

From: Stock RG (Bob)  
Sent: 01 September 2004 15:39  
To: Keel A (Aileen); Falconer S (Sandra); Macleod AK (Andrew)  
Subject: FW: Latest from Sunday Herald - Lord Morris implications

Looks promising.

Bob  
46913

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

From: Richard.Gutowski@GRO-C [mailto:Richard.Gutowski@GRO-C]  
Sent: 01 September 2004 15:26  
To: Gerard.Hetherington@GRO-C; Ailsa.Wight@GRO-C  
Cc: Zubeda.Seedat@GRO-C  
Subject: Latest from Sunday Herald - Lord Morris implications

Gerard/Ailsa

Please see the attached note from Scotland concerning an article in the Sunday Herald on self sufficiency and a public enquiry and in particular the quote from Lord Morris that he will re visit the issue with Minister's. There is nothing new here but the timing could be fortuitous in that we have just received the report we commissioned on this whole issue and we could attempt to finally nail this long running saga. The Herald Article also generated some interest from the Guardian which they did not pursue.

This will also open up the "pulping" of Lord Owen's papers but we can just admit that they are missing we believe destroyed by mistake by the lawyers following the HIV Litigation. No one will believe this but it is the truth.

There are two main accusations in the letter quoted in the Article, a copy of which we do not seem to have on file. Firstly that the Department knew that the blood was contaminated but still allowed it to be used. Secondly that the then MCA continued to licence BPL on the basis that it was a public concern and that if it had been a private manufacturer the licence would have been revoked.

In preparation for the inevitable questions we need to be prepared. The new Report we commissioned concludes that the Government did pursue the goal of self sufficiency in factor VIII during the 1970's and most of the 1980's in line with WHO and EC recommendations and this is documented publicly. Therefore despite the loss of Lord Owen's papers his policy was not neglected. On the question of use of contaminated blood the report concludes that it is reasonable to suppose that the Government would have known of the risks of contracting hepatitis from blood products but that the virus in question (NonA NonB Hepatitis) was perceived as mild, and often asymptomatic disease and the advantages of treatment with factor VIII cocentrates far outweighed its potential risks. This view was supported by patients, their physicians and the Haemophilia Society as always a balance needed to be drawn to weigh the improvements in quality of life and the and the dangers of bleeding against the risks of treatment. The report also states that doctors did infact explain these risks to patients which again counters claims that they were not told.

On the question of BPL the report agrees that it was not operating to a minimum acceptable level. The MCA at the time stated that the continued production could only be tolerated owing to the essential nature of the products and only if immediate improvements were introduced.. As a consequence Ministers agreed immediate upgrades whilst production continued. Along with other reasons such as the superiority of the BPL product over commercial equivalents, documented problems with HIV contamination of imported Factor VIII the decision for BPL to rely on Crown Immunity to remain in operation is defensible.

All this I believe gives us a strong base to pursue our consistent line that a public enquiry is not warranted. The key is how we take this forward. Do we react to a Lord Morris question or a make a proactive move. Do we release the Executive Summary of the Report or just the Conclusions or the Report itself. We will need to engage MHRA because of the licensing issues.

Can we therefore meet to discuss handling. If you agree can one of your PA's please set up a short, I would say 1/2 hour, meeting. Thanks.

Richard

----- Forwarded by Richard Gutowski/PH6/DOH/GB on 01/09/2004 12:03 -----

<Bob.Stock@GRO-C>  
GRO-C To: Zubeda Seedat/PH6/DOH/GB@DOH  
cc: Richard Gutowski/PH6/DOH/GB@DOH,  
30/08/2004 15:51 <Sandra.Falconer@GRO-C>  
bcc:  
Subject: Latest from Sunday Herald - Lord Morris  
implications

Zubeda

Hope you had a good Bank Holiday. Mr Dolan has now moved into the News of the World now (for two weeks running). This week the article claimed that the public inquiry issue would be raised at the Lib Dem conference and would be supported by Charles Kennedy.

More immediately, the SH "discovered" yet another document – which, according to them, you will be questioned about by Lord Morris. As usual there is nothing new in the document – according to Sandra the difficulties at BPL were contemporaneously acknowledged in public (through PQs she thinks). She also unearthed a PQ from Feb 1985 (only a few years after this "revelation") in which Kenneth Clarke (in reply to Mr Hancock – Hansard Vol 73 No 64 col 446/7) said:

"We decided in 1982 that this country should become self sufficient in blood products. This will eliminate the health risk attached to the use of imported commercial products derived from blood provided by paid donors."

<http://www.sundayherald.com/44413>

PS

seeing this rely prompts me to ask what the state of play is with DH's internal enquiry into the self sufficiency issue?

Bob