HPIH&SD-HP-GHP Documents - Unformatted Document

"URGENT- Lord Archer / Contaminated NHS blood and blood products - Deadline: Wednesday 21 February"

File Title:	**GHP - Treatment - Haemophilia - Independent Public Enquiry into the supply of contaminated NHS Blood & Blood products**
File Reference:	**GHP/005/006/030**
Protective Marking:	**No Marking**
Filed by:	**William Connon/PD-PMD/DOH/GB on 09/05/2007 at 16:26**
Created by:	**Michelle Lucas/PR-OFF/DOH/GB on 19/02/2007 at 17:17**

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Modification History:

22/01/2009 12:07 (Konrad Borowski) - Modified registered file

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Michelle Lucas

19/02/2007 17:17
Please respond by 21/02/2007

To: William Connon/PD-PMD/DOH/GB@GRO-C
cc: Elizabeth Woodeson/CQEG/DOH/GB@GRO-C Bradley Smythe/COMMS/DOH/GB@GRO-C
bcc:
Subject: URGENT- Lord Archer / Contaminated NHS blood and blood products - Deadline: Wednesday 21 February

William,

Apologies for the tight deadline, but I would be grateful if you could provide some advice and a draft reply in response to the attached letter from Lord Archer, which has been passed to MS(PH), by Wednesday 21 Feburary.

If you have any problems with this deadline, please let me know.

Many thanks,
Michelle

Michelle Lucas
Caroline Flint's Private Office
Minister of State
GRO-C


image.tif

From: The Rt. Hon. The Lord Archer of Sandwell, Q.C.

Tel: GRO-C
Email: GRO-C

House of Lords
London SW1A 0PW

The Rt Hon Patricia Hewitt MP
Secretary of State for Health
Department of Health
Richmond House
Whitehall
London SW1 2NS

16 February 2007

Dear Patricia,

I have agreed to chair an independent inquiry, to be held in public, into the circumstances surrounding the supply to patients of contaminated NHS blood and blood products, its consequences for the haemophilia community and others afflicted; and further steps to address both their problems and needs and those of bereaved families.

Lord Turnburg, immediate past President of the Royal College of Physicians, and other medical assessors have kindly agreed to help and sit with me on the inquiry.

I shall be opening the inquiry in four weeks or so from now with a brief statement about its purpose and how we intend to proceed, followed by one setting out the historical background. This is intended to be factual and the inquiry will then adjourn.

The present plan (which may change) is that we will start taking evidence a week or so later.

It will be much appreciated if someone from the Department can be available, on a mutually agreed date, to say what its position has been and is; and to lay before us any further facts, of which you think we should be aware.

I know you will want to help all you can.

Warmest regards,

GRO-C

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"RE: Public Inquiry in to Contaminated Blood Products: Lines to take"

File Title: GHP - Treatment - Haemophilia - Independent Public Enquiry into the supply of contaminated NHS Blood & Blood products
File Reference: GHP/005/006/030
Protective Marking: No Marking
Filed by: Zubeda Seedat/PH6/DOH/GB on 27/02/2007 at 16:52
Created by: <John.Brunton@ GRO-C > on 20/02/2007 at 09:05

Named Security:
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Who has edited? Zubeda Seedat/PH6/DOH/GB
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Modification History:
22/01/2009 12:07 (Konrad Borowski) - Modified registered file

---

<John.Brunton@ GRO-C
GRO-C
20/02/2007 09:05

To: William Connon/PD-PMD/DOH/GB@ GRO-C
cc: Zubeda Seedat/PH6/DOH/GB@ GRO-C
bcc:
Subject: RE: Public Inquiry in to Contaminated Blood Products: Lines to take

William

Many thanks for this.

We are about to put a note to our Minister and I would be grateful if you could confirm that you are content with our lines - in particular the first 2 bullets.

It would be good to put this forward this morning.

Cheers

John

-----Original Message-----
From: William.Connon@ GRO-C [mailto:William.Connon@ GRO-C]

Sent: 19 February 2007 15:43
To: Brunton JA (John)
Subject: Public Inquiry in to Contaminated Blood Products: Lines to take

****
This email has been received from an external party and has been swept for the presence of computer viruses.
****

William G Connon
Department of Health
5th Floor
Wellington House

ANNEX A

INVESTIGATION BY LORD ARCHER INTO HEPATITIS C INFECTION FROM CONTAMINATED BLOOD BY LORD ARCHER

Lines to Take

- Recognise that this Lord Archer's inquiry is led by senior and respected individuals.
- We have already made public all available relevant material we hold and will co-operate fully with Lord Archer's inquiry.
- A public inquiry would not lead to any significant lessons for the future that had not already been learnt and acted upon.
- A public inquiry would not uncover any new evidence or relevant information to the causes of the infection.
- A public inquiry would be a diversion of effort from delivering and improving health services today.
- There is no justification for the costs involved and no benefit to THE patients involved.

Would be prepared to revisit my decision if:

- robust new evidence was forthcoming which identified the complicity or culpability of the NHS in Scotland; or
- Robust new information was provided that would engender significant changes to current procedures and assumed best practice.

Communication Strategy

- Anyone who wishes a test for Hepatitis C can request one through their GP.
- It, it is, however recognised that there may be a **very** small number of people who are ignorant of the fact that they might have been infected by treatment involving blood or blood products.
- The Hepatitis C Action Plan provides the opportunity to raise awareness with clinicians of this cohort of patients who may have acquired Hepatitis C through infected blood rather than from intravenous drug use or by other means. SEHD is represented on the Education, Training and Awareness Group that is driving those elements of the Action Plan.

The Skipton Fund

- Many Hepatitis C infectees have received £20,000 and £25,000 ex gratia payments from the Skipton Fund, instigated by Scottish Ministers in 2003, to help those who have to cope with Hepatitis C infection.

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"Re: URGENT- Lord Archer / Contaminated NHS blood and blood products - Deadline: Wednesday 21 February"

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File Reference:	**GHP/005/006/030**
Protective Marking:	**No Marking**
Filed by:	**William Connon/PD-PMD/DOH/GB on 09/05/2007 at 16:26**
Created by:	**Jonathan Stopes-Roe/HP-SL/DOH/GB on 20/02/2007 at 09:44**

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22/01/2009 12:07 (Konrad Borowski) - Modified registered file

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Jonathan Stopes-Roe
20/02/2007 09:44

To: William Connon/PD-PMD/DOH/GB@GRO-C
cc: Ailsa Wight/PH6/DOH/GB@GRO-C, Bradley Smythe/COMMS/DOH/GB@GRO-C, Brenda Irons-Roberts/COMMS/DOH/GB@GRO-C, Elizabeth Woodeson/CQEG/DOH/GB@GRO-C, Gregory Hartwell/PR-OFF/DOH/GB@GRO-C, Jacky Buchan/PR-OFF/DOH/GB@GRO-C, Linda Page/SSU/DOH/GB@GRO-C, Lindsey Davies/HPIHSD/DOH/GB@GRO-C, Liz Kendall/PR-OFF/DOH/GB@GRO-C, Mike De Silva/HPIHSD/DOH/GB@GRO-C, Rebecca Lloyd/ICB/DOH/GB@GRO-C, Richard Kelly/PR-OFF/DOH/GB@GRO-C, Simon.Rogers@GRO-C, Thomas Strickland/ICB/DOH/GB@GRO-C, Zubeda Seedat/PH6/DOH/GB@GRO-C
bcc:
Subject: Re: URGENT- Lord Archer / Contaminated NHS blood and blood products - Deadline: Wednesday 21 February

William

Here are a few thoughts from me:

- we should not be bounced into an over-hasty reply - unless someone can see a tactical advantage in replying tomorrow
- we should treat this, and any further requests for information, in the same way as an FoI request - swiftly (within 20 days), efficiently, and within reasonable cost limits
- check for precedents and elephant traps with DCA - the owners of FoI and wider legal, constitutional and "inquiry" issues

- MS(PH) should offer to meet Lord Archer in due course, if he would care to call
- Lord Archer may wish to put in FoI requests
- no-one from DH should attend as a "witness"
- consider whether a DH official should observe proceedings from the public gallery.

I hope this helps!

Jonathan Stopes-Roe
Head of Strategy & Legislation
Health Protection Division
Department of Health
Wellington House
GRO-C

HPIH&SD-HP-GHP Documents - Unformatted Document

"Lord Archer.Inquiry"

File Title:	**GHP - Treatment - Haemophilia - Independent Public Enquiry into the supply of contaminated NHS Blood & Blood products**
File Reference:	**GHP/005/006/030**
Protective Marking:	**No Marking**
Filed by:	**Zubeda Seedat/PH6/DOH/GB on 27/02/2007 at 16:52**
Created by:	**William Connon/PD-PMD/DOH/GB on 20/02/2007 at 10:06**

Named Security:

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Who can read?	**All readers of the document database**

Modification History:

22/01/2009 12:07 (Konrad Borowski) - Modified registered file

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William Connon
20/02/2007 10:06

To: Simon.Rogers@ GRO-C Bradley Smythe/COMMS/DOH/GB GRO-C
cc: Bradley Smythe/COMMS/DOH/GB@DOH, Elizabeth Woodeson/CQEG/DOH/GB@DOH, Ailsa Wight/PH6/DOH/GB GRO-C, Zubeda Seedat/PH6/DOH/GB GRO-C Linda Page/SSU/DOH/GB GRO-C Mike De Silva/HPIHSD/DOH/GB GRO-C, Gregory Hartwell/PR-OFF/DOH/GB GRO-C, Jonathan Stopes-Roe/HP-SL/DOH/GB GRO-C Jacky Buchan/PR-OFF/DOH/GB GRO-C, Thomas Strickland/ICB/DOH/GB GRO-C, Richard Kelly/PR-OFF/DOH/GB GRO-C, Lindsey Davies/HPIHSD/DOH/GB GRO-C, Brenda Irons-Roberts/COMMS/DOH/GB GRO-C, Liz Kendall/PR-OFF/DOH/GB GRO-C Rebecca Lloyd/ICB/DOH/GB@DOH, Hugh Nicholas/PH6/DOH/GB GRO-C
bcc:
Subject: Lord Archer.Inquiry

RESTRICTED - Policy

Dear all,

Following my earlier email I sent sometime contemplating how to respond to Lord Archer, having read his statements on the Haemophilia Society website.

I cannot see how we can become involved given the stance DH, on behalf of successive Governments has taken in stating that an inquiry is not justified. Given that position it would be difficult to justify becoming involved in any form of inquiry. I thought about offering a written statement however I again feel that this could simply open the door for further involvement.

