

Prime Minister
10 Downing street
London
SW1A 2AA

21st June 2017

Dear Mrs May,

Our names are Colette Wintle and Carol Grayson. We are members of the Haemophilia community, and we are writing to you in our capacity as long- term campaigners and victims of The Contaminated Blood Disaster.

You are now fighting for your political life but we have been forced to fight for 30 long years for truth and justice. In that time we have endured the horror of knowing that 2,500 haemophiliacs lives have been lost due to governmental negligence on a scale that scandalises the behaviour of every government since “the worst treatment disaster in the history of the NHS” began.

We, in the haemophilia community have suffered unimaginable pain and loss on an incomparable scale **NOT** experienced by any other patient group within the United Kingdom.

We have been ignored, refused justice and further punished by the DWP with draconian measures designed by yours and previous governments to make our lives unbearably difficult financially, just because successive governments have refused to admit liability and an admission of negligence on an industrial scale. It is only after months of challenges with claimants left on nil income, their trauma increased that wrongful decisions by unqualified assessors have finally been reversed. What a waste of taxpayers money! This is why it is ESSENTIAL, haemophiliacs and their bereaved partners are passported out of the benefits system. Not only are haemophiliacs sick and dying but spouses/partners are now suffering serious health problems as a result of this avoidable tragedy.

You have been asked to consider a public inquiry and have refused us several times with the excuse that an independent (The Archer Inquiry) and Scottish led inquiry(**Penrose**) have shown that no fault was found and but with due respect neither of these had it in their remit to find anyone liable or demonstrate negligence. However, that does not mean that negligence by public bodies did not occur and there is substantial evidence in the possession of campaigners who can show that gross safety violations did occur with the full knowledge of government. In fact Lord Archer had to inform witnesses that any evidence submitted showing alleged negligence/liability had to be **EXCLUDED!** This was the same for Penrose. You also said “all the evidence is in the public domain... it is certainly NOT in the 2006 DOH Self-Sufficiency report, far from it! We believe you have been wrongly advised by your ministers and civil servants at the Department of Health on the real facts and truth which has destroyed the lives of innocent victims and their families.

You have it within your power to do what your predecessor David Cameron said he could do when questioned by Rory Stewart MP during his last PMQ’s... and that is to ENSURE certain measures are carried out. See following from Hansard.

Rory Stewart: One of the most disturbing scandals has been the infection of thousands of people across the nation with HIV and hepatitis C through contaminated blood. Today Lord Penrose publishes a report that follows nearly 25 years of campaigning by Members on both sides of this House to address the scandal. Will the Prime Minister, as the last act of his

Government, ensure that there is a full apology, transparent publication and, above all, proper compensation for the families terribly affected by this scandal?

David Cameron The Prime Minister, Leader of the Conservative Party: My hon. Friend is absolutely right to raise this, with the Penrose report being published today. I can do all of the three things he asks for. I know that many Members on all sides of this House have raised the question of infected blood, and I have spoken about how constituents have been to my surgeries. While it will be for the next Government to take account of these findings, it is right that we use this moment to recognize the pain and the suffering experienced by people as a result of this tragedy. It is difficult to imagine the feelings of unfairness that people must feel at being infected with something like hepatitis C or HIV as a result of a totally unrelated treatment within the NHS. To each and every one of those people, I would like to say sorry on behalf of the Government for something that should not have happened.

No amount of money can ever fully make up for what did happen, but it is vital that we move as soon as possible to improve the way that payments are made to those infected by this blood. I can confirm today that the Government will provide up to £25 million in 2015-16 to support any transitional arrangements to a better payments system. I commit that, if I am Prime Minister in May, we will respond to the findings of this report as a matter of priority.
End

Prime Minister, since this declaration, not only has nothing been done to improve the lives of victims and their families but an undemocratic and we believe unethical and allegedly illegal consultation was forced on our community, without the full and proper consultation with **ALL** campaign groups and in particular with us. We had a **WRITTEN COMMITMENT** following several meetings with Anne Milton at the DOH when she was health Minister that we would be involved in future and ongoing discussions with the Blood Policy team, DOH. Not only has that not happened but we as two of the longest standing campaigners were **EXCLUDED** from the pre Consultation meeting with a DOH appointed mediator. Other groups in contrast had several representatives present.

