

213/04

With the compliments of the Private Secretary to the Minister of State



Department  
of Health

Richmond House  
79 Whitehall  
London  
SW1A 2NS

Tel: 020 7210  
Fax: 020 7210

Clarissa,  
MS(H) has queried the reply on this a couple of times  
now, but the drafts that come back still don't  
appear to address his main concern - why  
the current review isn't looking into the fact  
that papers from Lord Owen's office were  
destroyed. (Copy of MS(H)'s original comments  
attached). Can you ask officials to provide a thorough  
explanation on this point & submit a redraft by  
3pm tomorrow please? Happy to discuss.

GRO-C

From the Minister of State  
Rt. Hon John Hutton, MP



Richmond House  
79 Whitehall  
London  
SW1A 2NS  
Tel: 020 7210 3000

PO1037390

The Rt. Hon. the Lord Owen CH

*Dear Lord Owen,*

Thank you for your letter of 7 October to John Reid about the hepatitis C payment scheme and the review of internal papers between 1973 and 1985. I apologise for the delay in replying.

I was pleased to see your comments on the financial assistance scheme for people infected with hepatitis C as a result of being given blood products by the NHS. The decision to make ex-gratia payments was taken by the Secretary of State for Health on compassionate grounds. At this time the details of the scheme including the eligibility criteria and the size of awards, are still being discussed. We are making every effort to progress this scheme as swiftly as possible, and we expect to make a further announcement about the scheme shortly.

I am aware that an informal review was commissioned by Yvette Cooper in 2002. I have been advised that the review is being undertaken by the Department of Health to clarify the facts surrounding the drive for UK self sufficiency in blood products in the 1970s and 1980s. The review is based on papers available from the time. The review does not address why papers from your Private Office at the time were destroyed. We are aware that it has been some time since the review was first commissioned, and officials have been asked to conclude the review as soon as practicable.

*Why not !?*

JOHN HUTTON

**PO - Reference PO1037390****Redraft Request - Unsatisfactory Reply****Request to Action Officer (Person responsible for the correspondence)**

Please do not delete this message as it contains important instructions which you must follow

**A REPLY IS REQUIRED BY NO LATER THAN 17:00 HOURS ON 23/10/2003**

|                       |  |                            |                               |
|-----------------------|--|----------------------------|-------------------------------|
| Minister Replying:    | MS(H)RIH   | Correspondent:             | MISC O                        |
| Keyword:              | Haemophilia/Haemophilia and Clotting Disorders   | Constituency:              |                               |
| Service First Target: | 06/11/2003   | Party:                     |                               |
|                       |  | Constituent:               | Lord David Owen               |
| MCU Contact:          |  | Who allocated this in MCU: | Clarissa Hudson/PR-OFF/DOH/GB |
| To:                   | Richard Gutowski/PH6/DOH/GB@GRO-C<br>Richard Gutowski/PH6/DOH/GB@GRO-C<br>Zubeda Seedat/PH6/DOH/GB@GRO-C   |                            |                               |
| cc:                   | Gerard Hetherington/TRRO-PERFC/DOH/GB@GRO-C  |                            |                               |
| From:                 | Clarissa Hudson/PR-OFF/DOH/GB  |                            |                               |
| Subject:              | PO (Ref No. PO1037390) from MISC O: Reply Due 23/10/2003 - Redraft - 11/02 - not in filing. Case duplicated<br>30/01 - not in filing. Case duplicated<br>29/01 - not in filing |                            |                               |

You have been identified as the Action Officer for this piece of correspondence.

**HELP & SUPPORT FOR CORRESPONDENCE HANDLING:**

SYSTEM HELPDESK 7 396 22222  
TRAINING SUPPORT 7 396 21109

**CORRESPONDENCE MANAGEMENT 7 210 5340**

**PLEASE ACTION THIS CASE WITHIN 48 HOURS**

Officials have a maximum of 10 days in total to obtain contributions and draft a reply, 5 days for 'fast track' cases. The total time is reduced by the amount of time it takes you to accept, re-allocate or reject this case.

