

**"Fol case - Mr. GRO-A - FOR YOUR CONSIDERATION/CLEARANCE"**

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Debby Webb/HP-SL/DOH/GB
23/07/2009 11:44

ToElizabeth Woodeson/CQEG/DOH/GB GRO-C
cc
bcc
SubjectFol case - Mr. GRO-A - FOR YOUR CONSIDERATION/CLEARANCE

Liz,

We spoke about this other FOI case. This is from Mr. GRO-A who asks for:

a full written transcript of all recorded minutes and meetings between the persons responsible for the government's response to the Archer independent public inquiry into infected blood products, paying particular attention as to how and why the decision not to increase any payments to those infected with the hepatitis C virus was arrive at.

His original requests are in the attached Word file:



GRO-A requests (for 424714R).doc

There are two issues. Firstly, we need to correct our earlier reply and secondly, we need to respond to the broader issue of being asked to release such very recent material.

Ben drafted the initial reply as follows:

The Department has searched its records, but there are no documents which fall within the specific criteria of your request. There were no meetings between the persons responsible for drafting the Government's response to Lord Archer's report, and consequently there are no minutes of any meetings.

This was subsequently found to be incorrect as there were 'meetings' between officials and MS(PH) about this issue. We therefore need to send a correcting letter to Mr **GRO-A** Stephen Fay in the FoI team has been helpful in drafting a combined reply, which I have commented on (my comments are in **green** text).:



IR416485 210709 draft reply - DW comments 210709.doc

The first part of this letter deals with correcting the earlier mistake, but the second half deals with Mr **GRO-A** broader request to see all documentation pertaining to the formulation of the Government's response. It is this issue that we are concerned about as the material is only a matter of a few months old. The concern is that this issue will not go away with this one letter. Mr **GRO-A** is a serious campaigner on these issues, as are others, and the system will grind to a halt if we have to repeatedly consider such requests for information where the policy is very much still current - we have not yet even implemented the Government response.

Can you please consider how we want to handle this? We will need to respond to the earlier mistake, so grateful for your clearance of the draft reply. We are already overdue on time as this has been backwards and forwards between us, PO and the FoI team.

Happy to discuss.

Regards,
Debby

----- Forwarded by Debby Webb/HP-SL/DOH/GB on 21/07/2009 14:55 -----

Named Security:

Who can edit?	Nobody
Who has edited?	Debby Webb/HP-SL/DOH/GB
Who can read?	

Debby Webb/HP-SL/DOH/GB

17/07/2009 16:04

To Stephen Fay/OIS/DOH
cc Ailsa Wight/PH6/DOH/GB **GRO-C** Ian Matthews/PR-
OFF/DOH/GB **GRO-C** MB-DH-FOI-
Request/OIS/DOH **GRO-C** Rowena

Jecock/PH6/DOH/GB [GRO-C]

bcc

Subject Re: DE416485 - Mr
[GRO-A] E7FFCA6251C676A2802575F6004A2CA1

Stephen,

Ailsa is now on leave, so I am picking this up. To answer your second para, Morven says that her handwritten notes are only kept for a short time and are then destroyed. All that we have are the 'action points' e-mails arising from MS(PH)'s meetings with officials, i.e the one you colour-coded. I agree with Ailsa that to release such snippets will raise more questions than it would answer.

Ailsa and I spoke about this request before she went off and what realistically we can do. As you can imagine, there is a large stack of documents resulting from the discussions around the the formation of the Government's response to the Archer report. It would take at least a couple of days to do an initial assessment of all these documents to find those that are relevant and then we would need to re-asses those in light of exemptions. From memory of these such recent events, we are convinced that virtually all these documents would fall within one or more of the exemptions (mostly section 35) as this issue is still very much current. Our view is that it will most probably exceed the statutory cost limit and even if we were prepared to waive that right, it is probable that we will end up with nothing to release as everything will be exempt.

