

Hosie J (Joy)

From: Geoff.Rees@[GRO-C]
Sent: 08 July 2005 10:02
To: William.Connon@[GRO-C]
Cc: Ailsa.Wight@[GRO-C]; Byrne A (Alison); Macleod AK (Andrew); Anna.Norris@[GRO-C]; Caroline.Lewis@[GRO-C]; Daniel.Pollitt@[GRO-C]; Barbirou D (Diane); Page FJ (Fiona); Gerard.Hetherington@[GRO-C]; gerry.dorrian@[GRO-C]; Hugh.Nicholas@[GRO-C]; Marshall J (Jan); Keating JE (Joanna); Hosie J (Joy); Karen.Arnold1@[GRO-C]; Martin.Cantrell@[GRO-C]; McGill M (Max); Duncan R (Roderick); Shearer S (Sylvia); Zubeda.Seedat@[GRO-C]
Subject: Re: Latest drafts of Agency Agreement and Service Level Agreement

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William

I have no substantive comment to make and am happy with the proposed percentage shares. Re the appeals issue. I have gone to a colleague at Treasury re the 900k limit and await a response.

Geoff Rees
Finance Manager - Programme
Health & Social Care Standards & Quality - Group Business Team Room 633 Wellington House Ext [GRO-C]

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Hosie J (Joy)

From: William.Connon@[GRO-C]
Sent: 07 July 2005 14:25
To: Shearer S (Sylvia); Caroline.Lewis@[GRO-C]; gerry.dorrian@[GRO-C]
Cc: Ailsa.Wight@[GRO-C]; Byrne A (Alison); Macleod AK (Andrew); Barbirou D (Diane); Page FJ (Fiona); Gerard.Hetherington@[GRO-C]; Hugh.Nicholas@[GRO-C]; Marshall J (Jan); Karen.Arnold1@[GRO-C]; McGill M (Max); Duncan R (Roderick); Shearer S (Sylvia); Zubeda.Seedat@[GRO-C]; Martin.Cantrell@[GRO-C]; Keating JE (Joanna); Anna.Norris@[GRO-C]; Daniel.Pollitt@[GRO-C]; Hosie J (Joy); Geoff.Rees@[GRO-C]
Subject: Latest drafts of Agency Agreement and Service Level Agreement



pic06854.pcx (2 KB)



pic24883.pcx (3 KB)



AGENCYAGREEMEN T.doc (375 KB)



SKIPTONSLA.doc (212 KB)



Appeals.doc (60 KB)

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Dear all,

I have not received any comments in response to my email. I realise you are all under pressure and I am sorry to add to that but unless I receive comments by close tomorrow I will have to assume that you are content. I will then take this forward with Sol next week.

William G Connon
Department of Health
Room 633B
Skipton House
80 London Road
London
SE1 6LH

[GRO-C]

----- Forwarded by William Connon/PD-PMD/DOH/GB on 07/07/2005 14:15 -----

William Connon

To: Sylvia.Shearer@[GRO-C]
22/06/2005 09:00 Caroline.Lewis@[GRO-C]
gerry.dorrian@[GRO-C]
cc: Ailsa Wight/PH6/DOH/GB@[GRO-C]
Alison.Byrne@[GRO-C]
Andrew.Macleod@[GRO-C]
Diane.Barbirou@[GRO-C]
Fiona.Page@[GRO-C]; Gerard Hetherington/HPIHSD/DOH/GB@[GRO-C]; Hugh Nicholas/PH6/DOH/GB@[GRO-C]; Jan.Marshall@[GRO-C]; Karen.Arnold1@[GRO-C]

Max.McGill@[GRO-C],
Roderick.Duncan@[GRO-C]
Sylvia.Shearer@[GRO-C] Zubeda
Seedat/PH6/DOH/GB@[GRO-C] Martin.Cantrell@[GRO-C],
Joanna.Keating@[GRO-C], Anna
Norris/PR-OFF/DOH/GB@[GRO-C] Daniel.Pollitt@[GRO-C],
<Joy.Hosie@[GRO-C]>, Geoff
Rees/NUR-PS/DOH/GB@[GRO-C]
bcc:
Subject: Latest drafts of Agency Agreement and Service
Level Agreement

(Embedded
image moved (Embedded image moved to file: pic24883.pcx)
to file: RESTRICTED - Policy
pic06854.pcx)

Dear all,

I attach the latest drafts of the Agency Agreement (AA) and Service Level Agreement (SLA) for your consideration. I also attach a paper on the appeals procedure which Joy Hosie kindly prepared from an earlier version which had been widely circulated and accepted.