**IF THIS CASE IS NOT FOR YOU:**

Please re-allocate it quickly so that your policy colleague has as much time as possible to deal with the response.

If the person who should deal with this case is not an Action Officer, please reject the case, and provide the name of the person it should go to in the reason for rejection. Correspondence Management will set the person up as an action officer, and amend the keyword if necessary.

If you do not act promptly on this case, you may be expected to deal with it anyway, with a contribution from the correct policy official.

**IF THIS CASE IS CLOSE TO, OR PAST THE SERVICE FIRST TARGET:**

Please accept our apologies. The correspondent still requires a response as soon as possible, so please try to respond within 48 hours. If you have any difficulty with this please contact Correspondence Management on 7 210 5340. Thank you for your support.









Comments from MS(H) office:



MS(H) has queried the reply on this a couple of times now, but the drafts that come back still dont appear to address his main concern - why the current review is'nt looking into the fact that papers from Lord Owen's office were destroyed. Can officials provide a thorough explanation on this point and submit a redraft by 3pm on 03/03/04 please?





We await the redrafted version for MS(H).

Many thanks - Clarissa, Customer Service Centre.

| Options available to you. Please click on the button to action.                     |   |
|---|---|
|    | To view the original scanned letter (if there is one).  |
|    | To view further details of the correspondence. This will show more details that you may need to create a reply.                       |
|    | Allocate this to another person. For instance, this request may have come to you, but should be sent to someone else.                 |
|    | Accept responsibility for actioning the reply to this correspondence.   |
|    | Reject responsibility for actioning the reply to this correspondence. You will be asked to specify your reasons.                      |
|    | Read the current reply which may be a draft, final or interim version. This launches Word with the current reply (in Read-only mode). |
|    | Forward scanned correspondence letter and draft reply to anyone else whether in OIS or not.   |
|  | Close the current window.   |

#### Related Correspondence

Correspondence from the same House Number/PostCode:

(received 14/10/2003)   
 (received 13/11/2003)   
 (received 21/01/2004)   
 (received 28/01/2004) 

TO Correspondence from the same House Number/PostCode:

FOR INFO ONLY (received 29/07/2003)   
 (received 20/11/2003) 

The Rt. Hon. the Lord Owen CH

Tel: **GRO-C**  
Fax: **GRO-C**  
Secretary: **GRO-C**  
Fax: **GRO-C**  
Email: lordowen@ **GRO-C**



House of Lords  
Westminster  
London SW1A 0PW

The Rt Hon John Reid MP  
Secretary of State for Health  
Department of Health  
Richmond House  
Whitehall  
London SW1

PRIVATE OFFICE CC11  
CONFIDENTIAL

10 OCT 2003

7 October 2003

DEPT OF HEALTH  
RECEIVED

Dear John Reid

I was very pleased to read of your decision to make compensation available to haemophiliacs who have contracted HIV through contaminated blood products. I will watch carefully for the details of the scheme. I hope you will be as generous as possible.

At a meeting on 1 July 2002, which unfortunately at the last moment I was unable to attend, Hazel Blears told Lord Morris and Michael Connarty MP that your Department had set in train a study of its records going back over the history of the Department's original commitment to self-sufficiency and covering the period of particular interest to me. The study was expected to take several months.

I was much encouraged by this exercise particularly since when I tried myself to go back over my own Ministerial papers I was extremely surprised to be told that all my papers had been pulped without any reference to me! So I am interested to know what your internal investigation may have revealed if anything and whether it is this study which has led to your announcement.

Yours sincerely

**GRO-C**

DAVID OWEN

Tony Sampson

From: Richard Gutowski

Date: 15 December 2003

Copy: Gerard Hetherington  
Vicki King  
Robert Finch  
Jill Taylor  
Zubeda Seedat

