

**"Re: vCJD Trust - briefing note for SofS"**

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**Ailsa Wight**

28/03/2006 14:41

Lawrence/PH5/DOH/GB@GRO-C

To: Eileen

cc:

bcc:

Subject: Re: vCJD Trust -

briefing note for SofS

My note last week refers. Please can you provide this asap? Thanks

Dr Ailsa Wight  
 Head of Programme  
 General Health Protection  
 524 Wellington House  
 133/155 Waterloo Road  
 London  
 SE1 8UG

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----- Forwarded by Ailsa Wight/PH6/DOH/GB on 28/03/2006 14:41 -----

**Dani Lee**

28/03/2006 14:22

Wight/PH6/DOH/GB@GRO-

To: Ailsa

cc: Rowena

Jecock/PH6/DOH/GB@GRO- Eileen  
 Lawrence/PH5/DOH/GB@GRO- John  
 Stephenson/RD2/DOH/GB@GRO- Andrew J  
 Palethorpe/POLICY/DOH/GB@GRO- David  
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 Hetherington/HPIHSD/DOH/GB@GRO- Gregory Hartwell/PR-

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Horsfall/MA/DOH/GB@GRO-C: Brian Bradley/HP-  
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bcc:  
Subject: Re: vCJD Trust -

briefing note for SofS



RESTRICTED - Policy

Ailsa,

I was expecting a briefing paper from you/your team yesterday. SofS is keen to see this paper and has since been told that Dr Collinge has been making noises about there being a far higher risk than generally accepted of vCJD blood transfusions. Is this true and can you cover this issue in your note to SofS please. I'd like to have this note **by no later than by 4pm tomorrow**. If there's any problems with this, please let me know.

Thanks,  
Dani.

-----  
Dani Lee  
APS/SofS  
0207 210 5607

----- Forwarded by Dani Lee/PR-OFF/DOH/GB on 28/03/2006 13:57 -----

**Brian Bradley**  
24/03/2006 10:24

OFF/DOH/GB@GRO-C

To: Dani Lee/PR-

cc: Ailsa

Wight/PH6/DOH/GB@GRO-C: Rowena  
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bcc:  
Subject: Re: vCJD Trust -

briefing note for SofS 📎



RESTRICTED - Policy

Dani

Thank you. Further to our conversation, the Trust is an independent body which is responsible entirely to the Trustees and does not have accountability to SofS. That is why we refer correspondence about the performance of the Trust to their representatives and administrators. We do however, take an interest in the performance of the Trust because it is disbursing public funds in order to implement an aspect of DH policy, i.e. *ex gratia* compensation to the victims of vCJD and their families / carers in the light of the report of the Phillips Inquiry. Without knowing exactly what has been alleged or who is making the allegations, there is little more that we can add. I am, however, copying this to policy and RD colleagues who can provide briefing about other elements of vCJD policy, the underpinning research funded by DH and the surveillance and care package. I would be grateful if Ailsa, Eileen, Rowena, Andrew and John could collaborate to provide the further briefing requested by cop on Monday 27 March, as briefly discussed with Ailsa. I am copying this to Mark Gidden with the request for a short briefing on the accountability of the vCJD Trust (by the same deadline please) .

Brian Bradley  
Strategy & Legislation Branch  
Health Protection Division  
513 Wellington House  
Tel GRO-C

Dani Lee

**Dani Lee**  
23/03/2006 18:04

To: Bradley/HP-SL/DOH/GB@GRO-C Brian  
cc: Burke/POLICY/DOH/GB@GRO-C Mike De  
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bcc:  
Subject: vCJD Trust -  
briefing note for SofS



**RESTRICTED - Policy**

Brian,

Thanks for this but I also need a note from you on allegations that the performance of the vCJD trust is much worse than we are admitting. We discussed this earlier in the week and I explained that SofS has been told about this from a very worried MP. I think this note needs to set out who this expert is, what their allegations are, whether they are true, what the implications are, and what we are doing about it.

It would be helpful if you could set out this information in the standard Word format please.

Happy to discuss.

Thanks  
Dani.

-----  
Dani Lee  
APS/SofS  
GRO-C

----- Forwarded by Dani Lee/PR-OFF/DOH/GB on 23/03/2006 17:42 -----

**Brian Bradley**  
22/03/2006 15:57

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bcc:  
Subject: vCJD Trust -  
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Dani

You requested an update for SofS on the performance of the vCJD Trust following the recent release of documents to Ms McVey.

