we have shortlisted four suitable candidates who are experienced in Hepatitis or HIV Infections. They are; Professor Patrick Kennedy and Dr Ahmed Elsharkawy, experienced in Hepatitis infections; Professor Graham Foster experienced in Hepatitis C and HIV; Professor Jane Anderson experienced in HIV. We have worked with three of the clinicians in early Feb (excluding Professor Jane Anderson). They supported us in understanding the infections, symptoms and impacts and are keen to continue to support on a formal basis.
12. Professor Jane Anderson provided technical assistance to the inquiry and Professor Graham Foster provided evidence to the inquiry on behalf of the NHS Trusts and also supported the Irish Tribunal Services in understanding the infections. Declaration of interest forms have been completed noting this but we do not think this compromises their position in this exercise. We spoke to the Inquiry and they were supportive of us reaching out to Professor Jane Anderson, she was highly recommended due to her technical HIV background dating back to the 1980s.

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13. Subject to No10 views on the candidates, **are you content for Sir Professor Jonathan Montgomery to fill the position as the Technical Chair of the Expert Group and for Professor Patrick Kennedy, Dr Ahmed Elsharkawy, Professor Graham Foster and Professor Jane Anderson to be engaged to provide clinical expertise?**

### RATES OF PAY

14. Permanent Secretary Alex Chisolm and CFO Richard Hornby have agreed the remuneration fees and benchmark range at which to negotiate fees. For clinicians, social care and statisticians the benchmark range will be between £350 - £575 (we will keep within this parameter). For the Chair, the range will be between £575 - £800, although our preferred candidate (subject to No10 approval) has indicated he does not want remunerating.
15. The benchmark ranges are based on DHSC public appointments team advice that actual costs for such roles have rarely exceeded £575 per day, in 2 exceptional cases they have paid a rate of £1.3k per day. If costs go above the agreed benchmark rates we will seek further approvals.

### DUE DILIGENCE CHECKS AND TERMS OF APPOINTMENT

16. We have completed initial due diligence checks which have not brought up anything of concern ahead of being processed by the No10 Appointments team. Further baseline security checks or, if applicable, Counter Terrorism Checks will be completed at onboarding.
17. The terms and letter of engagement are at Annex C for you to note. The term will be up to 3 months on a part-time basis, approximately 2-3 days a week, with the option to extend for a further 6 months if required. The terms also cover confidentiality aspects of the role but we will ensure an additional NDA is signed as an added layer of assurance.
18. Once agreement has been sought from No10, we will onboard candidates at risk without the BPSS checks in place, which will be undertaken in parallel to them starting. This is to ensure that the group is in place for mid-Jan 2024. This process is followed when it is not possible to follow standard onboarding processes due to time constraints. We will ensure the minimum right to work checks are completed and the relevant waivers sought before employment commences.
19. We will not be publishing names of members of the Expert Group as they will likely be approached or harassed by the community / interested stakeholders. COLA have confirmed this approach. The Department has a duty of care towards these individuals and on this basis legal advice is that while it is beneficial to

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publish the names for transparency purposes, there is a clear policy reason in this instance for not doing so.

### NEXT STEPS

20. See Annex D below for the draft work programme for your information.
21. If you agree to the names provided for the role of the Technical Chair and clinical experts, we will:
  - a. Update No10 and seek the relevant No10 Public Appointments approvals
  - b. Continue to shortlist candidates for social care, statistical and legal expertise - you will receive further advice on this early January 2024
  - c. Begin onboarding immediately following No10 agreement.
22. If you do not agree to the names provided (or if No10 do not) we will seek further names but note that this will impact significantly on timescales and on the design of the compensation framework. We are unlikely to find other suitable candidates due to the niche area of expertise required.

### Annex A – Biographies

Role	Name	Background /Experience
Technical Chair	Professor Sir Jonathan Montgomery	<p>Sir Jonathan is the Chair of the Oxford University Hospitals NHS Foundation Trust, and Professor of Healthcare Law at UCL.</p> <p>Sir Jonathan is a seasoned Chair, with extensive healthcare experience, including chairing high-profile clinical and ethical Boards and Committees.</p> <p>Sir Jonathan received his knighthood for his services to bioethics and Healthcare Law in 2019.</p> <p><a href="https://www.ucl.ac.uk/healthcare-law/people/jonathan-montgomery">Jonathan Montgomery Profile   University College London (ucl.ac.uk)</a></p>
Clinical Experts	Dr Ahmed Elsharkawy (Hep C, B and D)	<p>Consultant Hepatologist at University Hospitals Birmingham NHS Foundation Trust since March 2012.</p> <p>Fellow of the Royal College of Physicians of London.</p>