To answer your 14/7 question, all that is in the public domain on this issue are the answers to the numerous PQs laid recently and the Government's response itself. None of the submissions or briefings have been, or could be, released at this time for the reasons already given.

On this basis, could we reply to say that the breadth of this request would take it outside the statutory cost limit, but even if we waived this right, most, if not all, would fall under section 35 exemption? I am struggling to suggest a way of re-wording his request to bring it within the parameters as this issue is so current, that I really doubt there will be anything we can release at this time - irrespective of how the question is worded. Are there any similar current issues in the Department where release of current documents has been requested that we can draw a precedent from? Grateful for your advice in this respect.

With thanks and regards,
Debby

Mrs Debby Webb
Legislation and Environmental Hazards Branch, Department of Health,
513 Wellington House, 133-155 Waterloo Road, London SE1 8UG

Tel: [GRO-C] Fax: [GRO-C]

Stephen Fay/OIS/DOH

Stephen Fay/OIS/DOH

17/07/2009 14:42

To Ailsa Wight/PH6/DOH/GB **GRO-C**
cc Debby Webb/HP-SL/DOH/GB **GRO-C** Ian Matthews/PR-
OFF/DOH/GB **GRO-C** MB-DH-FOI-
Request/OIS/DOH **GRO-C** Rowena
Jecock/PH6/DOH/GB **GRO-C**
Subject Re: DE416485 - Mr **GRO-A** 

Ailsa/Debby,

If you conclude that the yellow sections have no autonomous meaning then I agree that we should not release them. The fact that they would stimulate further questions is not such a good reason to withhold.

In our explanation of and apology for our earlier misleading reply, we should certainly seek to clarify (without 'giving too much away') the kinds of meetings that took place. But will this require us to explain why we don't have any written records of these meetings. Morven says there are no more; Ailsa is convinced that there were other similar exchanges. How do we resolve this asymmetry?

To be clear, we should certainly point out the new breadth that his reworded request has introduced and explain that it renders that request unanswerable within the reasonable limit. Have you decided how to answer the second question in my 14/7 email:

"2. [...] However, you should give serious thought to what information could be provided to (at least partially) satisfy this applicant. Is there anything in the public domain that he won't have seen? Are there any summaries or general briefings that might demonstrate that his somewhat cynical assessment of government policy is wide of the mark?"

In FOI terms, we must provide the 'advice and assistance' that section 16 of the Act calls for when s12 is engaged; in other words, we must help him reformulate his request in a way that will enable us to answer within the appropriate limit.

Stephen Fay
FOI Team
Room 317
Richmond House

GRO-C

GTN: **GRO-C** (Tuesdays & Fridays only)

Ailsa Wight/PH6/DOH/GB

Ailsa Wight/PH6/DOH/GB

15/07/2009 09:59

To Stephen Fay/OIS/DOH [GRO-C]
cc Debby Webb/HP-SL/DOH/GB [GRO-C] Ian Matthews/PR-
OFF/DOH/GE [GRO-C] Rowena
Jecock/PH6/DOH/GB [GRO-C] MB-DH-FOI-
Request/OIS/DOH [GRO-C]
Subject Re: DE416485 - Mr [GRO-A]

Thanks Stephen. I do wonder that as so much of this note from Morven could be considered exempt whether there's any point in issuing as the yellow bits don't amount to anything very much and beg a lot of questions. It would of course support the point that there were meetings, but as I say there is at least one other similar exchange (and probably a number more) with PO and he is unlikely to believe that there was nothing before this note - and it would not be true. So the question is whether we write simply correcting the point about meetings or add to that something about all relevant documents, which could either be exempted in whole or in part but that will take a bit of time to assess.

Although Morven has confirmed she has no other notes of meetings that we have not seen, we will need to go through all our files and need to make some assessment however we answer. So grateful if Debby could please start that and liaise with you on best approach on Friday.