The actions of your government demonstrate a hard- hearted attitude that shows lessons will never be learned and shames the UK political system. The Grenfell Tower tragedy is an irony not lost on us within the haemophilia community. We recognise the appalling failures in blood safety regulations, cost cutting resulting in failure to become self -sufficient in blood supplies, and ignoring expert medical advice highlighting the dangers of using imported US blood products, sourced from donors from prisons and low socio- economic groups. Grenfell victims are to have a public inquiry and /or Inquest, have already met with yourself, may have a criminal investigation, are not to be sanctioned regarding benefits, will get legal free help, to receive counselling as a matter of urgency and were given a 1 minute silence. Thousands of haemophiliacs have died quietly in agony and great distress behind closed doors, a “haemophilia holocaust” according to lawyers yet are blocked for 30 years without any such consideration!

Over the years we have fought to meet with Lord Hunt of Kings Heath, Yvette Cooper (former health) and Anne Milton (Health) yet despite evidence repeatedly presented, no-one has acted on the findings particularly in relation to imported US factor concentrates where lawyers highlighted the extremely high risks alleging gross negligence. We were promised if we could show direct links to US prisons which we both did via lawyers tracing back batch numbers, government would investigate. We are still waiting?

Let us advise you that UK cases were not heard in the US courts because evidence was provided which showed that relevant UK authorities not only knew the dangers of imported US treatment but repeatedly turned a blind eye to them. Therefore it was ruled cases must come back to the UK courts as that is where liability would be for UK cases.

Let me give you the final legal advice on British government liability which disturbingly (although documented between solicitors) was NEVER shared with haemophiliacs. This was written the night before haemophiliacs signed to accept the HIV “ex-gratia payment” in the Spring of 1991. “The purpose of this note is to explain why I am now of the view that the plaintiffs prospects of success have significantly improved both on breach of duty in negligence and Wednesbury unreasonableness and the consequential, and favourable, implications for causation”.

The evidence highlighted in the lawyers note received from the DOH was also NOT included in the DOH 2006 Self-Sufficiency Report 2006 which was critiqued in Carol Grayson's ESRC award winning research dissertation on the contaminated blood scandal awarded in the name of politician and social scientist Michael Young. (By coincidence Sir Peter Bottomley vice- chair of the APPG Haemophilia was asked to present Grayson with the award in his other capacity related to social science research.)

What is important is not what was included in the report but what was left out. So how can this possibly be the definitive report? It seems we will now have to revisit why key evidence was withheld by all sides, the dates recorded and by whom. What exactly was the relationship between government and our solicitors...? It seems the government had rather more protection than haemophiliac clients themselves!

In case you are not aware other evidence falsely presented as "new" in recent weeks in the British press was in fact part of Grayson's 2006 research dissertation, submitted January 2007 and in earlier media so press that misinformed recently are now having to alter their articles **to report fact not fiction**. See link to article on Grayson's research. Why was this ignored by government when first presented?

Tackling the blood trade (2009)

"Contaminated blood supplies in the 1970s and 80s led to the deaths of nearly 2,000 haemophiliacs in the UK alone. Helen Pickles reports on how research by Michael Young Prize winner Carol Grayson revealed inadequate procedures and a profit-obsessed blood trade."

https://web.archive.org/web/20101015225531/http://www.esrcsocietytoday.ac.uk:80/ESRCInfoCentre/about/CI/CP/societynow/issue4/blood_trade.aspx

This evidence was part of the documents Grayson had returned to the DOH in 2006 via solicitors Blackett Hart and Pratt, Newcastle as documented in Hansard and solicitors' letter of the time. Grayson got permission to access documents to write her dissertation. There was evidence from 3 solicitors' firms all related to Grayson's husband's legal case. (Firms changed names over the years with new partnerships). The disgrace is, that this evidence was **IGNORED** for years! These are the documents now released in batches via the National Archives as the DOH confirmed in writing to Grayson and MPs they had destroyed their own papers.