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		<p>Honorary Senior Lecturer, University of Birmingham.</p> <p>Treasurer of the British Association for the Study of the Liver (September 2022 - ). Director of the company – which is also a registered charity. Voluntary non-paid role.</p> <p>Internal Affairs Councillor and Member of the Governing Board of the European Association for the Study of the Liver (October 2022-Present). Based in Geneva. Annual honorarium (5K Euros) received.</p> <p>Chair of Governors, Greswold Primary School, Solihull.</p>
	<p>Professor Patrick Kennedy</p> <p>(All Hepatitis infections)</p>	<p>Professor of Translational Hepatology, QMUL, London, UK</p> <p>Chair British Viral Hepatitis Group</p> <p>Former Lead of the special interest group in HBV</p> <p>Clinical expert for United Kingdom advisory panel on blood borne viruses</p> <p>Member of the HBV guideline development group for the WHO</p> <p>Member of the HBV clinical practice guidelines committee for the European Association on the Study of Liver disease (EASL)</p> <p>Director KennedyAMP Consultancy Ltd (medical consultancy company)</p>
	<p>Professor Graham Foster</p> <p>(Hep C &amp; HIV)</p>	<p>Professor of Hepatology, Queen Mary University London</p> <p>Honorary consultant hepatologist, Barts Health NHS Trust</p> <p>Director Graham R Foster Ltd</p> <p>Trustee to Pathway (Charity for people who are homeless)</p> <p>Provided consultancy and/or acted as a speaker for companies that market therapies for viral hepatitis or are developing/marketing gene therapeutic products (some for the management of people with haemophilia) including GSK, Biogen, Pfizer, Gilead and CSL Behring</p> <p>Previously NHSE Clinical Lead for Hepatitis C Elimination (retired April 2023)</p> <p>Acted as a paid expert witness for lawyers in Ireland representing claimants to the Irish Hepatitis C Tribunal</p>



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	<p>Professor Jane Anderson</p> <p>(HIV expert)</p>	<p>Consultant Physician Homerton Healthcare NHS Foundation Trust Consultant Physician Barts Health NHS Trust Honorary Professor, Barts and the London School of Medicine and Dentistry, Queen Mary University of London Honorary Professor, University College London Co-Chair, London's HIV Fast Track Cities Initiative Member London HIV Clinical Forum Past Master, Worshipful Society of Apothecaries of the City of London Chair of Trustees, National AIDS Trust Chair of Trustees, Paintings in Hospitals Trustee, Medical College of St Bartholomew's Hospital Trust Director, HIV.NET (Educational Charity) Occasional educational activities and consultancy for Gilead Sciences, ViiV Healthcare (self-employed) Member British HIV Association Member British Association for Sexual Health and HIV Member European AIDS Clinical Society Fellow Royal College of Physicians of London Fellow, Royal Society of Medicine Co-Chair European HIV Outcomes Initiative</p> <p>Previous Roles: Member, Expert Clinical Advisory Group on HIV to The Infected Blood Inquiry 2019-2021 Seconded part time to Public Health England, Wellbeing Directorate 2013-2016 Chair, Sexual Assault Referral Centres Tripartite Board 2015 – 2018 Member NHS England Clinical Advisory Group for HIV 2013-2019 Visiting Fellow, The Kings Fund 2016 – 2020 Chair British HIV Association 2011- 2013 Governor, Homerton Healthcare NHS Foundation Trust 2020-23 Cochair, External Advisory Group on HIV and Sexual Health, Public Health England 2016-2019</p>
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**Annex D - Work Programme**

Phase	Description	Timescales [TBC]	Completion date	TEG leads
<b>Mobilisation Onboarding &amp; Induction</b>	<ul style="list-style-type: none"> <li>• Background to Infected Blood Inquiry</li> <li>• Agree ToR, roles/responsibilities</li> <li>• Introduction to Minister/Core teams</li> </ul>	<b>2 days</b>	<b>16 Jan 2024</b>	All TEG members
<b>Quality Assurance and refinement of assumptions</b>	<ul style="list-style-type: none"> <li>• CO officials will present existing policy and cost analysis to TEG. Meetings (as required) will be held to discuss this. The topics of discussion will be split as below, TEG experts may choose to attend these according to their expertise, or could be delegated to the Chair or other members as appropriate;               <ul style="list-style-type: none"> <li>• Understanding the infections and severities</li> <li>• Volumes</li> <li>• Financial loss</li> <li>• Injury impact</li> <li>• Care requirements</li> <li>• Tariff-based frameworks</li> </ul> </li> <li>• TEG will be provided with necessary material to review according to the topics and will be tasked to provide comments, input and undertake quality assurance as necessary.</li> <li>• In addition, a list of questions will be asked according to the subject matter expertise, which will further support in refining the policy and cost assumptions.</li> <li>• TEG will be allowed sufficient time to review and comment on the materials provided.</li> <li>• Following the review by TEG, all comments will then be collated by CO officials and discussed at the TWG. This will be an iterative process which may require a number of meetings that TEG members will be expected to attend.</li> <li>• CO officials will update the policy and cost analysis following comments from TEG and discussions at the TWG.</li> <li>• CO officials will be responsible for updating and finalising all the material. TEG and TWG will sign off on final products ahead of advice being</li> </ul>	<b>4 weeks</b>	<b>16 Feb 2024</b>	CO Officials and all TEG members

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	<p>put up to Ministers or senior officials.</p> <ul style="list-style-type: none"><li>• In addition, TEG may be required to attend meetings with the Minister for Cabinet Office including any other working level meetings e.g. Programme Board, as necessary to discuss the work as it progresses. This may be delegated to the chair as appropriate.</li><li>• The scope of work does not entail an actual set up of a potential compensation scheme in public law or general scheme arrangement work.</li></ul>			
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