

PS(PH)

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CONTAMINATED BLOOD - HEPATITIS C: PREPARATION FOR YOUR MEETING WITH CAMPAIGNERS ON 24 OCTOBER 2011

Issue

1. On 24 October 2011 you will be meeting a group of contaminated blood campaigners (at their request). The campaigners' MPs will also attend. From a recent Sunday Express article it appears that the campaigners view the meeting as a forum in which to negotiate changes to the Skipton Fund (see **annex A**), although you have previously said that the outcome of the 2010 review cannot be re-opened in this spending review period.
2. This submission recommends that you write to the MPs ahead of the meeting to set out what you wish to achieve (letter at **annex B**), and provides advice on handling the meeting. A full list of those attending is at **annex C**. Briefing for the meeting is at **annex D**.

Recommendation

3. We recommend that you send the letter at **annex B** to the 6 MPs attending the meeting.

Timing

4. We recommend you write to the MPs on 20 October in order to give them time to share the letter with their constituents should they wish to do so.

Background

5. The meeting has been requested by certain campaigners, together with their MPs. This group of campaigners have received a Skipton Fund stage 1 payment of £20,000. A stage 1 payment is awarded to those who develop chronic hepatitis C infection as a result of treatment before September 1991 with contaminated blood/blood products. Stage 1 recipients are all eligible to apply for discretionary payments from the newly-established Caxton Foundation. In line with the recent review, published in January 2011, they will not be eligible for further lump sum or annual payments (stage 2 payments) unless they progress to severe hepatitis C-associated disease (cirrhosis, primary liver cancer, B-cell non-Hodgkins lymphoma). Despite expert evidence presented in the review, the campaigners consider this unfair, and will press you to relax the requirements for eligibility for stage 2 payments.
6. One of the campaigners attending the meeting, **GRO-A**, **GRO-A**, has recently written a number of letters to the Department, and the members of the clinical expert group which provided the clinical and scientific advice upon which ministers' decisions on stratification of levels and types of payment were based.
7. Discussion with the Chair of the Caxton Foundation suggests he is supportive of the flexibility the Foundation has been given to recognise the individual needs of stage 1 claimants, and the opportunity over time for the Foundation to provide the Department with information (anonymised) on the number and types of application it receives, which will contribute to reviews of the evidence base.
8. **GRO-A** has also recently indicated in the media article attached at **annex A** that he is considering a discrimination claim

with his solicitors. Without information on what grounds such a claim might be brought, it is difficult to assess its validity. DHLS' position is that the payment scheme does not breach discrimination law, but the position may need to be reviewed in light of any specific discrimination arguments that might be raised.

9. You have previously said that the outcome of the review cannot be re-opened in this Spending Review period. You have also committed to meet a group of scientific and clinical experts (together with a patient representative) later this year to discuss the stage 1/stage 2 threshold. In order to manage expectations for the meeting on 24 October, we recommend that you write to the MPs, setting out your intentions for the meeting, namely that the purpose is for you to listen to the specific concerns of those attending.

Conclusion

10. That you send the letter at annex B to the MPs attending on 24 October, informing them of how you intend to manage the meeting.

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