



45.

Diseases  
Hepatitis  
compensation

HINDERTON HALL • CHESTER HIGH ROAD • NESTON CH64 7TS  
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(6)

GRAHAM I. ROSS LLB  
ASSOCIATE  
PHILIP RICCARDI

Our ref: GLR/KW/22 4

22 May 2001

Lord Hunt of Kings Heath  
Department of Health  
Richmond House  
70 Whitehall  
London  
SW1A 2NS

DEPT OF HEALTH  
RECEIVED

30 MAY 2001

CORRESPONDENCE  
PRIVATE OFFICE C011

Dear Lord Hunt

Re: Hepatitis C

I thank you for your letter of 15 May 01.

The reason you have given so far as to why the documents are not being produced was that in law this was not possible to do. I explained that this could not be true because the Court Order of confidentiality only binds the other party and not the party on whose behalf the documents are produced within the litigation. I note that you have not disputed my statement nor attempted to put forward another reason. Unless I hear from you further I will take it, therefore, that you have continued to maintain the untruthful reason and I will ensure all interested parties are aware of that fact. However, of course, you do have a further opportunity to reply to this letter and put forward another argument.

You say that it is the Department's view that they will only pay compensation to those infected through blood transfusion between 1988 and 1992 and who have sued. This is an extraordinary position to take. You are effectively saying that you feel it fair and proper that those people who accepted your Department's claims to there being no liability, and did not sue, should not be compensated even though those who did not accept what they were being told and sued have now received compensation. Once again that must breach the ethics of Government. You will inevitably have to face the fact that the previous Conservative administration readily extended the compensation they agreed to pay to those haemophiliacs who sued them for HIV infection to those who had not sued. How can the Government possibly justify treating the public in this way? The court had made it clear that the Government is legally indebted to those infected in the 1988 to 1992 period. You are essentially taking advantage of the fact that some trusted the statements from your

GLR:468

Department at the time claiming to not be liable. This makes a mockery of the words of John Denham in last year's debate that if the Government were found responsible they would not require people to sue in order to gain compensation.

The refusal to acknowledge responsibility also flies in the face of your Department's declared intention of seeking to discourage the developing mass of litigation for medical injury.

These two matters are obviously highly serious issues and I find it difficult to believe that the way that you are handling this is with the personal knowledge and support of the Secretary of State and the Minister.

**GRO-C**

Graham Ross  
**ROSS & CO**



OFFICE OF THE SOLICITOR

Department of Health

Department of Social Security

# Fax Transmission

Room 511, NEW COURT 48 CAREY STREET LONDON WC2A 2LS

Switchboard: 020 7962 8000 Direct Line: **GRO-C**

GTN: **GRO-C**

FAX: **GRO-C**

To: **JILL TAYLOR**

Fax number: **GRO-C**

From: **MRS ANITA JAMES**

Date: **4 June 2001**

Pages: **Cover Note + 0**

Message: **RE GRAHAM ROSS: The letter to Lord Hunt is defamatory of him. I think it merits very little by way of reply but that seems to me to be dangerous just before an election. We want to restrict use of the documents by him to the court case so the answer is as before in relation that. We have explained the rest to him as well.**

## CONFIDENTIALITY NOTICE

If you have received this transmission in error, please call to arrange for the return of the documents to us at our expense. Thank you

URGENT



Health Services Directorate  
Department of Health  
Wellington House  
133-155 Waterloo Road  
London SE1 8UG

FAX COVERING PAGE

5  
(1 + / to follow)

To: Anita James SOL-LITIGATION.

Message:

RE: GRAHAM ROSS - HAEMOPHILIA + HEPC.

Anita,

Yet another letter from Ross! I have attached  
the last reply from Lord Hunt to Ross's letter of  
30 April.

I would be very grateful for your advice  
please on a response. We are under pressure  
to reply to all Ministers' correspondence urgently  
due to the Election, in this case by (5 June).

Mary Hawkes

From: Jill Taylor

GRO-C

Direct Line:

GRO-C

Room: 417 WEL

GTN

GRO-C

Date: 4/6/01.

email: jill.taylor@

GRO-C

FAX No:

GRO-C

Your ref: GLR/KW/22.4

POH(6)1697/1403

Mr G Ross  
Ross & Co Solicitors  
Hinderton Hall  
Chester High Road  
Neston  
CH64 7TS

07 JUN 2001

Dear Mr Ross,

Thank you for your further letter of 22 May.

Your letter implies that I have not been honest in my previous responses to you. I must make it clear that at no time have I misled you.

The records referred to in your letter are not regarded as being in the public domain and cannot be produced. As I have said before the Department of Health has signed an undertaking not to disclose these documents and this remains the position

I have made it clear in previous correspondence that our view is that only those people who issued proceedings should be compensated. This position has not changed.

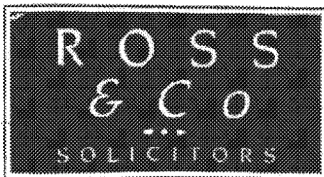
Yours sincerely,

GRO-C

p.p.

PHILIP HUNT

Agreed by the Minister  
and signed in his absence.



