



**"RE: Self- Sufficiency in Blood Products: REVISED DRAFT for Jacky"**

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24/01/2008 14:47	Refiled from GHP/001/033

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**Sol LIT**  
 <Anne.Mihailovic@GRO-C  
 GRO-C  
 14/07/2006 17:26

Wight/PH6/DOH/GB@GRO-C

To: Ailsa

cc:

bcc:

Subject: RE: Self- Sufficiency in Blood Products: REVISED DRAFT for Jacky

Ailsa - who is SOL gave you the final bit of advice - was it Shibani? I want to run this note past them. The Annex you attached still contains references to the Eileen and Mc Farlane Trust?

Anne

Anne Mihailovic  
 Sol Lit  
 GRO-C

\*\*\*\*\*

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Gerard

Herewith draft note for Jacky and revised draft note for Ministers to send to SoS. as discussed. I have taken out the reference in the earlier version of the Sos note to the Eileen and MacFarlane Trusts as I think that is no longer relevant.

I am very grateful to SOL colleagues for their helpful input in a short space of time. I hope I have captured the thrust of their arguments adequately in the draft for SoS, and that they will let me know if not! Subject to any final tweaks from SOL, are you content for this to go forward?

Dr Ailsa Wight  
Head of Programme  
General Health Protection  
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**GRO-C**

----- Forwarded by Ailsa Wight/PH6/DOH/GB on 14/07/2006 16:47 -----

Ailsa Wight

To: Jacky Buchan/PR-OFF/DOH/GB

shibani 14/07/2006 14:59 cc: Mihailovic Anne LSPG Sol LIT <Anne.Mihailovic@**GRO-C**>

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Subject: Re: Self- Sufficiency in Blood Products

D R A F T

Jacky, Becca

Further to your response below, the advice we have received from SOL in response to Ministers' suggestions on the option of using powers under the 1977 NHS Act is as follows:

"An alternate course of action to a public inquiry would be to put the relevant documents in the public domain so far as we are willing and can legally do so. This might involve an appropriate person reviewing all the documents which we make available and producing a "commentary" on them. This could be commissioned under the NHS Act 1977 as something incidental to the discharge of the Secretary of State's duty to continue to promote a comprehensive health service designed to secure improvement in the treatment of illness, and the duty to provide medical services and other services required for the treatment of illness; because amongst other things it would be a way of passing information to the public about the treatment of illness. Of course the 1977 Act does not empower the Secretary of State to compel witnesses to give evidence or to produce documents therefore if the reviewer wanted to probe beyond the available documents, this may not be possible, and the reviewer's terms of reference should be drawn accordingly. Further, the more such a review takes on the nature of an inquiry in substance (for example the reviewer taking on a

more investigative role), the less appropriate it is likely to be to rely on the powers under the 1977 Act."

I attach a note for Ministers to send to SoS (Annex D of the 26 June email package) revised accordingly:

(See attached file: Annex D blood inquiry.doc)

Dr Ailsa Wight  
Head of Programme  
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Jacky Buchan

To: Ailsa Wight/PH6/DOH/GB@**GRO-C**

11/07/2006 15:13 cc: Mihailovic Anne LSPG Sol LIT <Anne.Mihailovic@**GRO-C**>

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Subject: Re: IGNORE PREVIOUS EMAIL: USE THIS: (Document link: Ailsa

Wight)

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pic24393.pcx)

Ailsa,

Thank you for the submission and proposed note for MS(PH) and MS(R) to send to SofS.

MS(R) has suggested rather than a Public Inquiry we should use the powers under the 1977 Act for SofS to commission a review of ALL the documents (new ones, old ones and if possible Scottish ones) with a view to producing an independent legal/judicial commentary on them and putting all these into the public arena.

MS(R) thought that a retired Judge/QC could do this with an administrative support team, with the aim to complete within 6 months.

MS(PH) thought this was a sensible way forward.

This option is not mentioned in the note for SofS. Could you please redraft the note to include this option and return it to me as soon as possible for MS(PH) and MS(R)'s further consideration.