I think that by offering to send Lord Archer the report which is being drafted by Linda Page on the review of all papers combined with the release of as many documents as we can make available we have done all we can.

I would be grateful for comments on the attached draft by close today, if possible please.

HPIH&SD-HP-GHP Documents - Unformatted Document

"FW: Independant Enquiry into Hepatitis C"

File Title:	GHP - Treatment - Haemophilia - Independent Public Enquiry into the supply of contaminated NHS Blood & Blood products
File Reference:	GHP/005/006/030
Protective Marking:	No Marking
Filed by:	William Connon/PD-PMD/DOH/GB on 21/06/2007 at 11:04
Created by:	"Charles Hay" <charles.hay@ GRO-C > on 20/02/2007 at 10:54

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22/01/2009 12:08 (Konrad Borowski) - Modified registered file

---

"Charles Hay" <charles.hay@ GRO-C GRO-C

20/02/2007 10:54
Please respond to "charles.hay@ GRO-C GRO-C

To: "Hollingsworth Rob (RW3) CM&MC Manchester" <Rob.Hollingsworth@ GRO-C
cc: Zubeda Seedat/PH6/DOH/GB GRO-C William Connon/PD-PMD/DOH/GB GRO-C, Denise O'Shaugnessy/PH6/DOH/GB GRO-C
bcc:
Subject: FW: Independant Enquiry into Hepatitis C

To all members of UKHCDO,

Dear Colleagues,

I attach copies of the press statement issued yesterday by the Haemophilia Society in relation to their independent enquiry. It would appear that this enquiry has been set up by Lord Morris and the Haemophilia Society and that the enquiry does not have any legal standing. Some reports in the media do not appear to have recognized this.

The Advisory Committee of UKHCDO recently discussed a request from the Haemophilia Society for support for a public enquiry into hepatitis C. Almost all Centre Directors who were working in this area when most of the patients were infected in the nineteen seventies have retired and some have died. For that reason, the majority of current Centre Directors felt unable to comment on events of that time. The consensus view was that we decline to support such an enquiry because we felt that since the facts were already in the public domain that such an enquiry would not be constructive and would indirectly have an adverse effect on the quality of patient care. Since the enquiry has no legal standing, individual centre directors must decide whether they wish to participate in the Haemophilia Society's Independent Enquiry should they be asked.

I have pointed out to the Haemophilia Society that they have presented UKHCDO data from our annual report in a misleading way. Approximately 1700 patients from the hepatitis C cohort have died since 1985. These deaths are actually from ***all causes*** and not from hepatitis C, as implied by the Haemophilia Society. The current number of deaths from complications of hepatitis C is about 5 per year. For further details please consult the annual report or visit our website (www.ukhcdo.org).

I will keep you informed of further developments.

With best wishes,

Charles Hay

Chairman UKHCDO

 - Society statement of response.doc

 - Statement from the Rt Hon the Lord Morris of Manchester.doc

Strictly embargoed: until 00.01am Monday 19 February 2007

STATEMENT BY:

THE RT HON THE LORD MORRIS OF MANCHESTER AO, QSO Britain's first Minister for Disabled people and President of the All-Party Parliamentary Group on Haemophilia

1757 HAEMOPHILIA DEATHS: FORMER LAW OFFICER OF THE CROWN TO HEAD INDEPENDENT PUBLIC INQUIRY INTO THE SUPPLY OF CONTAMINATED NHS BLOOD AND BLOOD PRODUCTS

Former Solicitor General The Rt Hon (Peter) Archer of Sandwell QC is to head an independent public inquiry into what Lord (Robert) Winston has described as "the worst treatment disaster in the history of the NHS".

1757 haemophilia patients who were exposed to HIV and/or hepatitis C by contaminated NHS blood and blood products have died since being infected. Many more are now terminally ill.

Of 4670 patients exposed to hepatitis C, 1243 were also exposed to HIV; and notwithstanding improvements in treatment for both viruses, only 2552 patients with hepatitis C and just 361 with HIV are still alive.

Nor have haemophilia patients been alone as victims, as Anita Roddick has attested so movingly and to such telling effect in sharp criticism of Government spending priorities as they affect the raising of public awareness of Hepatitis C.

The Haemophilia Society first called for a Public Inquiry in December 1988. It did so because, as in the cases of thalidomide and vaccine-damaged children, there was scant if any prospect of legal action to achieve an independent examination of the causes and effects of the disaster or of the problems and needs of those afflicted and the bereaved families.

Yet successive Governments have resolutely resisted a Public Inquiry since 1988, preferring in-house inquiries at the Department of Health into narrowly defined aspects of the disaster. Only officials were involved, allowing no opportunity to hear evidence from infected patients and the dependants of those who have died, or even from former ministers.

Thus with the legal road closed and any realistic hope of a Public Inquiry blocked, an independent inquiry held in public seemed to be the only way forward if the voices of those most affected were ever to be heard; the only way also to restore public confidence in the safety of blood supplies and Whitehall's ability to react to new viruses.

It was in recognition of this reality - and the added anguish caused by the disclosure that haemophilia patients had been treated with blood from donors who have since died of vCJD - that I consulted widely on the possibility of finding a lawyer of the highest standing to conduct an independent public inquiry.

I am pleased to be announcing today that The Rt Hon Lord Archer of Sandwell QC has agreed to fill that role. We could have no one either more highly qualified or more widely respected chairing the Inquiry.

Lord Archer's terms of reference will be: "To investigate the circumstances surrounding the supply to patients of contaminated NHS blood and blood products; its consequences for the haemophilia community and others afflicted; and further steps to address both their problems and needs and those of bereaved families".

He will call on patients, bereaved dependants, former Health Ministers and other eminent witnesses to assist the inquiry, and hopes to receive the co-operation of the relevant Government departments.

Lord Archer will be joined by Lord Turnberg, immediate past President of the Royal College of Physicians, as Medical Assessor, and by Dr Judith Willetts, Chief Executive Officer of The British Society for Immunology; Dr Norman Jones, Emeritus Consultant Physician at St Thomas's Hospital, will also assist the inquiry as a consultant.

Lord Archer of Sandwell QC said today:

"I am delighted to be invited to conduct this independent public inquiry into the treatment of people with haemophilia using contaminated blood and blood products.

My intention is to open the inquiry in four weeks or so from now with a brief statement about its purpose and how we intend to proceed, followed by one setting out the historical background. This is intended to be factual and the inquiry will then adjourn. The present plan (which may change) is that we will then start hearing evidence a week or so later.

Our hearings will be held in public".

----------ENDS----------

Issued by:
Vijay Mehan
Secretary to the Public Inquiry

Full details of the Public Inquiry website and witness evidence questionnaire will be announced shortly.

Note to Editors:
The above figures have been obtained from official statistics published by the United Kingdom Haemophilia Centre Doctor's Organisation (UKHCDO) Annual returns for 2005. They call into question the ministerial reply given by Caroline Flint MP to Oliver Letwin MP on the 8th of January 2007, on the current total number of haemophilia patients suffering from Hepatitis C and/or HIV following exposure to contaminated blood and/or blood products. The figure given to parliament was 2538, whereas the figure given by UKHCDO is 2913.

Independent Public Inquiries have already been conducted into this very important issue of public health concern in; Canada, Ireland and New Zealand, which have all achieved the unravelling of the facts surrounding this tragedy.

Embargo: 0600am 19 February 2006 - NB This should be 2007

CONTAMINATED BLOOD AND BLOOD PRODUCTS INDEPENDENT PUBLIC INQUIRY 'HISTORIC DAY FOR THE HAEMOPHILIA COMMUNITY'

The Haemophilia Society most warmly welcomes the announcement by the Right Honourable The Lord Morris of Manchester of the independent public inquiry into how a generation of people with haemophilia were infected with HIV and/or hepatitis C and its consequences.

The Haemophilia Society Chairman, Roddy Morrison, said today: "In courtesy, the Society has been given notice of the embargoed press statement announcing the inquiry. Its importance to the haemophilia community cannot be overstated. All across the United Kingdom those infected and their families will rejoice that all the facts are finally to be brought out into the open.

"On behalf of The Haemophilia Society I extend heartfelt tribute to The Rt Hon The Lord Morris of Manchester for his tireless work and dedication in bringing us to this point. We are extremely grateful also to Lord Archer of Sandwell QC, Lord Turnberg, Dr Judith Willetts and Dr Norman Jones for their understanding and humanity in agreeing to assist Lord Archer. We have total confidence in their commitment to unravelling all the facts and ensuring that right is done.

"It is particularly important that the inquiry will be examining the consequences of the disaster for the haemophilia community for those living with infection/s. Many have suffered unduly with financial hardship; some have even had to give up their homes. Many more have found themselves to be uninsurable, unemployable and unable to make adequate provision for their dependants.

"It is an historic day for us: The first time that we have had the opportunity to make our voices heard. An entire generation of people with haemophilia have gone unheard. The Government insists that its priority of priorities in the National Health Service is 'PUTTING THE PATIENT FIRST'. In our case, we were put behind closed doors by the in-house 'inquiries' set up by the Department of Health into narrowly defined issues chosen by them.

"That's why today is so very special for those who know most about the real cost of contaminated NHS blood and blood products."

Note to newsdesk

- Haemophilia is a condition where one of the clotting proteins in the blood (most commonly factor VIII) is either missing or present at a very low level.

- The condition is treated by injection of the missing clotting factor protein. The protein can now be created through recombinant technology. However during the period when the infections of the haemophilia population took place it was derived from the pooled plasma of many thousands of donors. Blood borne viruses present in the pooled plasma can infect all of the clotting factor protein extracted from it.