Blood  
Transfer / supply / safety  
⑥  
1697/3

HINDERTON HALL • CHESTER HIGH ROAD • NESTON, CH64 7TS

TELEPHONE: 0151 336 3000 • FAX: **GRO-C**

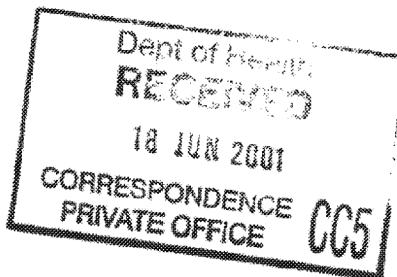
<http://www.estrادلان.com>  
e-mail: [gross@](mailto:gross@) **GRO-C**

GRAHAM I. ROSS LLB  
ASSOCIATE  
PHILIP RICCARDI

Our ref: GLR/KW/22.4  
Your ref: POH(6)1697/1403

15 June 2001

Lord Hunt of Kings Heath  
Department of Health  
Richmond House  
79 Whitehall  
London  
SW1A 2NS



Dear Lord Hunt

Re: Hepatitis C

Further to my earlier letter I note the comments by the Secretary of State for Health, Alan Milburn, MP on 29 January 2001 at a meeting of the Long-Term Medical Conditions Alliance in London. At that meeting Mr Milburn stated "The culture of the Health Service has to change. The days of cover-ups have got to end. Where the system fails the lessons need to be learned."

I would appreciate it very much how you reconcile that statement with the refusal to release the documents into the public domain.

Yours sincerely

**GRO-C**

Graham Ross  
ROSS & CO



POH(6)1697/3

GLR/KW/22.4

Mr Graham Ross,  
Ross & Co  
Solicitors  
Hinderton Hall,  
Chester High Road,  
Neston  
CH64 7TS.

Thank you for your further letter dated 15 June 2001.

In his speech Mr Milburn was referring to medication errors made by NHS staff, including checking procedures, misunderstandings in dosage, prescribing instructions and similar packaging of drugs. He went on to say that the Government were introducing a new mandatory adverse incident reporting system in the NHS to address this.

This does not alter the obligation both the Department and you owe to the Court.

YVETTE COOPER

7/18

Important



ANITA JAMES  
11 JUL 2001

MARGARET GHLAIMI  
BLOOD POLICY OFFICER  
DEPARTMENT OF HEALTH  
WELLINGTON HOUSE  
LONDON SE1 8UG

# FAX COVERING PAGE

(1 + 1 to follow)

To: Anita James Lol Branch

**Message:**

I think Charles has spoken to you about this.  
In Jill's absence I am faxing you Graham Ross's  
latest letter. Grateful for advice on response.  
I can send you previous letters if necessary.

GRO-C: Margaret

Date: 11 July 2001

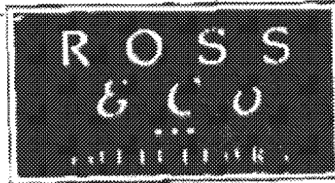
Phone no:

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*Blood  
Transfusion / supply / safety  
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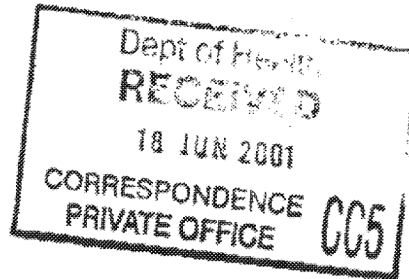
<http://www.rossandco.com>  
e-mail: [grosc@grosc.com](mailto:grosc@grosc.com) **GRO-C**

GRAHAM L ROSS LLB  
ASSOCIATE  
PHILIP RICCARDI

Our ref: GLR/KW/22.4  
Your ref: POH(6)1697/1403

15 June 2001

Lord Hunt of Kings Heath  
Department of Health  
Richmond House  
79 Whitehall  
London  
SW1A 2NS



Dear Lord Hunt

Re: Hepatitis C

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I would appreciate it very much how you reconcile that statement with the refusal to release the documents into the public domain.

Yours sincerely

**GRO-C**

Graham Ross  
ROSS & CO

PS(M)  
Yvette Cooper

From: Margaret Ghlaimi HSD2  
Date: 11 July 2001

Cc : Charles Lister HSD2  
Anita James SOL Lit

Julie Taylor

PS(L) Graham Ross

1. Graham Ross is a solicitor who is constantly bombarding Ministers and the Department with letters on behalf of his campaign for haemophiliacs infected with Hepatitis C.

2. Mr Ross is under the impression that the Department's files, which have been listed, on discovery during the HIV litigation would be put into the Commons Library and therefore in the public domain. We have consulted Anita James, in Solicitors branch who advised us that these records should not be regarded as being in the public domain. This is a matter for court rules and we have signed undertakings (as has Mr Ross) not to disclose the documents.

3. Lord Hunt has been happy to sign short responses to Mr Ross's letters.

Given the nature of this correspondence, you may prefer to have this and any future replies to Mr Ross signed by officials.

Margaret Ghlaimi  
HSD2  
417 Wel  
Ext: **GRO-C**

3. I attach <sup>a copy</sup> ~~the~~ a ~~copy~~ of ~~the~~ S of S's speech referred to by Mr Ross, with the relevant page circled.

PS(PH)

From: Margaret Ghلامي HSD2

Date: 11 July 2001

Cc : Charles Lister HSD2  
Jill Taylor HSD2  
Anita James SOL Lit

POH(6)1697/3 - Graham Ross

1. Graham Ross is a solicitor who is constantly bombarding Ministers and the Department with letters on behalf of his campaign for haemophiliacs infected with Hepatitis C.
2. Mr Ross is under the impression that the Department's files, which have been listed, on discovery during the HIV litigation from the late 80's/early 90's would be put into the Commons Library and therefore in the public domain. We have consulted Anita James, in Solicitors branch who has advised us that these records should not be regarded as being in the public domain. This is a matter for court rules and we have signed undertakings (as has Mr Ross) not to disclose the documents.
3. I attach a copy of S of S's speech referred to by Mr Ross, with the relevant para sidelined.
4. Lord Hunt has been happy to sign short responses to Mr Ross's letters. Given the nature of this correspondence, you may prefer to have this and future replies to Mr Ross signed by officials.

Margaret Ghلامي  
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417 Wel  
Ext: **GRO-C**