Many thanks

Jacky Buchan  
Assistant Private Secretary  
to Caroline Flint MP  
Minister of State for Public Health

Tel: GRO-C

Ailsa Wight

To: Jacky Buchan/PR-OFF/DOH/GB@GRO-CRebecca  
Spavin/ICB/DOH/GB@GRO-C

26/06/2006 15:16 cc: Mihailovic Anne LSPG Sol LIT <Anne.Mihailovic@GRO-C>,  
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pic19629.pcx)

Jacky, Becca  
Herewith revised notes with further advice on the inquiry issue, as  
requested. With thanks to SOL and to Colin Phillips for their help.  
Hope this provides what you wanted.

Jacky Buchan

To: Ailsa Wight/PH6/DOH/GB@[GRO-C]

22/06/2006 14:33 cc: Mihailovic Anne LSPG Sol LIT <Anne.Mihailovic@[GRO-C]

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Subject: Re: Self-Sufficiency in Blood Products(Document link: Ailsa Wight)

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pic24084.pcx)

Ailsa,

Thank you for this submission.

At the meeting MS(PH) and MS(R) asked for a draft note for them to send to SofS which, among other things, discusses the possibility of conducting a Public inquiry.

On the inquiry issue this just says "DH officials have advised an inquiry would be disproportionate and not justified in the circumstances". There is no argument, no pros and cons and no costings. Both MS(R) and MS(PH) will expect to see an argument for this decision and the pros and cons of

having a public inquiry which would presumably include the cost. There is nothing in here about the steps that would have to be taken and nothing about the consultation with the Patient Safety and Investigations Branch that Gerard referred to in his note of 26 May.

Can you please provide a redrafted note for MS(PH) and MS(R)'s consideration, which takes account of the above points as soon as possible and no later than close on Monday 26 June.

Jacky Buchan  
Assistant Private Secretary  
to Caroline Flint MP  
Minister of State for Public Health

Tel: GRO-C

Jacky Buchan

To: Gerard Hetherington/HPIHSD/DOH/GB@GRO-C

19/06/2006 15:45 cc: Ailsa Wight/PH6/DOH/GB@GRO-C Anne.Mihailovic@GRO-C

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bcc:

Subject: Re: LORD JENKIN PQ - SELF SUFFICIENCY IN BLOOD PRODUCTS(Document link:

Ailsa Wight)

Gerard,

You stated in your response to Becca that you would get back to us regarding the note for SofS which Becca requested by last Friday.

MS(PH) has asked for an update please on where we are and when you expect to be able to provide the draft note for her and Lord Warner's consideration.

Jacky Buchan  
Assistant Private Secretary  
to Caroline Flint MP  
Minister of State for Public Health

Tel: GRO-C

Gerard

Hetherington To: Rebecca Spavin/ICB/DOH/GB@GRO-C

cc: Mayerling Patel/PR-OFF/DOH/GB@GRO-C; Dani Lee/PR-OFF/DOH/GB@GRO-C; Jacky

26/05/2006 12:07 Buchan/PR-OFF/DOH/GB@GRO-C; Matthew Swindells/PR-OFF/DOH/GB@GRO-C; Paul X

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bcc:

Subject: LORD JENKIN PQ - SELF SUFFICIENCY IN BLOOD

PRODUCTS

Becca

I attach a minute in response to your e-mail earlier this morning.

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Head of Health Protection  
Department of Health  
Room 170 Richmond House  
79 Whitehall  
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Tel: **GRO-C**

<< Attachment Removed : LORD JENKIN PQ.FOLLOW UP.doc >><< Attachment  
Removed : Lord Jenkin Draft letter May 2006.doc >>

<< Attachment Removed : bl prods sub.doc >><< Attachment Removed : Annex A  
Self-Sufficiency in Blood Products 26 May 06.doc >><< Attachment  
Removed : Annex B Hepatitis C Health Committee 18 April call for  
public inquiry draft reply Minister for Health and Community  
Care rev1.doc >><< Attachment Removed : Annex C Funding of the  
Macfarlane and Eileen Trusts.doc >><< Attachment Removed : Annex D  
blood inquiry.doc >>

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