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"Re: URGENT- Lord Archer / Contaminated NHS blood and blood products - Deadline: Wednesday 21 February"

File Title:	**GHP - Treatment - Haemophilia - Independent Public Enquiry into the supply of contaminated NHS Blood & Blood products**
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Filed by:	**Zubeda Seedat/PH6/DOH/GB on 27/02/2007 at 16:51**
Created by:	**Joe Neanor/MPI-PPB/DOH/GB on 20/02/2007 at 11:53**

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22/01/2009 12:07 (Konrad Borowski) - Modified registered file

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Joe Neanor
20/02/2007 11:53

To: William Connon/PD-PMD/DOH/GB GRO-C
cc: Bradley Smythe/COMMS/DOH/GB GRO-C, Elizabeth Woodeson/CQEG/DOH/GB GRO-C, Ailsa Wight/PH6/DOH/GB GRO-C, Zubeda Seedat/PH6/DOH/GB GRO-C, Linda Page/SSU/DOH/GB GRO-C, Mike De Silva/HPIHSD/DOH/GB GRO-C, Gregory Hartwell/PR-OFF/DOH/GB GRO-C, Jonathan Stopes-Roe/HP-SL/DOH/GB GRO-C, Jacky Buchan/PR-OFF/DOH/GB GRO-C, Thomas Strickland/ICB/DOH/GB GRO-C, Richard Kelly/PR-OFF/DOH/GB GRO-C, Lindsey Davies/HPIHSD/DOH/GB GRO-C, Brenda Irons-Roberts/COMMS/DOH/GB GRO-C, Liz Kendall/PR-OFF/DOH/GB GRO-C, Rebecca Lloyd/ICB/DOH/GB GRO-C, Rebecca Lloyd/ICB/DOH/GB GRO-C, Tabitha Brufal/POLICY/DOH/GB GRO-C, Jennifer Benjamin/POLICY/DOH/GB GRO-C, Celia Nathan-Marsh/POLICY/DOH/GB GRO-C, Kirt Ghelani/CQEG/DOH/GB GRO-C, Colin Phillips/CQEG-IIU/DOH/GB GRO-C, Wendy Harris/CQEG-IIU/DOH/GB GRO-C
bcc:
Subject: Re: URGENT- Lord Archer / Contaminated NHS blood and blood products - Deadline: Wednesday 21 February

RESTRICTED - Policy

William

1. I am replying to your email to Wendy Harris below.
2. I can confirm that the Inquiries & Investigations Unit has no locus here, as "The Independent Public Inquiry" is not an official DH or government inquiry.
3. We cannot advise about DH involvement in the inquiry - this would be a matter for the relevant policy branch.

LK

William Connon
20/02/2007 07:32

To: Simon.Rogers@ GRO-C Bradley Smythe/COMMS/DOH/GB GRO-C
cc: Bradley Smythe/COMMS/DOH/GB GRO-C Elizabeth Woodeson/CQEG/DOH/GB GRO-C Ailsa Wight/PH6/DOH/GB GRO-C Zubeda Seedat/PH6/DOH/GB GRO-C Linda Page/SSU/DOH/GB GRO-C Mike De Silva/HPIHSD/DOH/GB GRO-C Gregory Hartwell/PR-OFF/DOH/GB GRO-C Jonathan Stopes-Roe/HP-SL/DOH/GB GRO-C Jacky Buchan/PR-OFF/DOH/GB GRO-C Thomas Strickland/ICB/DOH/GB GRO-C Richard Kelly/PR-OFF/DOH/GB GRO-C Lindsey Davies/HPIHSD/DOH/GB GRO-C Brenda Irons-Roberts/COMMS/DOH/GB GRO-C Liz Kendall/PR-OFF/DOH/GB GRO-C Rebecca Lloyd/ICB/DOH/GB GRO-C Rebecca Lloyd/ICB/DOH/GB GRO-C
bcc:
Subject: Re: URGENT- Lord Archer / Contaminated NHS blood and blood products - Deadline: Wednesday 21 February

RESTRICTED - Policy

Simon - Following our discussion yesterday, SofS had received the attached letter from Lord Archer and a reply has been requested by Pr Off, by tomorrow. I am not at all clear how I should respond, given that this is not an independent inquiry in the normal sense and we are therefore, I assume, not obliged to take any part in the proceedings. However, the department would not wish to appear uncooperative, for obvious reasons. In his letter Lord Archer appears to be requesting that a DH representative appears before his inquiry. Can you advise on what action we should take, if any, and provide a form of words which I could use when replying to Lord Archer?

Wendy - is this something your branch can advise on? Have there been any precedents for inquiries such as the one proposed?

Gregory - you will wish to be aware.

Copy recipients - I would be grateful for any advice anyone may have. It is clearly important that we cooperate where possible however, we do need to be very careful and ensure that we do not become involved in an inquiry "through the back door" given that ministers across the UK have consistently declined requests for an inquiry.

I will copy yesterday's lines to take and briefing on this to those who did not receive it.

I would appreciate views at your earliest convenience please.

Regards

LK

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"RE: Public Inquiry in to Contaminated Blood Products: Lines to take"

File Title:	**GHP - Treatment - Haemophilia - Independent Public Enquiry into the supply of contaminated NHS Blood & Blood products**
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Filed by:	**William Connon/PD-PMD/DOH/GB on 30/09/2008 at 07:45**
Created by:	**<Sylvia.Shearer@ GRO-C on 20/02/2007 at 11:59**

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<Sylvia.Shearer@ GRO-C GRO-C
20/02/2007 11:59

To William Connon/PD-PMD/DOH/GB GRO-C <John.Brunton@ GRO-C >
cc Zubeda Seedat/PH6/DOH/GB GRO-C <Caroline.Lewis@ GRO-C >, <Aileen.Keel@ GRO-C >, <John.Brunton@ GRO-C >, <Andrew.Macleod@ GRO-C >, <Derek.Feeley@ GRO-C >
bcc
Subject RE: Public Inquiry in to Contaminated Blood Products: Lines to take

William

I had already picked up on this point when I saw the draft and we are changing the wording to reflect your views. I do not want to leave any opportunity for misunderstanding that would allow them to submit questions which would, in effect, equate to a PI.

We are now saying "We have already made public all available material we hold and will make this information available to Lord Archer's inquiry on request".

Sylvia

-----Original Message-----
From: William.Connon@ GRO-C [mailto:William.Connon@ GRO-C]

Sent: 20 February 2007 11:45
To: Brunton JA (John)
Cc: Zubeda.Seedat@ GRO-C ; Caroline.Lewis@ GRO-C Keel A (Aileen); Brunton JA (John); Macleod AK (Andrew); Shearer S (Sylvia)

LK

Subject: RE: Public Inquiry in to Contaminated Blood Products: Lines to take
Importance: High

****
This email has been received from an external party and has been swept for the presence of computer viruses.
****

John,

Sorry just picked this up.

I do NOT agree with your second bullet and we have certainly not agreed to cooperate with the Inquiry. The UK has always maintained that there is no need for an inquiry therefore to "cooperate" with this one, particularly when the terms of reference, status and funding are far from clear, could be misinterpreted. It could also lead to difficulties once the inquiry reports if the recommendations were to be critical of Government. This is the line we are planning to take when replying to Lord Archer's letter to our SofS which I copied to you earlier today.

I would therefore strongly suggest you amend your briefing and stick to the brief submitted yesterday.

Regards

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

GRO-C

<John.Brunton@s GRO-C

To: William Connon/PD-PMD/DOH/GB@[GRO-C

cc: Zubeda Seedat/PH6/DOH/GB@[GRO-C

20/02/2007 09:05 bcc:

Subject: RE: Public Inquiry in to Contaminated Blood Products: Lines to take

LK

HPIH&SD-HP-GHP Documents - Unformatted Document

"RE: Lord Archer.Inquiry"

File Title:	GHP - Treatment - Haemophilia - Independent Public Enquiry into the supply of contaminated NHS Blood & Blood products
File Reference:	GHP/005/006/030
Protective Marking:	No Marking
Filed by:	William Connon/PD-PMD/DOH/GB on 09/05/2007 at 16:27
Created by:	"Arnold Karen LSPG SOL C7" <Karen.Arnold1@ GRO-C on 20/02/2007 at 12:04

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Who has edited?	William Connon/PD-PMD/DOH/GB
Who can read?	All readers of the document database

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22/01/2009 12:07 (Konrad Borowski) - Modified registered file

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"Arnold Karen LSPG SOL C7" <Karen.Arnold1@GRO-C GRO-C
20/02/2007 12:04

To: William Connon/PD-PMD/DOH/GB GRO-C
cc: "Mallick Naomi LSPG SOL C7" <Naomi.Mallick@ GRO-C >,
"Mihailovic Anne LSPG SOL LIT" <Anne.Mihailovic@ GRO-C >
bcc:
Subject: RE: Lord Archer.Inquiry

William,

Simon Rogers forwarded your request for advice to me, in Sol C7, because we have responsibility for advising in relation to blood policy.

I have considered the letter you have drafted and made comments - see attached.

My colleague, Anne Mihailovic, who is in our litigation team will suggest to Linda Page, when commenting on the submission in relation to the internal paper review, that something is included about the inquiry.

I wonder whether it would be best at this stage to simply send a holding reply. I think that it is important that we are factually correct when responding and consider that we set out our view on why testing was not appropriate at the time. I understood that our reasons for not testing for hep C at the time are in the public domain, as a result of the A and Ors (Burton) case. I would be grateful if you could advise whether the dates match up. Will there be a submission accompanying this letter? If so, I think it would be helpful for me to see that to set the letter in context.

Have we made any public statement about the position in relation to HIV infection? I would be grateful if you could advise me of the facts on this.

I am happy to discuss.

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"Re: Public Inquiry in to Contaminated Blood Products: Lines to take"

File Title:	**GHP - Treatment - Haemophilia - Independent Public Enquiry into the supply of contaminated NHS Blood & Blood products**
File Reference:	**GHP/005/006/030**
Protective Marking:	**No Marking**
Filed by:	**Zubeda Seedat/PH6/DOH/GB on 27/02/2007 at 16:50**
Created by:	**William Connon/PD-PMD/DOH/GB on 20/02/2007 at 12:10**

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22/01/2009 12:07 (Konrad Borowski) - Modified registered file

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William Connon
20/02/2007 12:10

To: Jacky Buchan/PR-OFF/DOH/GB GRO-C
cc: Ailsa Wight/PH6/DOH/GB GRO-C, Bradley Smythe/COMMS/DOH/GB GRO-C, Brenda Irons-Roberts/COMMS/DOH/GB GRO-C, Dani Lee/PR-OFF/DOH/GB GRO-C, Elizabeth Woodeson/CQEG/DOH/GB GRO-C, Gerry Robb/PH6/DOH/GB GRO-C, Gregory Hartwell/PR-OFF/DOH/GB GRO-C, Hugh Nicholas/PH6/DOH/GB GRO-C, Jonathan Stopes-Roe/HP-SL/DOH/GB GRO-C, Linda Page/SSU/DOH/GB GRO-C, Lindsey Davies/HPIHSD/DOH/GB GRO-C, Liz Kendall/PR-OFF/DOH/GB GRO-C, Mike De Silva/HPIHSD/DOH/GB GRO-C, Rebecca Lloyd/ICB/DOH/GB GRO-C, Richard Kelly/PR-OFF/DOH/GB GRO-C, Thomas Strickland/ICB/DOH/GB GRO-C, Zubeda Seedat/PH6/DOH/GB GRO-C
bcc:
Subject: Re: Public Inquiry in to Contaminated Blood Products: Lines to take

Jacky,

No we have no idea at present and the whole situation is very unclear. I am concerned that if we enter into a dialogue about the details with either Lord Archer or the Haemophilia Society (HS) then we will simply become implicated in the inquiry. I have therefore decided not to do this.