AA and SLA

Both Hugh Nicholas (to whom many thanks) and myself have gone through the AA and SLA and have tried to ensure that they fully reflect the various comments which have been received over the past few months. Where possible we have included all comments but in some cases that may not have been possible, in some instances simply because we could not relate certain comments to particular drafts! I regret therefore that due to the number of earlier versions, which had been circulated, it has not been possible to identify all the changes or to flag up areas where comments have not been taken on board, although the latter are few. However, given the time since we last all discussed these documents I think it will be helpful for everyone to read through them afresh and ensure you are content with the text.

On the apportionment of the costs of claims, we did previously agree a split according to the spread of claims (my email of 21 Jan). This resulted in the following apportionment - England 77%; Scotland 14%;Wales 6% and NI 3%. If finance are content then we should insert these figures.

The only general comment on the AA is that there are several references to having received infection as a result of NHS treatment which should probably say "as a result of receiving infected NHS Blood Products". This may be due to the wording in the Scottish Bill so I have left it as it stands but would be grateful for legal advice on this.

Otherwise the drafts are pretty much reflect previous discussions and I very much hope we can now agree these and the submit the AA to the Skipton Fund for agreement and signature.

Appeals Procedures.

The attached document is largely based on the previous one which was circulated for consultation late last year, before many of us became involved. I am grateful to Joy, who has very helpfully looked at this and brought it up to date. It has the real advantage of being largely acceptable (at that time) to the various interested parties and where comments were made we have included these.

I understand that it was agreed that a haematologist should be added to the list of panel members and this has been done. This will be our structure for dealing with Appeals, which has been kept deliberately simple and straightforward. We now need to contact the Public Appointments Organisation in order that the adverts can be drafted and placed and I am grateful for Joy for progressing this, subject to time constraints, which we will discuss (Joy, I will call you).

The process for public appointments will inevitably take some time and there will also require to be a period of training of the appointees and thought will need to be given to how this would be achieved (for example by means of a training day or a training weekend) and also who will organise this. I will however, try to ensure this process is completed as quickly as possible. In the meantime we can say that we have established our appeals procedures and they will be operational as soon as possible.

In the interim, the process of drafting the Rules of Procedure for the Tribunal needs to be started and I will speak to Joy separately about this. If others wish to be directly involved then please let me know. I think this should be done in close consultation with the Skipton Fund Trustees.

Action

I would be grateful for your comments on all the attached documents by Friday 1st July at the latest please so that I can submit the AA to the Skipton lawyers via Sol the following week. I will then make arrangements for the SLA to be finalised and also take forward the appeals procedures.

This is all subject to the outcome of the Scottish Health Committee hearing on the 30th June at which amendments are being considered, which could result in proposals for a different scheme being operated in Scotland. In the event of this happening we would clearly have to reconsider the AA and consult with ministers to consider the implications of this. In the meantime I think we should proceed as proposed above so that we can move things forward as soon as we know the outcome of the Scottish proposals.

Apologies for the length of this email. Happy to discuss if anyone wishes to do so.

Regards.

(See attached file: AGENCYAGREEMENT.doc) (See attached file: SKIPTONSLA.doc) (See attached file: Appeals.doc)

William G Connon
Department of Health
Room 633B
Skipton House
80 London Road
London
SE1 6LH
GRO-C

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Hosie J (Joy)

From: Shearer S (Sylvia)
Sent: 05 July 2005 11:46
To: 'William.Connon@[GRO-C]'
Cc: Macleod AK (Andrew); Caroline.Lewis@[GRO-C]; gerry.dorrian@[GRO-C]; Keating JE (Joanna); Hosie J (Joy); Hugh.Nicholas@[GRO-C]
Subject: RE: Skipton Fund and the Scottish Parliament

Dear William

I will reply to your detailed questions as soon as I can, however, in principle, we are trying very hard to keep to the guidance as it is set out already and agreed at UK level as much as possible so a number of my responses will be in the negative.

