

Witness Name: Andrew Michael March

Statement No: WITN1369014

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Dated: March 2020

INFECTED BLOOD INQUIRY

EXHIBIT WITN1369020

Inventory of Material Relating to the DH Consultation Held by TaintedBlood

Material produced by, sent to, or that relates to TaintedBlood:

- 19.06.15 TaintedBlood Letter to Jane Ellison: We enquire about the obvious parallel with the more advanced exercise progressing in Scotland. We point out that in a recent meeting between one of our members and Jeremy Hunt that the Health Secretary indicated any settlement would be a UK-wide arrangement. We mention that those affected must have the greatest voice and that they should also have a final say to indicate their acceptance of any proposed resolution. The claim that any resolution would have to be funded from within the existing NHS budget is noted and we informed the Minister that this was provoking significant anger within our community and that it felt like a form of 'blackmail' effectively putting the blame on them (our community) for any resultant NHS frontline service cuts.
- 30.06.15 TaintedBlood Letter to George Osborne MP, Chancellor of the Exchequer: We state that the Secretary of State for Health has repeatedly indicated, including in a letter to a constituent, that the government will have to fund any resulting settlement or increased support directly from the NHS Budget and that this would inevitably have an impact on front line services; We state that we feel it would be wholly unjust to penalise current NHS patients, and also those infected who are reliant on such services to tackle their ill health; We ask that they confirm the proposed utilisation of the NHS budget, with inevitable impact on front line services, will not be implemented.
- 01.07.15 **GRO-A**, Co-Chair TaintedBlood Letter to Jane Ellison: This letter concerns access to antiviral medication for Hepatitis C patients; the well tolerated Hepatitis C antiviral treatments should be offered to pre-cirrhotic patients.
- 03.08.15 TaintedBlood Letter to Jeremy Hunt, Secretary of State for Health, Re. Consultation. Here we offered to be 'Beta-Testers', stated that we were willing to be sworn to secrecy. We also stressed that they need to take the views of campaigners into account before the consultation goes live.
- 03.09.15 Jane Ellison Reply to TaintedBlood Pre-Consultation Testing: The Department welcomed TaintedBlood's suggestion for a pre-consultation testing. The letter also mentions the Department of Health budget and Spending Review.

- 15.09.15 References to Consultation Made by DoH (Compiled by Andrew March): This is a chronological list of references to, or any mention of "consultation" made by the Department of Health or representatives, either in Written Ministerial Statements, Commons or Lords Hansard, Commons Debates, Westminster Hall Debates, Urgent Questions & Written Answers, and DH correspondence.
- 22.09.15 Email sent to TaintedBlood from Ailsa Wight, Deputy Director Infectious Diseases and Environmental Hazards, Department of Health: This email was also sent to the Contaminated Blood Campaign and the Haemophilia Society. The email announced the Reference Group Meeting on Infected Blood, which was going to take place on Monday 5th October 2015. Note: This was very short notice of just 2 weeks.
- 05.10.15 TaintedBlood's own Record of the One-off Reference Group Meeting on Contaminated Blood.
- 12.10.15 TaintedBlood produced a document on the Widening of the Department of Health's suggested 7 'Groups'. (Note that the date is circa 12th October 2015.) Our considerably 'widened' list was submitted to the DH in order to show how restrictive their chosen 7 groups of the affected and infected were, and that their original list urgently needed to be widened in order to ensure maximum inclusivity in the forthcoming consultation.
- 19.10.15 Letter from TaintedBlood to Jane Ellison: TB welcome the Department's consideration of our suggestions to become pre-consultation beta-testers. We use the letter to formally lodge our complaint at the unacceptable very short notice given about the *ad hoc* Reference Group meeting. We asked that they let us know - as soon as the Department knows - what the available funding will be and whether or not it is capped. We stated that failing to inform us of this could seriously affect the fairness of the consultation, as well as adversely affecting our ability to take part as consultees.
- 01.11.15 Email from Gerard Hennesey (Independent Facilitator appointed by DH) notifying us that the Final Report had been completed – but this email omitting an attachment.
- 02.11.15 Email from Gerard Hennesey attaching the omitted Final Report - which had been sent to the DoH, presumably the day before.
- 20.11.15 TaintedBlood Letter to George Osborne MP, Chancellor of the Exchequer: We state our 'deep concern' regarding apparent limitations being placed on funding sources for the scheme; We record that we believe the consultation must run its course and naturally inform the decision-making process, thus allowing the impact suffered by our community to be fully identified; We also

mention that we have discovered several letters submitted as evidence to the Penrose Inquiry which clearly demonstrate that HM Treasury were heavily involved in the provision of compensatory indemnities and that we feel strongly that HM Treasury was sufficiently involved in the matters of the past, either by provision of initial funding or provision of indemnity, to be seriously considered in the future reform arrangements as a viable source of funding over and above that which the Department of Health have indicated is achievable. We also ask a series of 6 very probing questions.