I suspect myself that Lords Archer and Turnberg and others will give their services freely, the HS will provide the admin support and that Archer and Turnberg et al could use the facilities in the House of Lords. If MS(PH) wishes we could ask for more details, when replying to Lord Archer's letter, but as I say there is a danger if we start to engage/query their processes.

Happy to discuss

LK

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"RE: Lord Archer.Inquiry"

File Title:	**GHP - Treatment - Haemophilia - Independent Public Enquiry into the supply of contaminated NHS Blood & Blood products**
File Reference:	**GHP/005/006/030**
Protective Marking:	**No Marking**
Filed by:	**William Connon/PD-PMD/DOH/GB on 22/03/2007 at 10:14**
Created by:	**William Connon/PD-PMD/DOH/GB on 20/02/2007 at 13:33**

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William Connon
20/02/2007 13:33

To: "Arnold Karen LSPG SOL C7" <Karen.Arnold1@ **GRO-C**
cc:
bcc:
Subject: RE: Lord Archer.Inquiry

I am not keen to send a holding reply as I feel that all the issues have been debated in the past and are, as you say all in the public domain. Sol have been involved previously and I am sure that the relevant documents must be in your records.

The essential message I want to get across is simply that the Government does not feel an Inquiry id justified and that ministers do not support the current proposal.

Are you available to speak at 14:30?

Cheers

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

GRO-C

LK

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"Re: Public Inquiry into the infection with HIV and HCV of people with Haemophilia"

File Title:	**GHP - Treatment - Haemophilia - Independent Public Enquiry into the supply of contaminated NHS Blood & Blood products**
File Reference:	**GHP/005/006/030**
Protective Marking:	**No Marking**
Filed by:	**Zubeda Seedat/PH6/DOH/GB on 27/02/2007 at 16:49**
Created by:	**William Connon/PD-PMD/DOH/GB on 20/02/2007 at 14:43**

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William Connon
20/02/2007 14:43

To: Bushria Shafi/COMMS/DOH/GB GRO-C
cc: Kay Orton/SHASM/DOH/GB GRO-C Zubeda Seedat/PH6/DOH/GB GRO-C Jacky Buchan/PR-OFF/DOH/GB GRO-C Michelle Lucas/PR-OFF/DOH/GB GRO-C
bcc:
Subject: Re: Public Inquiry into the infection with HIV and HCV of people with Haemophilia

Bushria,

I am currently drafting a response for MS(PH) to send to Lord Archer in response to a letter he sent to our SofS regarding the Inquiry. I have been keeping officials in the Scottish Executive fully briefed.

The whole situation surrounding the Inquiry is very unclear but it is not an official Inquiry. I have little or not information on the Lord Archer's Inquiry, which appears to have the support of the Haemophilia Society (HS). I have not approached the HS or Lord Archer for information as I am concerned that if we enter into a dialogue about the details then we will simply become implicated in the inquiry. I have therefore decided not to do this.

I suspect myself that Lords Archer and Turnberg and others will give their services freely, the HS will provide the admin support and that Archer and Turnberg et al could use the facilities in the House of Lords. If MS(PH) wishes we could ask for more details, when replying to Lord Archer's letter, but as I say there is a danger if we start to engage/query their processes.

In response to the enquiry from Scotland Office I suggest that you simply tell then that we will copy the SofS reply to their office and he can reply on the back on that. I suspect that Lord Archer has written the same letter to both, in which case I would

LK

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William Connon
21/02/2007 12:14

To: Jacky Buchan/PR-OFF/DOH/GB GRO-C
cc: Ailsa Wight/PH6/DOH/GB GRO-C Zubeda Seedat/PH6/DOH/GB GRO-C, Linda Page/SSU/DOH/GB GRO-C Mike De Silva/HPIHSD/DOH/GB GRO-C Gregory Hartwell/PR-OFF/DOH/GB GRO-C Jonathan Stopes-Roe/HP-SL/DOH/GB@ GRO-C ndsey Davies/HPIHSD/DOH/GB GRO-C Hugh Nicholas/PH6/DOH/GB GRO-C Richard Kelly/PR-OFF/DOH/GB GRO-C <Karen.Arnold1@ GRO-C >, Caroline.Lewis@ GRO-C >, <Aileen.Keel@ GRO-C >, <John.Brunton@ GRO-C >, Andrew.Macleod@ GRO-C , Sylvia.Shearer@ GRO-C Bushria Shafi/COMMS/DOH/GB GRO-C Michelle Lucas/PR-OFF/DOH/GB, Elizabeth Woode
bcc:
Subject: Lord Archer Letter to SofS - Draft Reply

RESTRICTED - Policy

Jacky,

As requested, I attach a draft letter for MS(PH) to send to Lord Archer following his letter to SofS regarding his inquiry. You asked for this by lunchtime today, hence this email cover note, rather than a formal submission.

The advice is that we should not become involved in Lord Archer's Inquiry at all. The attached draft, which has been cleared by Perm Sec and Sol, takes a fairly robust line.

Please see the final bullet concerning the need for a reply to Douglas Alexander. I

have not seen Lord Archer's letter to Douglas Alexander but have suggested that he simply forward a copy of our letter with a brief cover note.

As I explained yesterday, we have very little information about the exact nature of the inquiry. I am concerned that if we enter into a dialogue about the details with either Lord Archer or the Haemophilia Society (HS) then we will simply become implicated in the inquiry, by association. I have therefore decided not to do this.

The main points are:

- It is recommended that no DH officials appear before this informal inquiry
- The Inquiry is being launched by Lords Archer, Morris and Turnburg.
- I am told that the inquiry is not directly linked to the Haemophilia Society, although Lord Morris is the President of the Society.
- I have no specific information about the terms of reference, location, funding or what form exactly the inquiry will take.
- I would not advise that we make any contact with those launching the inquiry to request further details.
- The draft does offer to provide Lord Archer with a copy of the report currently being complied on all the documentation available to DH. You will be receiving a submission on this in the next few weeks. The report should be ready by the end of March
- I will continue to monitor the situation and keep everyone fully informed of any developments.
- I am copying this to the DA's for information, as I believe they will be taking a similar line.
- I am also copying this to Bushira Shafi and Michelle Lucas so that this reply can also be sent to Douglas Alexander, who has received a similar letter.

Happy to discuss

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

GRO-C

- IVIG.2.doc

Lord Archer

Thank you for your letter of 16th February to the Secretary of State for Health. I have been asked to reply as the Government minister with responsibility for Public Health.

The Government has great sympathy for those infected with hepatitis C and, as I am sure you aware, have considered the need for a public inquiry very carefully indeed. However, the Government of the day acted in good faith at the time and therefore we really do not feel that a public inquiry would provide any further benefit to those affected. In fact, prolonging this issue may serve to prolong the suffering of those who have been affected. I do not think, therefore, that it would be appropriate for Departmental officials to appear before your inquiry.

The Government understands that patients with haemophilia, infected through NHS treatment, want to know why it could not have been prevented. However, all the information which is held by the Government is in the public domain and the Government does not believe that anyone's interest would be best served by a public inquiry. Since the introduction of the Freedom of Information Act we have released numerous documents which are now in the public domain.

Work has been underway within the Department, over the past few months to identify and review all the documents held, and relating to the safety of blood products between 1970 and 1985. This includes a number of documents returned by a firm of solicitors in May last year.

A draft report on the analysis of the documentation is currently being compiled, which I will be considering as soon as it has been completed. My former colleague, Lord Warner agreed to send a copy of this report to Lord Jenkin and I would be very happy to arrange for you to receive a copy as well.

Caroline Flint

Minister of State
Department of Health

LK

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"Re: Lord Archer.Inquiry: draft reply to Lord Archer"

File Title:	GHP - Treatment - Haemophilia - Independent Public Enquiry into the supply of contaminated NHS Blood & Blood products
File Reference:	GHP/006/006/030
Protective Marking:	No Marking
Filed by:	William Connon/PD-PMD/DOH/GB on 28/03/2007 at 13:05
Created by:	Jonathan Stopes-Roe/HP-SL/DOH/GB on 27/03/2007 at 09:53

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Jonathan Stopes-Roe
27/03/2007 09:53

To: William Connon/PD-PMD/DOH/GB GRO-C
cc: Ailsa Wight/PH6/DOH/GB GRO-C Elizabeth Woodeson/CQEG/DOH/GB GRO-C Zubeda Seedat/PH6/DOH/GB GRO-C
bcc:
Subject: Re: Lord Archer.Inquiry: draft reply to Lord Archer

William

The advice says SoI are against any meeting, yet the draft letter offers a meeting (and hints at "departmental involvement"). May this confuse MS(PH)?

Jonathan Stopes-Roe
Head of Strategy & Legislation
Health Protection Division
Department of Health
Wellington House
GRO-C

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"Re: Lord Archer.Inquiry: draft reply to Lord Archer"

File Title:	**GHP - Treatment - Haemophilia - Independent Public Enquiry into the supply of contaminated NHS Blood & Blood products**
File Reference:	**GHP/005/006/030**
Protective Marking:	**No Marking**
Filed by:	**William Connon/PD-PMD/DOH/GB on 09/05/2007 at 16:28**
Created by:	**William Connon/PD-PMD/DOH/GB on 27/03/2007 at 10:04**

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William Connon
27/03/2007 10:04

To: Jacky Buchan/PR-OFF/DOH/GB
cc: Ailsa Wight/PH6/DOH/GB GRO-C, Colin Phillips/CQEG-IIU/DOH/GB GRO-C, David Harper/HPIHSD/DOH/GB GRO-C, Elizabeth Woodeson/CQEG/DOH/GB GRO-C, Gregory Hartwell/PR-OFF/DOH/GB GRO-C, Jacky Buchan/PR-OFF/DOH/GB GRO-C, Jonathan Stopes-Roe/HP-SL/DOH/GB GRO-C, Lindsey Davies/HPIHSD/DOH/GB GRO-C, Mike De Silva/HPIHSD/DOH/GB GRO-C, "Evans Mike LSPG SOL C7" <Mike.Evans1@ GRO-C >, Rebecca Lloyd/ICB/DOH/GB GRO-C, Richard Kelly/PR-OFF/DOH/GB GRO-C, "Rahulan Shibani LSPG SOL C4" <Shibani.Rahulan@ GRO-C >, Zubeda Seedat/PH6/DOH/GB GRO-C
bcc:
Subject: Re: Lord Archer.Inquiry: draft reply to Lord Archer

RESTRICTED - Policy

Jacky,

Sorry to come back again on this but I have received a couple of comments on the advice in the submission and draft letter, regarding the appropriateness of offering to meet Lord Archer's team.