**PO 1037390 – LORD OWEN**

1. MS(H) has asked for a full background note on the review of internal papers between 1973 and 1985 and comments by Lord Owen about the destruction of papers from his Private Office at the time.
2. Lord Owen has publicly stated that the Department of Health had failed to honour the commitment he made in the 1970s to make the UK self-sufficient in clotting factors for haemophiliacs. However, the fact that self sufficiency was not achieved appears to have been linked to the massive increase in demand for clotting factors at the time not to any failure to implement Ministerial initiatives.
3. In 2002, Yvette Cooper originally agreed to an internal trawl of papers after lobbying initially by Lord Morris and later Michael Connarty, Chair of the All Party Parliamentary Group on Haemophilia.
4. A DH official was asked to undertake a detailed review of the surviving papers between, roughly, 1973 and 1985 and put together a chronology of events. Without this it is difficult to answer any detailed accusations levelled against the Department by Lord Owen and others. The remit for the work was to review surviving documents from 1973 to 1985 to address a number of issues, chiefly:
  - how the Department implemented the policy of UK self sufficiency in blood products begun in 1973;
  - to chart the developing understanding of the seriousness of non A/non B hepatitis (later identified as hepatitis C);
  - to examine the extent to which problems at Bio Products Laboratory delayed the achievement of self sufficiency;
  - whether the achievement of self sufficiency would have led to fewer cases of hepatitis C in haemophilia patients.
5. It was not set up to address Lord Owen's comments, dating from the late 80s, that the papers from his period as a Minister had been "pulped". Unfortunately, none of the key submissions to Ministers about self sufficiency from the 70s/early 80s appear to have survived. A search of relevant surviving files from the time

failed to find any. One explanation for this is that papers marked for public interest immunity during the discovery process on the HIV litigation have since been destroyed in a clear out by SOL. This would have happened at some time in the mid 90s.

6. A report was submitted to officials in the blood policy team earlier this year, however there are a number of outstanding issues which need to be resolved before the report can be finalised and submitted to Ministers.

7. PS(PH) is aware of the background to this review. Earlier this year, officials agreed to conclude the review as soon as practicable. Unfortunately we have been unable to make any progress during the year.

R.M.GUTOWSKI

Room: 633B SKH

Ext: **GRO-C**



(2)

PO1037390

The Rt. Hon. the Lord Owen CH

Thank you for your letter of 7 October 2003 to John Reid about the hepatitis C payment scheme and the review of internal papers between 1973 and 1985. I apologise for the delay in replying.

I was pleased to see your comments on the financial assistance scheme for people infected with hepatitis C as a result of being given blood or blood products by the NHS. The decision to make ex-gratia payments was taken by the Secretary of State for Health on compassionate grounds.

On 23 January 2004, the Secretary of State for Health, John Reid announced important details about the scheme's eligibility criteria (who is able to make a claim) and payment structure (how much claimants will receive). Dr Reid also made a full Ministerial Statement to the House of Commons on 26 January 2004. Copies of these statements are enclosed.

In summary, the key elements of the scheme are as follows –

- Every person who was alive on the 29 August 2003 and whose hepatitis C infection is found to be attributable to NHS treatment with blood or blood products received before September 1991 will be eligible for the scheme.
- The scheme will apply equally to residents of England, Scotland, Wales, Northern Ireland and to ex-patriots, and will not differentiate between people depending on the source or location of their infection.
- Payments to eligible claimants will comprise an initial lump sum payment of £20,000 on validation of their application, followed by an additional £25,000 if they develop cirrhosis, liver cancer or if they require a liver transplant.

More specific and detailed information is included in the press statement.



(5)

I am aware that an informal review of internal papers was commissioned by Yvette Cooper in 2002. I have been advised that the review is being undertaken by the Department of Health to clarify the facts surrounding the drive for UK self sufficiency in blood products in the 1970s and 1980s. The review is based on papers available from the time. The review does not address why papers from your Private Office at the time were destroyed. We are aware that it has been some time since the review was first commissioned, and officials have been asked to conclude the review as soon as practicable.

JOHN HUTTON

PO1037390

The Rt. Hon. The Lord Owen CH

*sent to  
WOC  
22/11*

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I was pleased to see your comments on the financial assistance scheme for people infected with hepatitis C as a result of being given blood products by the NHS. The decision to make ex-gratia payments was taken by the Secretary of State for Health on compassionate grounds.

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*Yvonne PPS*  
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JOHN HUTTON