Sylvia

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

From: William.Connon@[GRO-C] [mailto:William.Connon@[GRO-C]]
Sent: 05 July 2005 11:02
To: Shearer S (Sylvia)
Cc: Macleod AK (Andrew); Caroline.Lewis@[GRO-C]; gerry.dorrian@[GRO-C]; Keating JE (Joanna); Hosie J (Joy); Hugh.Nicholas@[GRO-C]
Subject: Re: Skipton Fund and the Scottish Parliament
Importance: High

This email has been received from an external party and has been swept for the presence of computer viruses.

Sylvia,

Firstly, apologies as I drafted this yesterday and then forgot to send it to you.

In order for me to advise SofS on a response to Andy Kerr's letter I need to have some details of the impact of the amendment, which has been made to your legislation and would be grateful if you would let me have this. I need to know exactly how this amendment affects Scottish claimants, before I can advise SofS about the potential impact, should it be implemented in the rest of the UK. I am not too concerned about the cost implications at this stage as I am sure when the original scheme was devised everyone who it was thought could have contracted Hep C, through infected blood products would have been included in the costs. I am more concerned about how the amendment will operate.

You mentioned in your email that the amendment will remove the 5 July 2004 date and allow claims on behalf of those who died after 5 July 2004 but who had not made a claim. I assume it will also enable relatives of someone who died after 29/08/03 but before 5 July 2004, but who had not submitted a claim, to now lodge claims on the behalf of the deceased?

I am not clear exactly how the amendment will operate. I am assuming, but do not know, that any payments to relatives or dependants will be restricted to the current payments of £20k and/or £25k depending on the Hep C condition of the infected person at the time of death, which will have to be established from medical records. Under the current scheme payments made of behalf of deceased claimants are paid the estate of the deceased, therefore if your proposal allows otherwise we will need to consider this potential divergence in

the scheme.

Does the legislation define "relatives and dependants" and if so can you let me have details. If not then how are you proposing to decide exactly who will be able to claim the payments? The original principle behind the scheme was to make ex-gratia payments to individuals living with chronic hepatitis C infection, not to compensate others. I am not clear on which or how many relatives may make claims. We are assuming that only one claim would be accepted but it is not clear which one or who will decide which relative can make the claim. Will relatives who are not dependants be able to claim or does the legislation make clear that the claimant must be a dependant relative? How widely will relative be defined? Will payments go to the estate or the relative/dependant?

Have you calculated the likely costs of this amendment in Scotland and if so can you let me have details of the basis on which you have calculated any costs? As I mention above I don't think that the costs are the main issue in this change, but it would be helpful to have any costs you may have calculated.

I am sorry to ask so many questions but I do need to be clear about the precise impact of your amendment. I would be grateful for a reply as soon as possible as SofS has requested further advice. Can I also ask that you ensure Hugh Nicholas is copied into future correspondence, as Hugh is working on the Skipton Fund.

Best wishes.

William G Connon
Department of Health
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<Sylvia.Shearer@GRO-C>
GRO-C To: William Connon/PD-PMD/DOH/GB@GRO-C
<Caroline.Lewis@GRO-C>
01/07/2005 09:35 <gerry.dorrian@GRO-C>
cc: <Andrew.Macleod@GRO-C>
<Joanna.Keating@GRO-C>
<Joy.Hosie@GRO-C>
bcc:
Subject: Skipton Fund and the Scottish Parliament

This email and any files transmitted with it are intended solely for the use of the individual or entity to whom they are addressed.

Dear William, Caroline and Gerry

Skipton Fund:

I am writing to let you know that Mr Kerr's amendment at stage III of the Bill (which took place yesterday in the Scottish Parliament) to restore the commencement date of 29 August 2003 was carried by a narrow margin of 56 votes to 52. He did, however, as indicated in his letter to your Ministers, agree not to oppose the Stage II amendment to remove the 5 July 2004 date to allow claims on behalf of those who died after 5 July 2004 without applying.

I have seen a copy of the letter from Brian Gibbons, the Welsh Minister for Health dated 29 June 05 agreeing to the proposed concession regarding the 5 July date, providing his counterparts in England and Northern Ireland agree.

I would be most grateful if you could let me know the views of your respective departments as to whether you will also be willing to consider making this concession and amending the scheme thereby allowing the Skipton Fund to remain a "UK wide" scheme.

Kind regards

Sylvia

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<Sylvia.Shearer@GRO-C>
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<Caroline.Lewis@GRO-C>,
01/07/2005 09:35 <gerry.dorrian@GRO-C>
cc: <Andrew.Macleod@GRO-C>,
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Sylvia

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