I included in my submission the fact that SoI have advised against meeting with the review team for the reasons outlined. This remains SoI's advice. However, given that SofS has indicated that she wishes the department to be as cooperative as possible, and suggested that we do offer to meet, I decided to leave this in the draft reply. You will see that I have modified the offer of a meeting to make it clear that we will only meet to discuss timing of our impending report and to clarify the precise extent of DH involvement, which will be very limited.

HPIH&SD-HP-GHP Documents - Unformatted Document

"RE: Lord Archer.Inquiry: draft reply to Lord Archer"

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22/01/2009 12:07 (Konrad Borowski) - Modified registered file

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William Connon
27/03/2007 14:14

To: Jacky Buchan/PR-OFF/DOH/GB GRO-C
cc: "Rahulan Shibani LSPG SOL C4" <Shibani.Rahulan@ GRO-C >, Ailsa Wight/PH6/DOH/GB GRO-C, Colin Phillips/CQEG-IIU/DOH/GB GRO-C, David Harper/HPIHSD/DOH/GB GRO-C Elizabeth Woodeson/CQEG/DOH/GB GRO-C, Gregory Hartwell/PR-OFF/DOH/GB GRO-C Jonathan Stopes-Roe/HP-SL/DOH/GB GRO-C Lindsey Davies/HPIHSD/DOH/GB GRO-C Mike De Silva/HPIHSD/DOH/GB GRO-C "Evans Mike LSPG SOL C7" <Mike.Evans1@ GRO-C >, Rebecca Lloyd/ICB/DOH/GB GRO-C Richard Kelly/PR-OFF/DOH/GB GRO-C Zubeda Seedat/PH6/DOH/GB GRO-C
bcc:
Subject: RE: Lord Archer.Inquiry: draft reply to Lord Archer

Jacky,

I am content with the proposed changes from Sol. I have checked with Perm Sec's office and they are also content for the revised submission to go to MS(PH) with Sol's amendments.

It has been proposed that MS(PH) should not include the offer of a meeting in the final para of the letter, as Sol feel we should not become in any way directly involved. I would support this view but realise that ministers did ask for this offer to be made and will therefore need to decide how they wish to proceed, in the light of the departmental legal advice.

Happy to discuss if you

William G Connon

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

GRO-C

"Rahulan Shibani LSPG SOL C4" <Shibani.Rahulan@ GRO-C >

"Rahulan Shibani LSPG SOL C4" <Shibani.Rahulan@GRO-C>
GRO-C
27/03/2007 12:07

To: William Connon/PD-PMD/DOH/GB GRO-C Jacky Buchan/PR-OFF/DOH/GB GRO-C
cc: Ailsa Wight/PH6/DOH/GB GRO-C Colin Phillips/CQEG-IIU/DOH/GB GRO-C David Harper/HPIHSD/DOH/GB GRO-C Elizabeth Woodeson/CQEG/DOH/GB GRO-C Gregory Hartwell/PR-OFF/DOH/GB GRO-C Jacky Buchan/PR-OFF/DOH/GB GRO-C Jonathan Stopes-Roe/HP-SL/DOH/GB GRO-C Lindsey Davies/HPIHSD/DOH/GB GRO-C Mike De Silva/HPIHSD/DOH/GB GRO-C "Evans Mike LSPG SOL C7" <Mike.Evans1@ GRO-C >, Rebecca Lloyd/ICB/DOH/GB GRO-C Richard Kelly/PR-OFF/DOH/GB GRO-C Zubeda Seedat/PH6/DOH/GB GRO-C
bcc:
Subject: RE: Lord Archer.Inquiry: draft reply to Lord Archer

And here are my comments in tracked changes.

Thanks

Shibani

Shibani Rahulan
SOLC4
Room 531, New Court
GRO-C

-----Original Message-----
From: Connon William DOH GSI
Sent: 27 March 2007 10:05
To: Buchan Jacky DOH GSI
Cc: Wight Ailsa DOH GSI; Phillips Colin DOH GSI; Harper David DOH GSI; Woodeson Elizabeth DOH GSI; Hartwell Gregory DOH GSI; Buchan Jacky DOH GSI; Stopes-Roe Jonathan DOH GSI; Davies Lindsey DOH GSI; De_Silva Mike DOH GSI; Evans Mike LSPG SOL C7; Lloyd Rebecca DOH GSI; Kelly Richard DOH GSI; Rahulan Shibani LSPG SOL C4; Seedat Zubeda DOH GSI
Subject: Re: Lord Archer.Inquiry: draft reply to Lord Archer
Importance: High

Jacky,

Sorry to come back again on this but I have received a couple of comments on the advice in the submission and draft letter, regarding the appropriateness of offering to meet Lord Archer's team.

I included in my submission the fact that SoI have advised against meeting with the review team for the reasons outlined. This remains SoI's advice. However, given that SofS has indicated that she wishes the department to be as cooperative as possible, and suggested that we do offer to meet, I decided to leave this in the draft reply. You will see that I have modified the offer of a meeting to make it clear that we will only meet to discuss timing of our impending report and to clarify the precise extent of DH involvement, which will be very limited.

I hope this clarifies the position for MS(PH).

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

GRO-C

William Connon

To: Jacky

Buchan/PR-OFF/DOH/GB GRO-C
26/03/2007 17:01 cc: Richard
Kelly/PR-OFF/DOH/GB GRO-C David
Harper/HPIHSD/DOH/GB GRO-C
Mike De
Silva/HPIHSD/DOH/GB GRO-C
Rebecca Lloyd/ICB/DOH/GB GRO-C
Lindsey
Davies/HPIHSD/DOH/GB GRO-C, Jonathan
Stopes-Roe/HP-SL/DOH/GB GRO-C, Ailsa
Wight/PH6/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 "Evans Mike LSPG SOL C7"
<Mike.Evans1@ GRO-C >, Gregory
Hartwell/PR-OFF/DOH/GB GRO-C, Elizabeth
Woodeson/CQEG/DOH/GB GRO-C

bcc:

Subject: Lord Archer.Inquiry: draft reply to Lord

Archer

(Embedded

image moved (Embedded image moved to file: pic18467.pcx)

to file: RESTRICTED - Policy

pic00041.pcx)

Jacky,

I have just spoken to Liz and gone over the changes suggested by Solicitors. Liz is content for the attached note and draft letter to go to the minister asap.

Thanks

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

GRO-C

<< Attachment Removed : Lord Archer.Inquiry 3..doc >>

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"URGENT - Lord Archer"

File Title:	**GHP - Treatment - Haemophilia - Independent Public Enquiry into the supply of contaminated NHS Blood & Blood products**
File Reference:	**GHP/005/006/030**
Protective Marking:	**No Marking**
Filed by:	**William Connon/PD-PMD/DOH/GB on 09/05/2007 at 16:29**
Created by:	**Gregory Hartwell/PR-OFF/DOH/GB on 27/03/2007 at 16:05**

Named Security:

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22/01/2009 12:07 (Konrad Borowski) - Modified registered file

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Gregory Hartwell
27/03/2007 16:05

To: Elizabeth Woodeson/CQEG/DOH/GB GRO-C William Connon/PD-PMD/DOH/GB GRO-C
cc: Shibani.Rahulan@ GRO-C
bcc:
Subject: URGENT - Lord Archer

Liz and William,

Please see attached. I'd be grateful for an urgent response (preferably by 5pm today so that we can get this in Ministers' boxes tonight but I realise this may not be possible since you may need to discuss this further with Sol).

Essentially, I ran the draft reply by Hugh again this afternoon to check he was happy with Sol's amendments and he is concerned about the new proposal not to offer a meeting. Attached note explains further. I've made his proposed changes to the submission in track changes. Obviously he would want para 7 altered too.


Liz Woodeson and William Connon (27.03.07).doc


Lord Archer submission (27.03.07).doc

Could you please let me know your thoughts as soon as possible?

Happy to discuss,

Greg

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

MS(PH)

From: William Connon

Date: 26 March 2007
Copy: R Lloyd PS/ MS(Q)
Richard Kelly/CMO
Greg Hartwell PS/PSec
David Harper
Lindsey Davies
Jonathan Stopes-Roe
Ailsa Wight
William Connon
Zubeda Seedat

Lord Archer letter to Sec of State: Public Inquiry on Haemophiliacs Infected with Hep C

Issue

1. Following SofS's meeting on Monday 19th March with Hugh Taylor we were asked to provide a redrafted letter for you to send to Lord Archer. A draft is attached at Annex A, which has been cleared by Hugh Taylor.

Timing

2. Urgent. The inquiry opens tomorrow Tuesday the 27th March.

Background

3. My email to you dated 21st Feb listed a number of concerns regarding this inquiry, which I understand were discussed by ministers. However, we have been asked to reply to Lord Archer, in a more cooperative spirit regarding the inquiry suggesting officials should give evidence and papers should be made available.

4. As you know we have commissioned our own review (carried out over the past six months by a senior member of staff) of all the documentation available to DH on this topic. We expect this report to be finalised by the end of April and we had always intended to circulate it widely to all interested parties, now including Lord Archer. Lord Warner had already agreed this approach.

5. We were also going to propose to ministers that we should make available all the documents reviewed in the report. These would be released following FOI principles with names redacted and ministerial submissions withheld, where permissible under FOI. Given that there are around 6,400 documents we had estimated that the work to prepare them would take four to five months and cost around £40,000.

6. These plans have obviously now been overtaken by the announcement of this inquiry and ministers' natural wish to be helpful. However there remain a

ANNEX A

Lord Archer

Thank you for your letter of 16th February.