Thanks

Message sent from a Blackberry handheld device.

Stephen Fay

From: Stephen Fay
Sent: 14/07/2009 17:06 GDT
To: Ailsa Wight
Cc: Debby Webb; Ian Matthews; Rowena Jecock; MB-DH-FOI-Request
Subject: Fw: DE416485 - Mr [GRO-A]

All,

I have made an initial assessment of the action points. I have highlighted as follows:

yellow - consider for release (based on an assessment of whether disclosure would undermine civil servants' willingness or ability to be free and frank in similar future communications)

red - withhold using section 35(1)(a). I think we should argue that this information is relevant to the formulation of government policy and that its disclosure could:

- make civil servants less likely to provide full and frank advice or opinions on policy proposals
- inhibit the debate and exploration of the full range of policy options that ought to be considered, even if on reflection some of them are seen as extreme
- put civil servants in the position of having to defend everything that has been raised (and possibly later discounted) during deliberation

blue - withhold under section 21 - information accessible by other means (although we should provide the Hansard reference)

Names of junior (sub-SCS) civil servants should be withheld under section 40(3)(a)(i). SCS names would normally be disclosed.

I must stress that a comprehensive internal review reply (that would convince the ICO of the validity of our arguments) should seek to anchor the principles outlined above in strong public interest reasoning that would pragmatically assess both sides of the disclosure argument; in other words, in an expert and contextual analysis of the real impact of disclosure on the formulation of this (and future related) government policy.

In effect, we should seek to make our answer ICO-proof. To do this we need to ensure we have all the relevant information in front of us, can give specific examples from within the information for each of our fundamental arguments and show that we have tried to be as helpful and open as possible.

I return to the office on Friday. By then I hope you will have been able to consider my assessment, begin drafting a reply using some of these and your own arguments, and have taken a decision about whether we can answer his broader second request within the appropriate limit.

Stephen Fay
FOI Team
Room 317
Richmond House

GRO-C
GTN: **GRO-C** (Tuesdays & Fridays only)

----- Forwarded by Stephen Fay/OIS/DOH on 14/07/2009 16:32 -----

Stephen Fay/OIS/DOH

14/07/2009 16:23

To Ailsa Wight/PH6/DOH/GB
cc Debby Webb/HP-SL/DOH/GB **GRO-C**, Ian Matthews/PR-OFF/DOH/GB **GRO-C**, Rowena Jecock/PH6/DOH/GB **GRO-C**, MB-DH-FOI-Request/OIS/DOH **GRO-C**
Subject Re: DE416485 - Mr **GRO-A** 

All,

To clarify, Mr **GRO-A** first request (26/5) was for:

A full written transcript of all recorded minutes & meetings between the persons responsible for the governments response to the Archer Independent

public inquiry into infected Blood products, paying particular attention as to how and why the decision not to increase any payments to those infected with the Hepatitis C virus was arrived at.

His two follow-up emails (both 25/6 - which we are obliged to treat as internal reviews, although we have now agreed that the scope is sufficiently broadened as to render them new requests) asked for:

I wish to access all the files and documents that have been put on record, written and documented during the discussions that took place to look at Lord Peter Archers recommendations in the Archer report. These discussions lasted three months and record of who attended, what decisions were made and why they were made.

The main question that must have been talked about is the refusal to add financial help to one group (HIV) and deny any financial help to another group (Hepatitis C). I and others like me would now like to know how the people in government who gave Lord Archer report the attention, and published the response, came to the decision that one group of victims was different to the second group of victims, and what that difference is?

Looking again at the two recent questions, the first certainly seems too broad to answer within the appropriate limit (3.5 days work), but I wonder if it is feasible to consider the second question to be a reasonable narrowing of the request. In other words, would it take longer than 3.5 days to locate, identify and extract information to answer his second question?

If it would, then I think we should proceed as Ailsa and I discussed this morning:

1. review our initial response (DE416485).