- 07.12.15 TaintedBlood Letter to Jane Ellison: TB welcome the Department's consideration of our suggestions to become pre-consultation beta-testers; We raise a concern in relation to the possibility of pre-decided funding constraints that are not being made known publically; We state that we feel all the ongoing delays are not within the spirit of the Prime Minister's original assurance - especially given the DH's stated intention to resolve this issue early within this Parliament; We reiterate that remain available to assist the minister, or even meet with her.
- 30.12.15 Jane Ellison (Replying to our Letter of 20.11.15 to the Treasury): Jane Ellison states that the contingent liabilities fund is "*not a source of funding*" and "*does not provide any special access to a different funding stream*"; "*The recent Spending Review set Government departments' budgets for the remainder of the Parliament. The Department of Health, alongside all other departments, is required to manage existing pressures and commitments, and any new commitments, from within these budgets. This includes any additional funding for those affected by HIV and/or hepatitis C acquired through historic treatment with NHS-supplied blood or blood products.*"
- 30.01.16 Sue Threakall Letter to Jeremy Hunt: A powerful personal letter written as a friend of the late, Mike Dorricott, avid campaigner, and loyal father.
- 16.02.16 TaintedBlood's Record of the Reference Group on contaminated blood One-off Meeting of 5th October 2015. The is our own record of the reference group meeting from the point of view of having taken part where we view this in light of the Facilitators Report. We use a colour code where: Yellow highlighting means that the issue was only partially addressed in the Facilitators Report and could be enhanced; Red highlighting means that the issue is important and NOT addressed in the Facilitators report. The absence of any colour highlight means that the issue was covered in sufficient detail.
- 17.02.16 TaintedBlood produced a document entitled: "*How Far Did the Government Deliver What Was Identified as Necessary to Bring About Closure?*" This was effectively a comparison between that was discussed in the one-off

Reference Group Meeting and the actual proposals in the DH Infected Blood Consultation.

- 19.02.16 TaintedBlood Letter to Jane Ellison: In this letter we go to considerable lengths to record our dissatisfaction with the DH consultation: We state that there had been a series of unsubstantiated and unreasonable delays; That there was really no new money, only the illusion of it; That the funding of HCV treatments had been enmeshed with support payments; That the "consultation" process was a travesty from start to finish; That it was not within the spirit of the Prime Minister's words: "*we will help them more*"; That most people will be materially disadvantaged or financially worse off; That many widows would be cut loose from the scheme altogether, and that there would be an unclear future for those option to remain in the scheme; That the way in which the Reference Group meeting was conducted was unacceptable; We vehemently contested the DH's claim that "*attendees at the event identified a preferred monetary resolution*"; That the entire product of the meeting was summarily dismissed as though it was a single policy or proposal; That the two DH 'options' effectively amount to consultation on a single preferred option: The alternative was staying as we are, in a support system which has already been acknowledged by parliamentarians as being 'unfit for purpose'; That the amount of money appeared to be predetermined prior to the consultation; That they failed to take into account the true impact of the proposed cuts; That there was lack of any evidence of their economic modelling.
- 18.03.16 TaintedBlood released a Press Release entitled: "Tainted Blood reaction to Scottish announcement". The media release included comments such as: "Tainted Blood today vowed to fight on to win at least parity with the Scottish plans to support contaminated blood victims announced today, which reveal the present Department of Health consultation proposals to be derisory and shameful."; "What is happening in Scotland is in stark contrast to events South of the border where evidence has been disregarded, the views and circumstances of victims ignored and where a current consultation document means that support payments to most victims will be reduced."; "The contaminated blood scandal in Britain took place pre-devolution, under a Westminster government, and today the Scots have demonstrated even further the shameful handling of it to date by successive Westminster administrations, including this one". Note: The Press Release included a very useful table comparing the Scottish plans with the draft English proposals.
- 23.03.16 TaintedBlood produced our own Guidance Notes: "*Completing the Consultation Document – Notes for Guidance*":