Copies of lost "blood row" papers found (Guardian, March 21st, 2006)

<https://www.theguardian.com/society/2006/may/21/health.medicineandhealth> and

HANSARD

Lord Jenkin of Roding asked Her Majesty's Government:

Whether the files of papers about contaminated blood products which have recently come to light, some of which have been returned to the Department of Health, provide evidence to support the claims of haemophiliacs that their infection with hepatitis was caused by such blood products.

The Minister of State, Department of Health (Lord Warner): My Lords, we have established that a number of documents that have been disclosed by the department in the HIV and hepatitis C litigation were

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held by Blackett Hart & Pratt Solicitors. It agreed to return the papers to our solicitors, who are now considering them with other departmental officials. Advice has yet to be given to Ministers on the significance of the returned files.

Lord Jenkin of Roding: My Lords, the files that have turned up came from the archives of more than one firm of English solicitors. Given the substantial volume of documents passed to the department's solicitors—I am told that there are no fewer than 12 big lever-arch files—

and the fact that what they have is a small fraction of the material that has been held in solicitors' archives, and given that the department's paper *Self-Sufficiency in Blood Products in England and Wales* was expressly dependent on information that had survived the inadvertent destruction of some 600 of its files, are not there overwhelming arguments for a much more open, independent inquiry into what many regard as perhaps the most serious disaster that has ever happened in the National Health Service?

<https://www.publications.parliament.uk/pa/ld200506/ldhansrd/vo060524/text/60524-03.htm>

May we also remind you that written advice to haemophiliacs from lawyers at the time they signed to accept the HIV ex-gratia financial settlement and payments for haemophiliacs and their spouses and "stable partners" was "for life" with absolutely no conditions if a person remarried.

Haemophiliacs were regarded as a "special case" in Hansard completely separate from whole blood cases. Our legal opinion states everyone BUT haemophiliacs also knew that 99% of HIV haemophiliacs would have hepatitis C. Clearly both HIV and HCV cases should have been examined at the same time in 1991 but we learnt years later from a key solicitor from 1991, this did not happen because government "did not want to have to pay out for both viruses"!

If a car runs into another car they make a financial claim. If that car runs into the second car on another occasion, there is a second financial claim. Lord Archer recognized this in his report IGNORED by government.

The Department of Health cannot now retrospectively alter the 1991 legal agreement under Justice Ognal and solicitors representing both sides. Ognal has over the years praised Grayson's well-reasoned arguments in his written response to her so the government must listen

We would also like to inform you that Jeremy Hunt has confirmed in writing to Grayson that what will be paid out under the Consultation is NOT compensation ENSURED by Cameron (compensation is based on loss and need) but an "ex-gratia payment" yet again. So Hunt has gone back on Cameron's word. Hunt has already had to apologise to Grayson for misunderstandings over other issues.

Misinformation and flawed thinking is a familiar reality with government as we showed confronting Lord Warner with written evidence in 2004 on Eire. The same key evidence in the form of letters we acquired was shared and used by haemophiliac Andrew March and his lawyers years later, the result being winning the 2010 Judicial Review against the then Sec State for Health.

We **KNOW** what happened over the years, far more than you do it seems? What we want is for government to **ADDRESS** this.

We write to you requesting an urgent meeting with our Prime Minister, asking you to honour the commitment made to us by Anne Milton, as you can see there are urgent matters to discuss which would no doubt shock the public if they were to be heard in a court of law... this is as Andy Burnham stated "**a criminal cover-up on an industrial scale.**"

We look forward to your reply.

Yours sincerely

Colette Wintle (address)

Carol Grayson (address) mine is

GRO-C