- This will require a clarification and an apology about our assertion that there were no meetings.
- Given that Ailsa remembers other meetings and other exchanges with PO, you must ask Morven to tell you categorically that no more relevant written records exist. Relevant documents have been 'found' at the last minute in a number of recent cases and the ICO are working themselves into a frenzy about it.
- I think the action points would be captured by his initial request in that they are a record of discussions occurring within a relevant meeting.
- If you agree, we must assess the action points' disclosability. Although I suggested to Ailsa that PO might take the lead in this assessment, I now believe that they would only come back to your team for a submission of your opinions. Therefore, I will make an initial assessment of the applicability of FOI exemptions to this information, then come to you for your expert advice and substantiation of the FOI principles in textual 'evidence'.

2. Inform Mr. **GRO-A** that his complaint about our initial reply is, in effect, a new request of much broader scope that we are unable to answer within the reasonable limit.

However, you should give serious thought to what information could be provided to (at least partially) satisfy this applicant. Is there anything in the public domain that he won't have seen? Are there any summaries or general briefings that might demonstrate that his somewhat cynical assessment of government policy is wide of the mark?

The final deadline is next Wednesday. I will try to send my initial assessment of potential exemptions by the end of today.

Stephen Fay
FOI Team
Room 317
Richmond House
[GRO-C]

GTN: [GRO-C] (Tuesdays & Fridays only)

Ailsa Wight/PH6/DOH/GB

Ailsa Wight/PH6/DOH/GB

14/07/2009 15:35

To Debby Webb/HP-SL/DOH/GB [GRO-C]
cc Caroline Wyatt/ISD4A/DOH/GB [GRO-C] Colin
McDonald/POLICY/DOH/GB [GRO-C] Ian Matthews/PR-
OFF/DOH/GE [GRO-C] Rowena
Jecock/PH6/DOH/GB [GRO-C] Stephen
Fay/OIS/DOH [GRO-C]
Subject Re: DE416485 - Mr [GRO-A] 

Ok, the question then is whether this note is any different from any other notes in it's purpose - there was certainly more than one meeting and many notes to and from Morven. If not, we could respond as before in the strict sense of 'meeting notes', but clarifying the incorrect point about 'no meetings'. We could if we wanted say that there were a number of exchanges with PO (as Mr [GRO-A] presumably guesses so doesn't seem a lot of point in pretending otherwise) and then say either we're withholding or that too much resource required to assess all the relevant docs.

Dr Ailsa Wight
Deputy Director and Head of Programme
Infectious Diseases and Blood Policy
524 Wellington House
133/155 Waterloo Road
London SE1 8UG

Telephone: [GRO-C]
Mobile: [GRO-C]

email: ailsa.wight [GRO-C]

Debby Webb/HP-SL/DOH/GB

Debby Webb/HP-
SL/DOH/GB

14/07/2009 14:12

To Ailsa Wight/PH6/DOH/GB **GRO-C** Stephen
Fay/OIS/DOH **GRO-C**
cc Caroline Wyatt/ISD4A/DOH/GB **GRO-C** Colin
McDonald/POLICY/DOH/GB **GRO-C** Ian Matthews/PR-
OFF/DOH/GB **GRO-C** Rowena Jecock/PH6/DOH/GB **GRO-C**
Subject Re: DE416485 - Mr **GRO-A** 

Ailsa/Stephen,

I have spoken to Morven and she has confirmed that the earlier e-mail I forwarded to Stephen is the only meeting note of any relevance that she has. She has offered a photocopy of her hand written jottings that became this note, but stressed that the e-mail was the electronic transcribed version of this.

Stephen - do you want a photocopy of Morven's handwritten note?