The Government has great sympathy for those infected with hepatitis C and, as I am sure you are aware, we have considered the need for an official public inquiry very carefully indeed. However, our view remains that this would not be justified and would not provide any further benefit to those affected.

Nevertheless the Department is willing to assist you in your inquiry in so far as we can; and an early meeting between officials here and yours might be helpful in this respect. In particular we are, of course, willing to cooperate with the inquiry by sharing the results of our own review. Work has been underway within the Department, over the past few months to identify and review all the documents held relating to the safety of blood products between 1970 and 1985. A draft report on the analysis of the documentation is currently being compiled, and is expected to be completed shortly. My former colleague, Lord Warner has already agreed to send a copy of this report to Lord Jenkin and I would be very happy to arrange for you to receive a copy as well. Furthermore, a large number of the documents referenced in this report are already in the public domain and consideration will be given to releasing the rest in accordance with a request made under the terms of Freedom of Information Act 2000.

Caroline Flint

Deleted: However, having balanced the potential benefits against matters such as time and costs **[DN we appear to be repeating the fact that we have carefully considered hence I have suggested saying what that consideration involved instead]**, we are of the view that an inquiry is not justified. We therefore do not feel that an official public inquiry would provide any further benefit to those affected.

Deleted: Nevertheless the department is of course willing to cooperate with your inquiry by sharing

Deleted: It may be helpful if officials from my department were to meet with members of your team at an early opportunity. This would provide an opportunity to discuss the exact timing of our review and to set out the exact extent of any departmental involvement. **[DN As commented previously, I suggest deleting this para]**¶

To: Liz Woodeson
William Connon

From: Hugh Taylor

Date: 27th March 2007

Cc Shibani Rahulan

Lord Archer

I'm not sure about the latest line on all this. Does it really prejudice our position on giving evidence to the inquiry to offer a meeting with the team supporting Lord Archer? Are we really going to be able to keep them at arm's length? I'd prefer to say that we will offer what assistance we can – and offer a meeting for the purposes of background briefing.

Hugh Taylor
Permanent Secretary

HPIH&SD-HP-GHP Documents - Unformatted Document

"RE: Lord Archer.Inquiry: draft reply to Lord Archer"

File Title:	**GHP - Treatment - Haemophilia - Independent Public Enquiry into the supply of contaminated NHS Blood & Blood products**
File Reference:	**GHP/005/006/030**
Protective Marking:	**No Marking**
Filed by:	**William Connon/PD-PMD/DOH/GB on 09/05/2007 at 16:29**
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Modification History:

22/01/2009 12:07 (Konrad Borowski) - Modified registered file

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William Connon
27/03/2007 17:01

To: Elizabeth Woodeson/CQEG/DOH/GB, Hugh Taylor/DECA/DOH/GB, Gregory Hartwell/PR-OFF/DOH/GB
cc: SHIBANI.RAHULAN GRO-C
bcc:
Subject: RE: Lord Archer.Inquiry: draft reply to Lord Archer

RESTRICTED - Policy

Greg,

I have discussed and agreed the attached revised submission with Liz and Sol. We are all now agreed with the current draft. This includes a revised para 7 of the submissions with our recommendation which I hope Hugh will now be content with and that the submission can be sent to MS(PH). We I have made it clear that we are willing to assist Lord Archer;s team but not specifically agreed to assist his inquiry which could be misconstrued as offering to give evidence.

Would your office please ensure that this is copied to those on the cc list once it goes to MS(PH)

Happy to discuss.

Lord Archer.Inquiry 4..doc

William G Connon

MS(PH)

From: William Connon

Date: 27 March 2007

Deleted: 6

Copy: R Lloyd PS/ MS(Q)
Richard Kelly/CMO
Greg Hartwell PS/PSec
David Harper
Lindsey Davies
Jonathan Stopes-Roe
Ailsa Wight
William Connon
Zubeda Seedat

Lord Archer letter to Sec of State: Public Inquiry on Haemophiliacs Infected with Hep C

Issue

1. Following SofS's meeting on Monday 19th March with Hugh Taylor we were asked to provide a redrafted letter for you to send to Lord Archer. A draft is attached at Annex A, which has been cleared by Hugh Taylor.

Timing

2. Urgent. The inquiry opens tomorrow Tuesday the 27th March.

Background

3. My email to you dated 21st Feb listed a number of concerns regarding this inquiry, which I understand were discussed by ministers. However, we have been asked to reply to Lord Archer, in a more cooperative spirit regarding the inquiry suggesting officials should give evidence and papers should be made available.

4. As you know we have commissioned our own review (carried out over the past six months by a senior member of staff) of all the documentation available to DH on this topic. We expect this report to be finalised by the end of April and we had always intended to circulate it widely to all interested parties, now including Lord Archer. Lord Warner had already agreed this approach.

5. We were also going to propose to ministers that we should make available all the documents reviewed in the report. These would be released following FOI principles with names redacted and ministerial submissions withheld, where permissible under FOI. Given that there are around 6,400 documents we had estimated that the work to prepare them would take four to five months and cost around £40,000.

6. These plans have obviously now been overtaken by the announcement of this inquiry and ministers' natural wish to be helpful. However there remain a

number of significant questions and concerns amongst officials including solicitors branch, regarding any departmental involvement in this inquiry, which I would just like to flag up to you again. They mainly arise from the suggestion that officials should agree to appear as witnesses:

- There is no evidence of any negligence or wrongdoing on the part of the department during the period in question (1970-1985). Nevertheless, given the subsequent destruction and loss of a number of files there is considerable scope for embarrassment for the department if officials are asked to appear before the inquiry.

- With official Government Inquiries there is a clear legal framework under which to operate in the case of an inquiry under the Inquiries Act 2005 and in the case of non-statutory inquiries there are established principles and guidelines. These would not apply to a non-government inquiry such as Lord Archer's one and it is unclear exactly what departmental involvement may entail. For example, would officials be asked to attend?

- Colleagues are also naturally worried about the vast amount of preparation that would be required to prepare themselves if they were called to give evidence and answer questions about over 6000 documents.

- If it is agreed that officials should give evidence, this may in turn raise the possibility of ministers themselves being asked to give evidence.

- We will inevitably be pressed to release documents without any redaction – and to release submissions. While none of these policy documents gives rise to any real concerns over liability, some are sensitive in respect of potential for criticism or embarrassment of former ministers and senior officials. It may be much harder to maintain the line that we are only prepared to release documents under FOI principles if officials are asked to defend this line publicly in front of the inquiry.

- Sol have pointed out that the inquiry will not have any statutory powers therefore civil servants, ministers or others could not be compelled to attend or provide evidence. However, if it is suggested that they should do so, then no doubt the inquiry would draw adverse inferences from any refusal to do so.

- There is also a question whether the inquiry would offer legal indemnities to officials against the possibility of legal proceedings being instituted against them as a result of their evidence to the inquiry.

- Sol's view is that we should avoid becoming in any way directly involved.

Recommendation

7. For all these reasons, we think it is not advisable to offer in the reply that officials would be willing to give evidence to the inquiry. The offer of a meeting between Lord Archer's team and departmental officials is qualified to explaining about our review and the level of assistance we can provide his team.

William Connon.
Head of Blood Policy

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Deleted: .

Deleted: The offer to agree to release our imminent report should be sufficient and Sol feels that a meeting could imply that the department is willing to be more deeply involved. ¶

ANNEX A

Lord Archer

Thank you for your letter of 16th February.

The Government has great sympathy for those infected with hepatitis C and, as I am sure you are aware, we have considered the need for an official public inquiry very carefully indeed. However, our view remains that this would not be justified and would not provide any further benefit to those affected.

Nevertheless the Department is willing to assist you in so far as we can; and an early meeting between officials here and yours might be helpful in this respect. In particular we are, of course, willing to cooperate with your team by sharing the results of our own review. Work has been underway within the Department, over the past few months to identify and review all the documents held relating to the safety of blood products between 1970 and 1985. A draft report on the analysis of the documentation is currently being compiled, and is expected to be completed shortly. My former colleague, Lord Warner has already agreed to send a copy of this report to Lord Jenkin and I would be very happy to arrange for you to receive a copy as well. Furthermore, a large number of the documents referenced in this report are already in the public domain and consideration will be given to releasing the rest in accordance with the provisions of Freedom of Information Act 2000.

Deleted: in your inquiry

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Deleted: st made under the terms

Caroline Flint

HPIH&SD-HP-GHP Documents - Unformatted Document

"Letter from Secretary to the contaminated blood Inquiry"

File Title:	**GHP - Treatment - Haemophilia - Independent Public Enquiry into the supply of contaminated NHS Blood & Blood products**
File Reference:	**GHP/005/006/030**
Protective Marking:	**No Marking**
Filed by:	**William Connon/PD-PMD/DOH/GB** on **09/05/2007** at **16:30**
Created by:	**Dani Lee/PR-OFF/DOH/GB** on **12/04/2007** at **16:09**

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22/01/2009 12:07 (Konrad Borowski) - Modified registered file

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Dani Lee
12/04/2007 16:09

To: William Connon/PD-PMD/DOH/GB GRO-C
cc: Jacky Buchan/PR-OFF/DOH/GB GRO-C Gregory Hartwell/PR-OFF/DOH/GB GRO-C Rebecca Lloyd/ICB/DOH/GB GRO-C Helen Hampton/COMMS/DOH/GB GRO-C
bcc:
Subject: Letter from Secretary to the contaminated blood Inquiry

William,

Please see email we have received from the Inquiry below. I'd be grateful if you could make contact to organise a date to meet. Please could you keep Ministers and Press Office informed.

Thanks
Dani

Dani Lee
APS/SofS
0207 210 5607

----- Forwarded by Dani Lee/PR-OFF/DOH/GB on 12/04/2007 15:51 -----

Christopher Juliff
12/04/2007 15:41

To: Dani Lee/PR-OFF/DOH/GB GRO-C
cc:
bcc:
Subject: Diary Secretary to The Rt Hon Patricia Hewitt MP

Dani, we spoke earlier, can you forward to relevant officials please?

Ta
Christopher Juliff

Diary Secretary to Rt Hon. Patricia Hewitt MP
Secretary of State for Health
Tel GRO-C
----- Forwarded by Christopher Juliff/PR-OFF/GRO-C on 12/04/2007 15:41 -----

Ronald Le Bruin
12/04/2007 15:31

To: Christopher Juliff/PR-OFF/DOH/GBGRO-C
cc:
Subject: Diary Secretary to The Rt Hon Patricia Hewitt MP

Christopher,

Please see the attached email received by DHMail. My colleague Suzan Lilly contacted you at lunchtime regarding this case.