The performance of the Trust and its administrators

We met with Richard Vallance and Edwina Rawson of Charles Russell & Co on 7 December 2005 for a routine review of vCJD Trust business. The note of the meeting records that:

*"The majority of the claims submitted to the Trustees to date for particular emotional hardship had now been settled. The Trust was aiming to agree principles for financial hardship at its meeting on 24 January 2006 which would facilitate settlement of most of these claims. It was expected that the Trust would be considering the details of the remaining hardship cases from February/March 2006. It was noted by RV that particular emotional hardship was an especially difficult issue which had caused some difficulties between claimants, in some cases even within the same family. Other claims from the Discretionary Fund had not yet been submitted, for example Victims' loss of earnings.*

*Families had been advised to delay submission of particular hardship claims until the principles had been agreed by the Trust.*

*There were 158 victims as at 4 November and the Trust had received 155 main applications. 152 of these had been fully considered (except for some of the*

*£5,000 psychiatric injury and hardship claims) and the majority of the amounts claimed had been paid out. Approximately £32.2m had so far been paid in compensation. Approximately £7.5m had so far been disbursed for expenses. [ Since that date there have been two further notifications and the total number of victims now stands at 160].*

*Charles Russell (CR) and the Trustees were very aware of the need to control costs and were taking suitable action to do so. The Trustees were being careful to discount payments to other solicitors for inappropriate or poor work which still arose.*

*RV reported, as at the meeting at Justin Fenwick's Chambers, that the ratio of expenses to claims would be more disproportionate in the short term, as they were dealing with difficult decisions affecting relatively small sums. Once the majority of Discretionary payments had been made, hopefully by the end of 2006, leaving larger claims to be processed, this ratio would improve.*

*RV outlined the position with respect to the remaining funds, which identified that approximately £30m remained available ."*

#### Current Issues

The main current issue for the Trust is consideration of claims for particular emotional (PEH) and particular financial hardship (PFH). The update from Charles Russell & Co on these claims is that 107 PEH claims have been received, 58 have been approved, 39 were unsuccessful and consideration of 10 has been postponed. For PFH, there have been 15 claims, of which 5 have been approved, 9 were unsuccessful and 1 has been postponed. The postponed decisions are due to a number of different causes, including withdrawal for reconsideration by claimants as well as the need for the Trustees to decide on difficult issues.

#### Transparency

The Trust works as transparently as it can, given the restrictions of legal and clinical confidentiality. It maintains a web site at <http://www.vcjdtrust.co.uk/> which has details of the compensation scheme, information for claimants, and copies of abbreviated minutes of the Trust meetings (NB Ms McVey is seeking copies of unabbreviated minutes of meetings from the Trust, which is not included by the FOI Act).

#### Legal fees

The Trust's website has a detailed note for solicitors, which is quoted here for ease of reference:

The Trustees of the vCJD Main Trust are only permitted to reimburse those costs which fall within the definition of clause 7.1 of the Trust Deed dated 15 March 2002.

This provides that the Trustees may pay out of the Main Fund such sums as they may in their discretion think fit to reimburse a Beneficiary where that Beneficiary has reasonably spent money or incurred liabilities after the date of the Trust Deed (15/03/02) "in making representations to or in answering enquiries from the Trustees or in undergoing or arranging for medical or other inspections in relation to any actual or potential interest" under the Scheme.

The Trustees have no discretion to reimburse professional costs which do not fall within this definition or which were incurred before 15 March 2002.

The Trustees will therefore only in practice be able to reimburse legal fees which are incurred in submitting claims for compensation under the Scheme by using the standard application forms and providing evidence and information in support of the various heads of claim. This will not therefore include work done in advising your clients on other aspects of the matter for their own benefit, for example with regard to administration of their own financial or tax affairs and will not include the setting up of trusts on behalf of infants or fees of professional trustees.

You therefore should advise your clients that they will be liable to pay for any other work which you do on their behalf.

In the opinion of the Trustees, claimants do not normally need separate legal representation. Claimants should be able to complete the standard forms with the assistance of Charles Russell Solicitors, as Secretariat. The Trustees will usually exercise their discretion to reimburse claimants for the costs of separate representation, provided that they are reasonable and proportionate, and provided detailed invoices are submitted.

I hope this is helpful to SofS

Brian Bradley  
Strategy & Legislation Branch  
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513 Wellington House  
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