Regards,
Debby

Ailsa Wight/PH6/DOH/GB

Ailsa Wight/PH6/DOH/GB

14/07/2009 13:39

To Debby Webb/HP-SL/DOH/GB **GRO-C**
cc Stephen Fay/OIS/DOH **GRO-C**, Ian Matthews/PR-
OFF/DOH/GB **GRO-C**, Caroline Wyatt/ISD4A/DOH/GB **GRO-C**
Rowena Jecock/PH6/DOH/GB **GRO-C**, Colin
McDonald/POLICY/DOH/GB **GRO-C**
Subject Re: DE416485 - Mr **GRO-A** 

I have spoken to Stephen Fay and the first thing we need to deal with is the review of the initial request, which means reviewing these handwritten notes of meetings that we now understand Morven has, but which we haven't yet seen. Would you or Ian please pursue with Morven - there should be around 3 sets, one of which will relate presumably to a meeting between the then MS(PH) and SoS, but Morven will confirm (I've not been party to any exchanges about these). PO will presumably also have a view on whether those are to be released, or more likely, withheld and the Fol team would then respond using the appropriate exemption and also correcting the original letter to Mr **GRO-A** 

The second thing will then be to consider his further request about all documents relevant to decisions about response to Archer (I'm paraphrasing, you'll need to check the exact wording with the Fol team). But there are very many potentially relevant papers and I imagine it will take well over the allotted time for handling Fol requests to deal with all of those in any meaningful way against the request. So that will need an assessment too and a

decision.

If they are to be reviewed with a view to a fuller response then a decision needs to be taken about their release: as very recent policy etc (see Jack Cole's - MoJ- note to Colin McDonald yesterday on DE 393029 from the BBC) it may be appropriate to withhold but if s36 is used then I understand that would need a Ministerial decision - and I can't imagine MS(PH) having the time to go through the large number of documents to confirm.

Finally there are the wider issues of principle ie is it the exception to withhold documents of over a year, and if so, what are the criteria? This is well borne out by the ongoing debate (from February) around DE 393029, which I also discussed with Stephen just now!

Happy to discuss but grateful if you could pursue the first point above, and also progress DE 393029 with the Fol team and PO in my absence.

Thanks

Thanks
Dr Ailsa Wight
Deputy Director and Head of Programme
Infectious Diseases and Blood Policy
524 Wellington House
133/155 Waterloo Road
London SE1 8UG

Telephone: GRO-C
Mobile: GRO-C

email: ailsa.wight@GRO-C

Debby Webb/HP-SL/DOH/GB

Debby Webb/HP-
SL/DOH/GB

14/07/2009 13:03


To Ailsa Wight/PH6/DOH/GB GRO-C
cc Stephen Fay/OIS/DOH GRO-C
Subject Re: DE416485 - M GRO-A 

Sorry, Ailsa, I thought this related to the Private Office note of the officials meeting as per your earlier e-mail. Happy to send all copies of all your Archer-related documentation, although we won't be able to get all that copied and sent across today.

Ailsa Wight/PH6/DOH/GB

**Ailsa
Wight/PH6/DOH/GB**

14/07/2009 13:06

To Debby Webb/HP-SL/DOH/GB **GRO-C**
cc Stephen Fay/OIS/DOH **GRO-C**
Subject Re: DE416485 - Mr **GRO-A** 

Did you want to photocopy everything as we discussed?
There is much more than the attached that is relevant to latest request about all material
(we have submissions going back to point of publication of Archer in February). All that
would not be relevant to the initial request specifically about minutes of meetings, though.

Dr Ailsa Wight
Deputy Director and Head of Programme
Infectious Diseases and Blood Policy
524 Wellington House
133/155 Waterloo Road
London SE1 8UG

Telephone: **GRO-C**
Mobile: **GRO-C**

email: ailsa.wight **GRO-C**

Debby Webb/HP-SL/DOH/GB

**Debby Webb/HP-
SL/DOH/GB**

14/07/2009 12:13

To Stephen Fay/OIS/DOH **GRO-C**
cc Ailsa Wight/PH6/DOH/GB **GRO-C**
Subject DE416485 - Mr **GRO-A**

Stephen,

My previous e-mail refers.

