

**"RE: Submission - Lord Archer's inquiry on haemophiliacs infected with hepatitis C"**

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**Gregory Hartwell**  
26/03/2007 16:00

PMD/DOH/GB

To: William Connon/PD-

cc: Ailsa

Wight/PH6/DOH/GB@GRO-C; Elizabeth

Woodeson/CQEG/DOH/GB@GRO-C; Jonathan Stopes-Roe/HP-

SL/DOH/GB@GRO-C; Zubeda Seedat/PH6/DOH/GB@GRO-C

bcc:

Subject: RE: Submission -

Lord Archer's inquiry on haemophiliacs infected with hepatitis C

William,

Thanks for this. Hugh had already seen Liz's submission and I felt that, since he'd already agreed Liz's stance, he didn't need to see these comments at this point (since, as you say, Sol's comments seem to also support Liz's recommendation). However, I'd suggest Sol's views be incorporated into the covering note when you put the redrafted letter up to MS(PH) and obviously you'll need to consider their suggestion about changing that particular phrase.

Thanks,

Greg

Greg Hartwell  
Assistant Private Secretary to Hugh Taylor  
Department of Health Permanent Secretary  
Tel = GRO-C

William Connon

**William Connon**

26/03/2007 14:05

To: Gregory  
Hartwell/PR-OFF/DOH/GB@GRO-C  
cc: Elizabeth  
Woodeson/CQEG/DOH/GB@GRO-C; Jonathan Stokes-Roe/HP-  
SL/DOH/GB@GRO-C; Ailsa Wight/PH6/DOH/GB@GRO-C; Zubeda  
Seedat/PH6/DOH/GB@GRO-C  
bcc:  
Subject: RE: Submission  
- Lord Archer's inquiry on haemophiliacs infected with  
hepatitis C

Greg,

I tried calling you to discuss the timing of Hugh's comments on the draft note for MS(PH) which Liz sent up on Friday. I am forwarding the attached comments from Sol as they contain a number of points which may influence Hugh's decision. I interpret them as Sol advising against DH involvement in this inquiry.

William G Connon  
Department of Health  
5th Floor  
Wellington House  
Waterloo Road  
London  
SE1 8EG

GRO-C

----- Forwarded by William Connon/PD-PMD/DOH/GB on 26/03/2007 14:00 -----

"Evans Mike LSPG SOL C7"  
<Mike.Evans1@GRO-C>  
GRO-C  
26/03/2007 10:15

To: William  
Connon/PD-PMD/DOH/GB@GRO-C; "Mallick Naomi LSPG SOL  
C7" <Naomi.Mallick@GRO-C>; "Fox Vicky LSPG SOL  
C7" <Vicky.Fox@GRO-C>; "Guest Helen LSPG SOL C7"  
<Helen.Guest@GRO-C>; "Nutt Jenny LSPG SOL C7"  
<Jenny.Nutt@GRO-C>; "Edmonds Tamlyn LSPG SOL  
C7" <Tamlyn.Edmonds@GRO-C>  
cc: Ailsa  
Wight/PH6/DOH/GB@GRO-C; Elizabeth  
Woodeson/CQEG/DOH/GB@GRO-C; Zubeda  
Seedat/PH6/DOH/GB@GRO-C; "Rahulan Shibani LSPG SOL C4"  
<Shibani.Rahulan@GRO-C>; Colin Phillips/CQEG-  
IIU/DOH/GB@GRO-C  
bcc:  
Subject: RE: Submission  
- Lord Archer's inquiry on haemophiliacs infected with  
hepatitis C

William

Thanks for sight of this. Others here may also have views, but my only concern (in the absence of any information about the background to this or what correspondence has gone before) is in the phrase in the letter: "However, we remain of the view that the Government of the day acted in good faith at the time and there is no evidence of any negligence or wrong doing." I suspect that this will provoke a request for the evidence to support that statement. Would it not be better to say that, having considered carefully the request for a public inquiry, we are of the view that an inquiry is not justified because [time, cost, distance in the past, systems have now changed so nothing to be gained...etc - Colin Philips in IIU can give you some wording).

As the inquiry will not have any powers, civil servants could not be forced to provide evidence. But if the

suggestion was made that they could, then no doubt the inquiry would draw adverse inferences from any refusal to do so. What legal advice would be available to DH officials who did attend if Ministers said they should? If officials made any statement that suggested negligence or even criminal liability, what indemnity would be available for them? Likewise statements that could be defamatory. There are rules about all this: depending on the circumstances Treasury approval may be required if liability could exceed £100k (in damages and costs of defending an action). I would also be concerned about the precedent that may be set here. But Colin can advise further.

I have copied this email to Shibani here who advises DH on inquiry matters in case she has any further comment.

Regards

Mike

Michael Evans  
Office of the Solicitor  
Department of Health &  
Department for Work and Pensions  
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-----Original Message-----

From: Connon William DOH GSI

Sent: 26 March 2007 09:52

To: Mallick Naomi LSPG SOL C7; Fox Vicky LSPG SOL C7; Guest Helen LSPG SOL C7; Evans Mike LSPG SOL C7; Nutt Jenny LSPG SOL C7; Edmonds Tamlyn LSPG SOL C7

Cc: Wight Ailsa DOH GSI; Woodeson Elizabeth DOH GSI; Seedat Zubeda DOH GSI

Subject: Submission - Lord Archer's inquiry on haemophiliacs infected with hepatitis C

Importance: High

Following Karen Arnold's email of last week (23 March@ 17:24) I am not clear to whom I should address this so I am copying it to all of you.

The attached note was sent to the Perm Sec's office on Friday requesting that he clears it to go to ministers by lunchtime tomorrow. The note was drafted following a meeting with the Perm Sec and SofS at which SofS indicated that she wished to be as cooperative as possible with the proposed Lord Archer inquiry. As you will see we have continues to advise cautiously about any departmental involvement but have suggested a meeting with Lord Archer and colleagues.

If you do have any comments then I will need to receive then ASAP, I'm afraid. I will be about of the office for most of the morning but will be back after lunchtime.

Happy to discuss then.

William G Connon  
Department of Health  
5th Floor  
Wellington House

Waterloo Road  
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SE1 8EG

**GRO-C**

----- Forwarded by William Connon/PD-PMD/DOH/GB on 26/03/2007 09:43 -----

Elizabeth  
Woodeson                    To:    Gregory Hartwell/PR-OFF/DOH/GB@**GRO-C**  
Sent by: Ros                cc:    Richard Kelly/PR-OFF/DOH/GB@**GRO-C** David  
Pyne                         Harper/HPIHSD/DOH/GB@**GRO-C** Lindsey  
                                 Davies/HPIHSD/DOH/GB@**GRO-C** Jonathan  
                                 Stopes-Roe/HP-SL/DOH/GB@**GRO-C** Ailsa  
23/03/2007 14:19            Wight/PH6/DOH/GB@**GRO-C** William Connon/PD-PMD/DOH/GB@**GRO-C**  
bcc:  
Subject: Submission - Lord Archer's inquiry on  
haemophiliacs infected with hepatitis C

Please find attached a submission on Lord Archer's inquiry on haemophiliacs infected with hepatitis C.

(See attached file: Lord Archer Inquiry submission.doc)

Liz Woodeson  
Director of Health Protection

Room 170  
Richmond House  
79 Whitehall  
London  
Tel: **GRO-C**  
Mobile: **GRO-C**

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