- 14.04.16 Andrew March Consultation Responses: This is a copy of what Andrew submitted as his own personal response to the DH consultation.
- 15.04.16 TaintedBlood (Campaign & Advocacy Group) responded (as a group) to the DH Infected Blood Consultation.
- 14.07.16 TaintedBlood Press Release: "Consultation Press Statement".
- 14.07.16 TaintedBlood Letter to Jeremy Hunt MP, Secretary of State for Health: We state that it came as no surprise that the Scheme Reform policy, borne out of such a deeply flawed consultation, not only fell widely short of our expectations, but also of what was identified by our community as necessary to achieve closure. *"We are sending you this letter in order to formally record our contempt at this new policy, and to state that we do not accept this notion of a Reformed Scheme as a satisfactory solution. Indeed, by no stretch of the imagination could it be deemed a final settlement!"*
- 19.07.16 TaintedBlood Letter to the new Prime Minister: In the letter we state that we are left with many unanswered questions as to what the true financial and practical ramifications will be; enormous lack of clarity in the policy wording, particularly over the effect of the new scheme on the much-needed discretionary payments; that we are at a complete loss as to why none of our suggestions or needs have been recognised and/or implemented; Why the new scheme in England is not on a par with the far more compassionate and generous provisions of the scheme about to be implemented in Scotland; and that the considerable disparity between the planned payments and provisions of the two UK administrations will be manifestly unfair for English beneficiaries; that the overall UK approach to "contaminated blood" has not been fully devolved, even though "Health" may have been; and that we would ask that the PM upgrade the reformed scheme to the same level as Scotland, & ensure that in doing so they plan to revisit the scheme in the future order to deal with outstanding issues.

Other Material we have relating to the Consultation:

- 14.01.15 APPG on Haemophilia and Contaminated Blood: "Inquiry" Report "Current Provision for people affected by the Contaminated Blood Scandal in the UK" 125-page report. "This report was written by Diana Johnson MP and Jason McCartney MP and funded by The Haemophilia Society."

- 17.09.15 Letter from Jane Ellison to Diana Johnson MP and Sir Peter Bottomley MP, co-chairs of the APPG on Haemophilia and Contaminated Blood: *"...any reform plans must be carefully considered before a consultation can be launched."*
"...payments for ex-gratia support will continue to be made from the Department of Health's budget. Decisions on the Department's overall budget from 2016-17 onwards will be determined as part of the forthcoming Spending Review." *"...The establishment of ex-gratia schemes in the UK was in recognition of the special and unfortunate position of those who were inadvertently infected."*
- 21.10.15 David Cameron, Prime Minister, reply Letter to the APPG on Haemophilia and Contaminated Blood: "The shape and structure of the new scheme will be decided follow a public consultation later this year..."; "...Until then, support will continue to be funded from department of Health budgets..."; "...decisions on the overall Department of Health budget from 2012-17 onwards, including financial support for contaminated blood, will be determined as part of the forthcoming Spending Review, rather than through any separate business cases. The Government has committed to spend at least an additional £8 billion by 2020 over and above inflation to support the NHS in the Parliament."
- 01.11.15 The Independent Facilitator's Report of the one-off Reference Group on Infected Blood was released – but not published directly by the Department of Health despite repeated request from campaigners.
- 20.11.15 Diana Johnson, MP (APPG) Letter to George Osborne, Chancellor of the Exchequer: Following a letter the APPG received from the Prime Minister, dated 25th October 2015, Diana Johnson states that she understands the Treasury is currently considering compensation in the context of the Comprehensive Spending Review (CSR); Asks that the Treasury make available funds to provide a conclusive settlement to those affected as part of the CSR; states that this needs to be separate from the funds allocated to the Department of Health and goes on to give four reasons.
- 19.01.16 Jeremy Hunt Reply Letter to Andy Burnham MP: *"Following this consultation, taking into account the views that we received, we will then work as quickly as possible to launch any scheme reform. The consultation remains a priority and will be published this month."*
- 27.01.16 **GRO-A**'s Key Points and Objections to Consultation Document: The following points are raised: Every single group will be worse off under the proposed reformed scheme; Doubtful whether there is any new money is being allocated; Criticises the unspecified amount being proposed to pay for

treatment of HCV - for treatment already approved by NICE; The consultation is flawed as the outcome has been decided before the consultation begins; The scheme is not addressing what is needed but attempting to make the need fit the allocated amount ; The claim under 2.11 that it will "afford everyone the opportunity to put their views across" is simply untrue; That widows/carers/dependants/affected have quite literally been written out and do not appear in the title, summary, nor in the policy objectives of the impact statement; The questionnaire has 'leading or twisted' questions to invite a particular answer, such as under Discretionary Payments; The paper claims to have sought the views of interested parties but in fact most were ignored - such as the recommendations of the Reference Group were disregarded as 'too expensive'; The consultation paper is selective in which facts it presents.