Regards,
Debby

----- Forwarded by Debby Webb/HP-SL/DOH/GB on 14/07/2009 12:11 -----

**Ian Matthews/PR-
OFF/DOH/GB**

14/07/2009 12:12

To Debby Webb/HP-SL/DOH/GB **GRO-C**
cc
Subject Fw: ACTION POINTS from Response to Lord Archer Report

Meeting today 12:30pm

As requested.

Many thanks for your help with this. Happy to discuss if necessary.

Ian

Ian Matthews
Policy Officer
Infectious Diseases and Blood Policy Team
Room 530
Wellington House
GRO-C

----- Forwarded by Ian Matthews/PR-OFF/DOH/GB on 14/07/2009 12:05 -----

Morven
Smith/POLICY/DOH/GB
29/06/2009 12:40

To Ian Matthews/PR-OFF/DOH/GB **GRO-C**
cc
Subject Fw: ACTION POINTS from Response to Lord Archer Report
Meeting today 12:30pm

Dear Ian,

Here is the meeting note we just discussed.

Thanks,

Morven

Morven Smith

Assistant Private Secretary
Minister of State for Public Health
Department of Health
Richmond House
GRO-C

MS(PH)'s box closes at 2pm Monday to Wednesday and 12midday on Thursday. Please note MS(PH) does not have a box on Friday.

----- Forwarded by Morven Smith/POLICY/DOH/GB on 29/06/2009 12:40 -----

Morven
Smith/POLICY/DOH/GB

To Rowena Jecock/PH6/DOH/GB, Ailsa Wight/PH6/DOH/GB,

21/05/2009 14:53

Elizabeth Woodeson/CQEG/DOH/GB, Judith Moore/OIS/DOH,
Kate Pike/OIS/DOH

cc Penelope Irving/OIS/DOH **GRO-C**, Sarah
Kirby/OIS/DOH **GRO-C**, Debby Webb/HP-SL/DOH/GB **GRO-C**
Edward Goff/HP-SL/DOH/GB **GRO-C**, Joanne
Jones/OIS/DOH **GRO-C**, Marc McGonagle/OIS/DOH **GRO-C**
Catherine Pearson/PR-OFF/DOH/GB **GRO-C**, Catherine
Hawes/DEL-GBT/DOH/GB **GRO-C**, Elizabeth
Gunnion/OIS/DOH **GRO-C**, Natalie Pemberton/HRD-
ETD/DOH/GB **GRO-C**

Subject ACTION POINTS from Response to Lord Archer Report
Meeting today 12:30pm

Dear All,

Thank you for attending the meeting with MS(PH) on the reaction to the Government's Response to Lord Archer's Report.

Action Points

- Clear note on comparison with ROI compensation scheme. Why is it different in Ireland? Litigation questions? Need to ensure that we separate ourselves from the issue of what was settled in Ireland. - **Rowena, Ailsa & Liz**
- What can we do regarding the Skipton Fund? Can we announce review? Can we give more money? We need to know what recipients costs are and how the two payments reflect the costs the recipients have. Why did we choose these amounts at the time? Do they reflect real costs of recipients? What amounts would reflect the real costs? Can we look at cases where dependents have suffered severely and perhaps give them some funding? Can we cost out the 2nd Stage payment group if the money there can be increased?- **Rowena, Ailsa, Liz & Ted**
- Why were the levels for Macfarlane and Eileen set as they were? **Rowena, Ailsa, Liz**
- As we expect that we may have to submit to a debate after recess can we ensure that we have strong lines on the most relevant questions. Especially Ireland, Skipton Fund and the fact that the Haemophilia Society supported the continuation of Factor 8 after we knew there might be an issue. We need careful lines around this in terms of the fact that people would have died without Factor 8 but were then infected with viruses. The Health Bill is in HoC 1st day back from recess so this needs to be kept in mind also. - **Rowena, Ailsa & Liz**
- **Kate & Judith** to keep monitoring media carefully and to report on what is happening.
- The team (**Rowena?**) to speak to the Haemophilia Society in regards to their reaction. Why did they not speak to us before hand? Chris James needs to explain his press release. Why did he say *'While haemophilia patients crossed the country to give evidence to the Inquiry no Health Minister was prepared to even cross the road'*, when Health Ministers were not invited to the Inquiry? What basis does he have for this allegation?
- Can we look into ring fencing the 100k for the Haemophilia Society? How would we ring fence it? Could it be ringfenced to ensure that it is only used to put the Society in a

