

Sir Nigel Crisp

From: Zubeda Seedat
Date: 29 November 2005
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REQUEST FOR MEETING FROM LORD JENKIN OF RODING

1. Lord Jenkin has asked to meet with you again to discuss the issue of record management in the Department of Health and why papers from the 1970's and 1980's on the issue of haemophilia patients infected with hepatitis C have been destroyed. A draft letter declining his request to meet is attached at Annex A.

Background to Lord Jenkin's request for a meeting

2. You will recall that you met with Lord Jenkin on 13 April to discuss his access to papers on the treatment of haemophilia patients and blood safety, which he would have had access to when he was the Secretary of State for Health and Social Security (DHSS), between 1979-1981. His request for access to papers was made following a letter he received from **GRO-A** a haemophilia patient infected with Hepatitis C and HIV through blood products.

3. Following your meeting with Lord Jenkin, we contacted the Departmental Records Office and the National Archives to retrieve relevant files from this period. We were able to obtain a limited number of files, and subsequently invited Lord Jenkin to the Department to review the files. At his request, we agreed to releasing some documents which he indicated that he would like to make available to **GRO-A**. Mr **GRO-A** was also informed about the fact that many key papers have been destroyed. This prompted an article in the Times Online which is attached at Annex B accusing officials of a "cover up".

Destruction of papers

4. At your meeting with Lord Jenkin and his two visits to the Department to inspect the files, we made clear that many key papers from the 1970's and 1980's have been destroyed. These events took place a long time ago. However, our understanding is that during the HIV litigation in the 1990's many papers from that period were recalled. We understand that papers were not adequately archived and were unfortunately destroyed in the early 1990's.

5. In addition, we have established that many other important documents, mostly papers and minutes of the Advisory Committee on Virological Safety of Blood were destroyed in the 1990's. This should not have happened. During the discovery exercise for the Hepatitis C litigation in 2000 it emerged that many files were missing. A low key internal investigation was undertaken, by colleagues in Internal Audit, to establish why files were destroyed. We have managed to obtain the report by Internal Audit. This concludes

“The decision to mark the files for destruction was taken at a time of major organisational change in the Department, ie: the implementation of the Functions and Manpower Review (FMR), which resulted in two experienced members of staff leaving the relevant section. We believe that the upheavals of the FMR process probably resulted in either

- a delegation of responsibilities without proper instruction, or
- an assumption of responsibility without proper authorisation.

Either occurrence, likely given the organisational context, is the most probable explanation for the decision to mark the files for destruction, and the short destruction dates assigned”.

6. The report by Internal Audit made recommendations about the importance of record keeping and the need to train new recruits. In a letter from PS(L) to Lord Jenkin on 10 March 2005 - see Annex C, PS(L) set out the Department’s commitment to good record keeping.

Advice/Recommendation

7. We advise that you decline to meet with Lord Jenkin. He was informed from the outset that papers from the 1970’s and 1980’s were missing, and the draft letter attached explains in detail our understanding about why papers were destroyed.

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Annex A

The Rt. Hon. The Lord Jenkin of Roding

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Thank you for your letter of 25 October requesting a meeting to discuss record management in the Department of Health. I was pleased to hear that you have been able to identify some papers to help you with your enquiries.

When we met in April I explained that certain papers dating back to the 1970's and 1980's had been destroyed. I appreciate that you would like to discuss this further, however I thought it would be helpful to write to you about this issue instead. Naturally, I am concerned that important files from this period no longer exist. Although these events took place a long time ago, my officials have undertaken to explore why important documents were destroyed.

As previously mentioned, it is our understanding that during the HIV litigation in the 1990's many papers from that period were recalled for the purpose of the litigation. We understand that papers were not adequately archived and were subsequently destroyed in error in the early 1990's.

Officials have also established that a number of files were marked for destruction in the 1990's. Clearly, this should not have happened. When the discovery was made that files had been destroyed, an internal review was undertaken by officials. I understand that a decision, most probably made by an inexperienced member of staff, was responsible for the destruction of a number of files. The decision to mark the files for destruction was not a deliberate attempt to destroy documentation. It is very unfortunate that the staff member at the time was not fully aware of the significance of the files and the possibility of future litigation.

I am aware that this explanation may disappoint some haemophilia lobby groups and I am very sorry that the Department no longer holds many papers going back to the 1970's and 1980's.

All Departmental staff are informed about the principles of good record keeping. In particular the policies and procedures for the management, review and disposal of files and documents are designed to meet the Department's own administrative needs and the Public Records Act. A key development in the Department over the past few years has been the introduction of an electronic records system to help keep track of e-mail and a range of other electronic records.

SIR NIGEL CRISP

Annex B

The Times

November 03, 2005


**Blood blunder evidence
shredded**

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BY SHIRLEY ENGLISH

GOVERNMENT files on contaminated NHS blood products that infected haemophiliacs with HIV and hepatitis C in the 1970s and 1980s have been destroyed, provoking accusations of an official “cover up”.

Lord Jenkin of Roding, a Tory peer, has discovered after months of research at the Department of Health, that important papers have been shredded which could have given answers to questions about how and why the NHS came to treat its patients with infected blood products.

His discovery confirms what haemophilia campaigners have suspected for years and raises the prospect that those affected by the scandal, including bereaved relatives, will now never know the whole truth about what went wrong. 

Altogether 6,250 haemophiliacs across Britain, many babies and children, were infected with HIV and hepatitis C between 1979 and 1985 after being given contaminated blood products on the NHS. The HIV infected blood had been imported from America.

The Haemophilia Society yesterday renewed its calls for a public inquiry into the scandal and said “heads should roll” for destroying information that should have been held in official archives for at least 30 years.

John Morris, of the Haemophilia Society, said: “While this discovery means that we may never find all the answers as to what happened, it strengthens our call for a public inquiry. Why were these documents shredded? That needs to be investigated.

“The issue for us is that whilst we don’t go round saying anyone is guilty of malpractice, we do want an inquiry into what happened and an investigation into possible malpractice.”

Lord Jenkin had been doing the research at the Department of Health for GRO-A, 30, a haemophiliac from Inverness, who was infected with HIV and hepatitis C when he was just 18 months old after being given Factor 8, a blood clotting agent made from contaminated blood.

Lord Jenkin wrote to him to tell him the relevant documents had been destroyed. He said he would now be seeking a meeting with Sir Nigel Crisp, NHS chief executive.

In the letter to Mr GRO-A Lord Jenkin wrote: “What I was looking for was any reference to contaminated blood products which resulted in serious harm which you and many other patients have suffered. I was distressed to find all the files relating to contaminated blood have been destroyed.

“I find it astonishing that when they still had the HIV cases they thought it right to destroy the files, when they must have known that there were a large number of other cases including hepatitis C which at this time remain unsettled.”

Mr GRO-A who is chairman of the Highlands branch of the Haemophilia Society, said: “It makes me very angry. We cannot change what has happened but people want to know how they became infected and how their lives have been destroyed.”