- 28.01.16 Letter from MFT to MFT Beneficiaries re DH consultation: *"The consultation is a Government document and MFT has not had input into the proposals being made." "...highlighting the negative impact we believe these proposals will have on MFT beneficiaries"*.
- 28.01.16 Macfarlane Trust mail-out to Beneficiaries: Chart Showing Implications for MFT beneficiaries of DH Proposals.
- 29.01.16 Letter to All Caxton beneficiaries re DH Consultation. *"...The Caxton Foundation will be submitting a response to the consultation document before the closing date, highlighting the negative impact we believe these proposals will have on Caxton Beneficiaries if implemented."*
- 29.01.16 A chart, entitled: *"Implications For Caxton foundation Beneficiaries of the Department of Health consultation on Reforming Support to those Infected with HIV and Hepatitis C through Contaminated Blood"* was sent to all Caxton Beneficiaries. According to the PDF properties this was authored by **GRO-A**
GRO-A
- 03.02.16 Diana Johnson MP Letter to Jane Ellison: Asks about the additional £100m which has been pledged over the next five years; Asks how much is currently being paid out; States that the overwhelming majority of people who have contacted her have been disappointed - that the government proposals will make them worse off; Mentions that DH are inviting consultation responses from those living in Scotland even though Scotland will have a separate support system in the future; Asks what letters were sent to Scotland as people living in Scotland have received the same letter from the Department of Health causing considerable confusion as the recommendations of the Scottish advisory group were significantly different to the DH proposals.

- 04.02.16 Haemophilia Society Webpage screen-print: The Haemophilia Society has 'deep concerns' and has *'prepared information for our community 'to help them campaign for it to be withdrawn'.*
- 08.02.16 Jane Ellison Letter to Colleagues: Announcing launch of the Department's Infected Blood consultation. Note: the date is circa 8th February 2016.
- 09.02.16 APPG Meeting Minutes.
- 11.02.16 Neil Bateman Letter to Department of Health (Neil Bateman is a Freelance Welfare Rights Adviser who has acted as a representative for MFT & Caxton beneficiaries.) *"However, the proposals as they stand are very likely to replace one set of perceived injustices with an even worse set."*
- 11.02.16 Diana Johnson, MP, (APPG) Letter to Jane Ellison regarding the Consultation: *"Numerous MPs have been contacted by affected constituents who believe they will be significantly worse off as a result of the proposed changes. Issues raised at the meeting included the ending of discretionary payments, the lack of ongoing payments to some HCV Stage 1 sufferers, concerns about how widows will be supported and concerns that the support system will continue to be administered out of Alliance House."*
- 12.02.16 Haemophilia Society's Guide to Completing Consultation Form
- 27.02.16 Haemophilia Society Response Letter: *"... serious concerns about the proposals... ..wants to respond to the consultation with a strong, unified message..."*.
- 04.07.16 Jane Ellison Reply to Dan Farthing-Sykes, Chief Executive Officer, Haemophilia Scotland. Jane Ellison: *"I can assure you there is no intentional obstruction by the Department of Health to the Scottish Government providing the increased levels of support..." "...any change to scheme documentation requires agreement from all four UK Health Departments."*
- 13.07.16 Announcement by David Cameron in PMQs: Question from Jo Churchill MP (Cons).
- 13.07.16 "Infected Blood Payment Scheme Reformed" (Department of Health website screen print).
- 13.07.16 Policy Document released by Department of Health: "Infected blood: government response to consultation on reform of financial and other support" (PDF, 30 pages), Dated "July 2016".

- 14.07.16 Hansard: Infected Blood Payment Scheme: Jane Ellison
<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-07-14/HCWS88/>
- 18.07.16 Minutes of a Meeting of the APPG on Haemophilia and Contaminated Blood
- 19.07.16 Haemophilia Society: "Analysis of the Reformed English Support Scheme for People Affected by Contaminated Blood". According to the document properties, this PDF was authored by Sue Rocks.

Compiled by Sue Threakall and Andrew March

Date: 21 July 2016