place of sustainability? And not be used for campaigning or salaries? - **Rowena, Ailsa & Liz**

- Can we look into the appeal against the withheld Ken Clarke letter? Can the process be sped up? - **Rowena, Ailsa, Liz**
- Are we able to say that we will sit down with the Alliance and work out the Terms of Reference for the Review of the Skipton Fund? - **Rowena, Ailsa, Liz**

Additional Notes from Meeting

- MS(PH) expressed serious concern over the reaction to the Response especially from the Haemophilia Society. The team confirmed that they were shocked at the Haemophilia Society's response also - there had been no indication from them that it would be such a vitriolic response.
- MS(PH) asked why we haven't accepted liability as Ireland have and asked for this to be investigated. She said that we need to separate ourselves from the comparison with Ireland in order to get a positive message across. People need to understand why the UK case is different to Ireland. The team agreed to produce substantive information and defence on this point for future use including information on the litigation case in UK in 1990s and how this differs from Ireland in order to make the case for reasonable payments. - **Rowena, Ailsa & Liz**
- MS(PH) noted that we have to be careful how we approach the issues around financial assistance in terms of the Thalidomide Trust. Natalie Pemberton is lead official on this.
- Liz noted that the Macfarlane and Eileen Trusts were happy with the rise in payments, but would probably be reluctant to say so publicly. - **Can we check?**
- Rowena reported that informally the Haemophilia doctors were happy with our response. However they were disappointed that dependents had not been provided for. Again unsure whether they would speak publically about their reaction. - **Can we check?**
- The team pointed out that we need to be mindful of the fact that Skipton is UK-wide.
- MS(PH) said that if it transpired that money needed to go to the Skipton Fund then we would need to revisit this with Finance colleagues.
- Judith noted that we have to be mindful that by waiting until 2014 to review it may look like we are waiting for more recipients to die before reviewing the money being given.
- Liz noted that if we were to give the Skipton Fund recipients the same amount as Macfarlane and Eileen recipients it would be in the order of 50million annually - **Can this be costed out?**
- MS(PH) stated that she was uncomfortable with a monetary argument versus a moral argument.
- MS(PH) also noted that we need to be careful in terms of the Penrose Inquiry in Scotland as if we said that we wanted to wait and see what Penrose said then Penrose would become a UK-wide Inquiry which is something we were trying to avoid.
- The team raised the point that Lord Darzi committed to a debate in the Lords - *'I personally commit to do everything possible to ensure that the Government respond fully to the noble and learned Lord's recommendations in advance of the L Whitsun Recess, if not the week before. Furthermore, we will of course assist as far as possible in securing a debate on the Government's response.'* (taken from Lords Hansard 28 Apr 2009 Column 143).

I apologise for the length of this email, but felt it was important to report back as fully as possible. I would appreciate if I could have the Action Points (and additional queries in notes section) work back **by 11am on Monday 1 June** in order to appraise the Minister on her return from Recess?

Thank you,

Morven Smith

Assistant Private Secretary
Minister of State for Public Health
Department of Health
Richmond House

GRO-C

****MS(PH)'s box closes at 2pm Monday to Wednesday and 12midday on Thursday. Please note MS(PH) does not have a box on Friday.****