Best wishes,

Ronald
----- Forwarded by Ronald Le Bruin/PR-OFF/DOH/GB on 12/04/2007 15:29 -----

"Vijay Mehan"
<Vijay.Mehan@GRO-C
GRO-C
12/04/2007 14:36

To: DHMail/ISD4/DOH/GBGRO-C
cc:
Subject: Diary Secretary to The Rt Hon Patricia Hewitt MP

Dear Sirs

I refer to the attached letter from The Rt Hon Patricia Hewitt MP dated 30th March 2006, which has been passed onto me by The Rt Hon Lord Archer of Sandwell QC, as I am the Secretary to the Independent Public Inquiry into Contaminated Blood and Blood Products.

You will note, the letter asks that we make contact, in order we might arrange an early meeting between your officials.

Might I perhaps respectfully ask that you contact me as soon as possible to set up the said meeting.

I do now look forward to hearing from you.
<<0158_001.tif>>
With kind regards

Vijay Mehan
Secretary to the Independent Public Inquiry
GRO-C
www.archercbbp.com

HPIH&SD-HP-GHP Documents - Unformatted Document

"Re: Letter from Secretary to the contaminated blood Inquiry"

File Title:	GHP - Treatment - Haemophilia - Independent Public Enquiry into the supply of contaminated NHS Blood & Blood products
File Reference:	GHP/005/006/030
Protective Marking:	No Marking
Filed by:	William Connon GRO-C on 09/05/2007 at 16:30
Created by:	William Connon GRO-C on 16/04/2007 at 08:26

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22/01/2009 12:07 (Konrad Borowski) - Modified registered file

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William Connon
16/04/2007 08:26

To: Elizabeth Woodeson/CQEG/DOH/GB
cc: Gregory Hartwell/PR-OFF/DOH/GB GRO-C Helen Hampton/COMMS/DOH/GB GRO-C Jacky Buchan/PR-OFF/DOH/GB GRO-C Rebecca Lloyd/ICB/DOH/GB GRO-C Richard Kelly/PR-OFF/DOH/GB GRO-C David Harper/HPIHSD/DOH/GB GRO-C Mike De Silva/HPIHSD/DOH/GB GRO-C Lindsey Davies/HPIHSD/DOH/GB GRO-C Jonathan Stopes-Roe/HP-SL/DOH/GB GRO-C Ailsa Wight/PH6/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 "Evans Mike LSPG SOL C7" <Mike.Evans1@ GRO-C Gregory Hartwell/PR-OFF/DOH/GB GRO-C Hugh Nicholas/PH6/DOH/GB GRO-C Linda Page/SSU/DOH/GB GRO-C
bcc:
Subject: Re: Letter from Secretary to the contaminated blood Inquiry

RESTRICTED - Policy

Liz,

Please see attached request from Lord Archer's team for a meeting with officials. I would appreciate your advice, and that of others, as to who we should field for this meeting. We will need to have a representative from Sol and also perhaps someone from Colin's team to advise on investigations. I am keen that we should be properly represented however I do not want to appear to be overly defensive by having too many people at the meeting.

I would appreciate a word with you before contacting Mr Mehan.

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"Release of Blood Safety Papers - Sir Donald Acheson"

File Title:	GHP - Treatment - Haemophilia - Independent Public Enquiry into the supply of contaminated NHS Blood & Blood products
File Reference:	GHP/005/006/030 Vol 2
Protective Marking:	No Marking
Filed by:	William Connon/[redacted] GRO-C on 11/10/2007 at 15:41
Created by:	Patrick Hennessy on 22/06/2007 at 11:28

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Modification History:

22/01/2009 12:08 (Konrad Borowski) - Modified registered file

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Patrick Hennessy
22/06/2007 11:28

To: Richard Kelly/PR-OFF/DOH/GB GRO-C
cc: Linda Page/SSU/DOH/GB GRO-C William Connon/PD-PMD/DOH/GB GRO-C
bcc:
Subject: Release of Blood Safety Papers - Sir Donald Acheson

Richard

We spoke. The review of blood safety papers has now reached the mid-1980s when most are concerned with the impact of AIDS. The CMO of the day, Sir Donald Acheson, was heavily involved and many papers cover his advice on measures to be taken. These papers are due to be issued over the summer in line with FOI, to meet a commitment to the independent public inquiry led by Lord Archer. We feel we should drop Sir Donald a line to warn him this is happening, as he may be contacted for a reaction once these are issued (they will also be on the DH website). I will be grateful if you can help with obtaining his contact details. Alternatively, you may feel a letter should go from CMOs office, in which case this team will be happy to provide a draft.

Patrick

Patrick Hennessy
Review of Blood Safety Documentation
Infectious Diseases and Blood Policy Branch
517, Wellington House
135-155 Waterloo Road, London SE1 8UG.
Tel. GRO-C
GTN
GRO-C

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"Lord Archer Inquiry"

File Title:	**GHP - Treatment - Haemophilia - Independent Public Enquiry into the supply of contaminated NHS Blood & Blood products**
File Reference:	**GHP/005/006/030 Vol 2**
Protective Marking:	**No Marking**
Filed by:	**William Connon/PD-PMD/DOH/GB on 11/10/2007 at 15:46**
Created by:	**sue.reader@ GRO-C on 23/08/2007 at 18:30**

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Modification History:

22/01/2009 12:08 (Konrad Borowski) - Modified registered file

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peter.garwood@ GRO-C
GRO-C
Sent by:
sue.reader@ GRO-C
GRO-C

23/08/2007 18:30

To: tim.wallington@ GRO-C , patricia.hewitt@ GRO-C
Clive.Dash@ GRO-C William Connon/PD-PMD/DOH/GB GRO-C
peter.garwood@ GRO-C
cc: lorna.williamson@ GRO-C , Jane.Martin@ GRO-C
chris.hartley@ GRO-C sue.reader@ GRO-C
bcc:
Subject: Lord Archer Inquiry

Dear colleague -

May I please advise you that NHSBT has accepted a request to participate in a confidential meeting with Lord Archer's team at a date yet to be determined, and that the primary addressees in this email (Tim, Patricia, Clive, William and me) will attend on behalf of NHSBT. I hope this doesn't come as too much of a surprise or shock to any of you.

At the moment we do not know when this meeting will take place and I recognise that fitting this in at relatively short notice may well be very difficult, but I would seek your co-operation in being as flexible as possible. I anticipate that it will be mid to late September, i.e. unlikely to be before 10 September. I will get back to you as soon as I have any further information.

Thank you for your support.

Regards
Peter

Peter Garwood
NHSBT Director Strategic Supply & Specialist Services

++

NHS Blood and Transplant

Copy - withheld.

HPIH&SD-HP-GHP Documents - Unformatted Document

"RE: Contaminated Blood Independent Public Inquiry"

File Title:	**GHP - Treatment - Haemophilia - Independent Public Enquiry into the supply of contaminated NHS Blood & Blood products**
File Reference:	**GHP/005/006/030 Vol 2**
Protective Marking:	**No Marking**
Filed by:	**Patrick Hennessy** GRO-C on **04/12/2007** at **16:04**
Created by:	**William Connon/P** GRO-C n **17/09/2007** at **10:31**

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William Connon
17/09/2007 10:31

To: Patrick Hennessy GRO-C, Zubeda Seedat/PH6/DOH/GB GRO-
cc:
bcc:
Subject: RE: Contaminated Blood Independent Public Inquiry

FYI

William G Connon
Head of Blood Policy
Department of Health
530 Wellington House
Waterloo Road
London
SE1 8EG

GRO-C

----- Forwarded by William Connon/PD-PMD/DOH/GB on 17/09/2007 10:28 -----

"Rahulan Shibani LSPG SOL C4"
GRO-C
11/09/2007 09:55

To: "Golden Conor LSPG SOL C5" GRO-C
cc: William Connon GRO-C
bcc:
Subject: RE: Contaminated Blood Independent Public Inquiry

Conor

1. There is no minute containing specific advice. Rather there are Ministerial submissions setting out, amongst other things, the implications of giving evidence at the Archer inquiry. This is because DH already had an idea of the drawbacks of giving evidence and were averse to the idea from the outset. So SOL's advice was in the nature of commenting on/making changes to these submissions rather than specific, discrete advice.

LK

2. (There is a recent minute setting out advice on a separate matter - namely the implications of Scotland now proceeding to hold their own public inquiry into the same matter but that will not be relevant to you).

3. As to the legal basis - I think the main consideration was that since the Archer inquiry was not a statutory one DH could not be compelled to give evidence therefore it was really up to DH whether to attend.

4. Another consideration was the fact that with official Government Inquiries there is a clear legal framework under which to operate in the case of an inquiry under the Inquiries Act 2005 and in the case of non-statutory government inquiries there are established principles and guidelines, for example the question of legal indemnities to officials against the possibility of legal proceedings being instituted against them as a result of their evidence to the inquiry. It was not clear what protection if any would be available to officials giving evidence at the Archer inquiry.

<?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office" />

5. DH was also worried about the vast amount of preparation that would be required if officials/Ministers were called to give evidence and answer questions about over 6000 documents.

6. Also, if it was agreed that officials should give evidence, this might in turn have raised the possibility of ministers themselves being asked to give evidence.

7. What DH said at the meeting with the Archer inquiry was that they would struggle to find appropriate people to give evidence because the events are historic and consequently there is hardly anyone around who would have first-hand knowledge of the events. You have also seen the Q&A on this topic. Together these seem to have sufficed for the purposes of stemming calls for DH to give evidence.

8. I think the Q& A can be shown to the MHRA as it was a Health Select Committee one and therefore the response must be in the public domain but I will double-check with the client and let you know. I am copying in William for information.

Thanks

Shibani
Shibani Rahulan
SOLC4
Room 531, New Court
GRO-C

LK

----- Message from "Golden Conor LSPG SOL C5" <GRO-C> on Mon, 10 Sep 2007 18:23:41 +0100 -----

To: "Rahulan Shibani LSPG SOL C4" <GRO-C>

Subject: RE: Contaminated Blood Independent Public Inquiry

Shibani,

Thank you for your e-mail which is helpful. I also read the e-mails that Simon Rogers forwarded to me about this issue today. I have pasted below in red one of those e-mails - from Shaun Gallagher, Director of Policy at the MHRA to William Connon dated 19/03/07. Therefore, it seems the MHRA have been alive to the two issues of whether (a) they should give evidence at the Archer inquiry and (b) if not should they "co-operate" in the same manner as DH ie by sharing factual information.

I don't know how far Shaun Gallagher and William Connon took their discussions. From Denise Randall's brief telephone conversation with me on Friday it seemed the MHRA wanted to follow the same line as DH as regards giving evidence and wished to see SOL's advice to DH so they could consider the (legal) basis for the DH's decision. Once the advice was read by the MHRA they would inform the inquiry that they did not intend to give evidence and I assume they would want to give the same or similar reasons as those provided by DH. The MHRA is an executive agency of the DH and I cannot imagine it will want to depart from DH's approach here.

Denise did not mention any issues regarding exchange of factual information.

As I understand your e-mail Denise is wrong in thinking that there is a SOL advice document setting out its views to DH which the MHRA can consider. Is that right?The Q and A document which you have sent me is useful and is presumably the DH's explanation of its stance following whatever advice was given by SOL. May I send this to Denise? The Q and A may be sufficient for the MHRA's purposes.

Conor

-----Original Message-----

LK

From: Gallagher Shaun MHRA
Sent: 19 March 2007 10:41
To: Connon William DOH GSI
Cc: Rogers Simon LSPG SOL C5; Hudson Ian MHRA; Jones Sue MHRA
Subject: Contaminated Blood Products Inquiry

William

Simon Rogers has kindly copied me some papers relating to the (non-Governmental) inquiry into contamination of blood products in the 1970s and 1980s, being led by Lord Archer of Sandwell.

I wanted to check whether you had made any connection with the MHRA on this work, for two reasons:

- first, the MHRA is the successor of the Medicines Division which will have been responsible for licensing decisions on blood products at the time, and it would be important to ensure that your records search included any for which we are responsible (my assumption is that you have already done this, but it would be helpful to confirm - Sue, would we hold papers from back then?)

- secondly, on the more practical point that this inquiry could decide to ask MHRA to participate/ provide evidence, we'll need to make sure we agree a consistent line (and the assumption would be that we reflect the DH position).

Grateful if you could let me know whether there have already been any discussions with MHRA, and if not, for sharing of papers so that we can be up to speed.

Many thanks

Shaun

-----Original Message-----
From: Rahulan Shibani LSPG SOL C4
Sent: 10 September 2007 17:37
To: Golden Conor LSPG SOL C5
Subject: RE: Contaminated Blood Independent Public Inquiry

Conor

DH has decided that there is no merit in holding a public inquiry nor will DH give evidence at the Archer inquiry as it would be inappropriate given the decision not to hold an inquiry.

Instead DH has "cooperated" with the inquiry by sharing the results of its own review of all the documentation it holds in connection with this matter and also supplying factual information. We did attend a meeting with the Archer inquiry panel to see what they might need from us. The idea was to maintain a balance between not giving evidence to the inquiry (i.e not attending their hearings to give evidence) and helping them with factual materials etc.

The attached Q&A might help to give you a better understanding of the DH approach (this also sets out the background in brief).

As you know, the inquiry cannot compel the MHRA to give evidence. So the question is whether it is appropriate for the MHRA to give evidence. I think MHRA is an Agency of DH? Would it be appropriate for such a body to give evidence in circumstances where DH does not think it appropriate for DH to give evidence? What are the MHRA's own views? Might it be worth considering the option of "cooperating" with the inquiry like DH did, say by sharing factual information etc?

LK

Do you think MHRA might find it helpful to speak to the DH policy leads directly in the first instance? The relevant person would be William Conon, head of Blood Policy. His no. is GRO-C . May I pass your email to William so that he has advance notice of this matter?

Happy to discuss.

Thanks

Shibani

Shibani Rahulan
SOLC4
Room 531, New Court
GRO-C

(Content modified in mailfile prior to filing since first received on 17/09/2007 10:29.
Last modified in mailfile: 04/12/2007 16:05)

LK

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"Lord Archer's Independent Inquiry into contaminated blood and blood products"

File Title: GHP - Treatment - Haemophilia - Independent Public Enquiry into the supply of contaminated NHS Blood & Blood products
File Reference: GHP/005/006/030 Vol 2
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Filed by: Patrick Hennessy GRO-C on 13/02/2008 at 12:40
Created by: Patrick Hennessy GRO-C on 07/02/2008 at 13:41

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Modification History:
22/01/2009 12:08 (Konrad Borowski) - Modified registered file

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Patrick Hennessy GRO-C

07/02/2008 13:41

To Sarah Hall GRO-C

cc Julia Scott/DEL-GBT/DOH/GB GRO-C Aimee Gasston/POLICY/DOH/GB GRO-C Robert Parsons/OIS/DOH GRO-C, David Harper/HPIHSD/DOH/GB GRO-C Elizabeth Woodeson/CQEG/DOH/GB GRO-C Ailsa Wight/PH6/DOH/GB GRO-C, William Connon/PD-PMD/DOH/GB GRO-C Zubeda Seedat/PH6/DOH/GB GRO-C

bcc

Subject Lord Archer's Independent Inquiry into contaminated blood and blood products

I attach a memo, for information only, to MS(PH) covering a meeting to be held between Lord Archer and officials from the Scottish Executive, which we will attend. I am afraid it was not possible to give more notice - these arrangements (which are not ours) have only been made this week. As the meeting is on 18 February, it will be very helpful if MS(PH) can be informed, rather than wait until resumption of normal business on that day.

MS(PH) - Lord Archer meeting 18 Feb.doc

Patrick Hennessy
Project Manager
Health Protection Division
517, Wellington House
135-155 Waterloo Road, London SE1 8UG.
Tel.: GRO-C
GTN

HPIH&SD-HP-GHP Documents - Unformatted Document

"Meeting with Lord Archer, 18 February"

File Title:	**GHP - Treatment - Haemophilia - Independent Public Enquiry into the supply of contaminated NHS Blood & Blood products**
File Reference:	**GHP/005/006/030 Vol 2**
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Patrick Hennessy GRO-C

18/02/2008 18:31

To William Connon GRO-C Ailsa Wight/ GRO-C

cc Elizabeth Woodeson GRO-C

bcc

Subject Meeting with Lord Archer, 18 February

History: This message has been replied to.

As you know, I attended the meeting today between Lord Archer and representatives of the Scottish Government. I attach an informal note of the meeting, for internal use only. Please note that both sides agreed this would remain a private meeting, and neither the Archer team nor SG will be putting out anything about it.

Meeting with Lord Archer, 18 Feb 2008.doc

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File note – for internal use only

Meeting of Archer inquiry team and Scottish Government officials.

(NB It was agreed that both sides would treat this as a private meeting to enable an informal exchange of views. Neither side would be issuing anything about the meeting.)

Present

Archer team: Lord Archer, Dr. Norman Jones, Judith Willetts, Vijay Mehan.
SG: Andrew Macleod, Deputy Director, Patients and Quality; Dr. Aileen Keel, DCMO; Joanna Keating, Legal Directorate.
DH: Patrick Hennessy.

AM opened by explaining the SG agenda:

1. SG had a manifesto commitment to holding an inquiry on contamination with Hep C, and their Minister had said at a meeting in the summer that they would consult with patient groups on possible terms for the inquiry. This still had to be done.
2. Making progress had now become more urgent, as there had been a judicial review judgement that SG needed to set up an inquiry into two deaths to comply with ECHR.
3. Much documentation was now available – were there areas which Lord Archer expected to have covered to his satisfaction and where it would be duplication to revisit; or areas where further research into the documents was needed?

Lord Archer replied that DH had been very helpful in releasing documents, given that the DH position was that his inquiry was unnecessary. However, there was a huge amount of paper, and the inquiry did not have the resources to handle it all in detail. Much will not have been read. They have used the documents to explore issues that have been brought to their attention. There could therefore be scope for the Scottish Inquiry to have a more systematic look at the documents. SG asked whether Lord Archer was satisfied with the DH review of the documents on hepatitis C. The general view seemed to be 'not fundamentally dissatisfied', the main complaint being that the review had not covered HIV/AIDS.

The inquiry team hope to have one further meeting with DH before completing their report. It was hoped that the report would be available by the end of April. It was expected that it would cover:

1. Self-sufficiency. Their position was that the drive to increase NHS product was not pushed ahead with enough urgency. Hence, there had been insufficient capacity to meet a rise in demand that could have been foreseen. This meant a reliance on imported US products of which there were doubts about its provenance. (Lord Archer asked whether Scotland could have made up the deficit – it was suggested in documents that Scotland could have worked an extra shift but that the UK government was unwilling to cover the cost.)
2. Testing – was it introduced as soon as it could have been? (Nothing further was said about this.)
3. What was done for patients afterwards by way of compensation? Lord Archer suggested they were not going to push the question of legal

liability. Instead, they would argue that the case for compensation did not rest on an admission of full legal liability. They disputed the DH view that Ireland had done so before introducing a compensation scheme. They would argue the funds pay very small amounts. There should be greater compensation, including to widows not currently covered.

SG asked about the inquiry's experience of hearing evidence from patients. The Archer team felt that evidence from patients had 'steered the inquiry' and that it was most important for a public inquiry to allow patients to raise the issues important to them. SG asked about selecting patients for a public hearing from all those who may wish to do so. The Archer team proposed that all patients could submit written evidence, with some representative patients being asked to appear in person. (After the meeting SG reps were concerned about the prospect of 100s of patients writing in with detailed cases including their doctor's notes, etc.)

Issues raised by patients had included –

- mild haemophiliacs being treated with imported F8 against best practice guidelines
- tracing batch numbers back to suspect American sources
- clinicians failing to inform patients they were infected

Lord Archer felt they had not benefited as much as possible from the evidence sessions, due to there being no counsel to take people through their evidence or ask pointed questions. It had been difficult, he suggested, for the inquiry team to perform this role without appearing hostile.

In relation to holding an inquiry, the Archer team suggested that not holding one had led patients and relatives to ask 'what have they got to hide?' They appreciated that 'there is a lot of suspicion around on this issue' and that public authorities needed to do everything possible to be open about this. It was accepted that DH had gone out of its way to release 'everything', in order to put everything into the public domain – but the quantity of material had been difficult for the Archer team to take on board.

After the meeting, the view of SG reps was that it is necessary for them to press on, in view of the judicial review judgement, and that they do not now feel they should wait for Archer to report. They expect to have to return to the judge with a model for an inquiry that can will be ECHR compliant but not open the way to many more inquiries into individual cases.

PH 18-Feb-2008