

Witness Name: OWEN MCLAUGHLIN

WITN7766001

Exhibits: WITN7766002

Dated: 28 April 2025

INFECTED BLOOD INQUIRY

WRITTEN STATEMENT OF OWEN MCLAUGHLIN

I provide this statement in response to a request under Rule 9 of the Inquiry Rules 2006 dated 22 April 2025.

I, OWEN MCLAUGHLIN, will say as follows:

Please describe the involvement of people infected and affected in the decision-making regarding compensation (whether by Government or IBCA or both) as you have experienced it.

1. My personal involvement in this campaign began following the publication of the final Inquiry report in May 2024, poignantly the specific date of the 35th anniversary of my father's death. In what I believe to be a fairly common scenario, I had been a teenage child at the time of my father's diagnosis with HIV and his subsequent death, and consequently was somewhat detached from the full course of events. My mother is now herself elderly and infirm, and her recollection of specific details such as exact dates or medical terminology is understandably limited. As a result, attempting to piece together my father's medical history decades later has been a painful and at times bewildering process, made even harder by the lack of accessible records and the reluctance of institutions to provide clear assistance.

2. Despite my professional background and confidence in navigating complex issues, I have found the process deeply frustrating. Communication from the IBCA has been sporadic and often unhelpful. Attempts to engage constructively with both the Cabinet Office and the IBCA have largely been futile. Numerous emails have gone unanswered for prolonged periods, and when responses do arrive, they are frequently generic or dismissive.
3. As an administrator within Tainted Blood: Siblings & Children, I have supported others in the community with similar experiences. We have seen that those appointed to consult on behalf of the infected and affected, i.e., the so-called “user consultants,” have seemingly vanished from public view. Once vocal advocates, they are now silent, likely it seems, due to contractual obligations that prevent them from speaking out. This has led to a chilling effect on open discussion and has deprived our community of critical voices and sources of support.
4. Our group, bereaved siblings and children, remains one of the least represented in the design and execution of the compensation framework. We were not included in early consultations, and we are yet to see meaningful engagement with our specific needs. Our correspondence has gone largely unacknowledged, and our willingness to participate constructively in shaping outcomes has been ignored.
5. My direct experience of involvement in decision-making has been characterised by exclusion and disillusionment. I first contacted the IBCA in June 2024, raising concerns about the absence of medical records and the barriers this would present for historic cases—particularly those like my father’s. I queried how the IBCA intended to verify such claims fairly in the absence of documentation. The response, when it came, was perfunctory and failed to engage with the complexity of the issue.
6. In December 2024, I wrote directly to David Foley, CEO of the IBCA, to raise two pressing issues:
 - a. The urgency of processing compensation for families who lost loved ones many years ago, especially elderly bereaved partners, some of whom are now in the final stages of their lives;

- b. The risk that inheritance tax (IHT) could reclaim up to 40% of reparative compensation, especially where estates have been dormant for decades and were never structured to receive such payments.
7. Mr Foley replied promptly with a holding response, followed by a longer reply in January. Unfortunately, neither communication meaningfully addressed the concerns raised. I followed up after a webinar hosted by the Hepatitis C Trust, where Mr Foley had spoken, with additional questions particularly about how estates fit into the “linked claims” model. I warned that if not clearly accounted for, estates might be deprioritised or excluded altogether. Again, the reply did not resolve these concerns.
8. I consistently offered to engage constructively; to take part in consultation, provide insight, and ensure underrepresented groups were not overlooked. These offers have never been taken up.
9. I also contacted the Cabinet Office and the Paymaster General, Nick Thomas-Symonds, to raise the IHT issue. I explained that many wills were drafted at a time when compensation was unthinkable, and that introducing large sums into these estates now risks serious tax consequences. The response I received was generic and dismissive, referring to internal developments rather than addressing the substance of the concerns.
10. To summarise, my experience has not been one of involvement but of being kept at arm’s length. Legitimate offers to contribute have gone unanswered. Genuine concerns have been brushed aside with vague or technical responses. Key decisions appear to have been made behind closed doors, with limited transparency and no structured inclusion of those most affected. The process, as it stands, feels top-down, disconnected, and too often blind to the realities faced by the people it is supposed to serve.

Please describe the principal concerns which you have in relation to the involvement of people infected and affected in the decision-making regarding compensation (whether by Government or IBCA or both).

11. My overriding concern is the absence of ordinary voices – those of people like me, and many others who have no political connections, legal backgrounds, or prominent campaign profiles. Power resides with appointees of government bodies, often appearing to function as extensions of the Cabinet Office rather than as independent, representative advocates for victims and families. The “arm’s length” body that was promised is, in reality, anything but.
12. There is a palpable lack of transparency and accountability in the decision-making process. A particularly troubling example is the IBCA’s initial approach to defining a “registered estate.” It excluded cases where a bereaved partner, rather than the estate itself, had received interim payments via the Infected Blood Support Scheme, thereby omitting many of the longest-standing and most deserving cases. This exclusion caused enormous distress across the community, particularly for those who had already waited decades for justice. Following sustained pressure, the IBCA revised its position. However, it failed to acknowledge the harm caused and instead portrayed the change as a generous concession, publicly framing it as “based on your feedback, we’ve now expanded this to include more estates” rather than a correction of a serious and avoidable error. This episode encapsulates a wider pattern: decisions are made behind closed doors, harmful mistakes are spun as policy improvements, and there is little to no accountability when real people suffer as a result.
13. I have also raised the issue of inheritance tax (IHT), especially its disproportionate impact on the estates of victims who died decades ago. I am clear from not only my own family’s experience, but from numerous engagements with other community members, that many such estates had no significant value at the time, and wills were written accordingly. The unexpected introduction of compensation into these estates, after literally decades, creates a tax liability that could see up to 40% of compensation clawed back – something I am certain was not intended by Sir Robert Francis. My communications to the Cabinet Office and specifically to the Paymaster General, Nick Thomas-Symonds, have been met with broad-brush responses that ignore the substance of my concerns.
14. Beyond tax and scheduling issues, the emotional toll is immense. I have borne witness to several community members reaching breaking points. In one instance, a member

required intervention from the Samaritans during a crisis late at night. Were it not for the rapid thinking and reactions of another community member, that situation could have ended very badly. Another has stepped away from the community entirely, too traumatised to continue the fight and suffering utter mental exhaustion. These are not isolated incidents.

15. We are re-traumatised by a system that gaslights us, offering the promise of justice while surrounding it with silence, confusion, and exclusion. I myself had to take time away from the community and all matters pertaining to the Infected Blood Scandal, after becoming frankly overwhelmed with the emotional labour of supporting my mother, whilst simultaneously battling through bureaucratic stonewalls to piece together my father's story.
16. A clear example of this re-traumatising pattern, and one which illustrates the lack of transparency and independence in the process, arose from my correspondence with the IBCA between December 2024 and March 2025. I wrote directly to David Foley, CEO of the IBCA, in December to raise serious concerns around the treatment of estates, inheritance tax liabilities, and the urgent need for prioritisation of elderly, bereaved partners. While Mr Foley provided an initial holding response followed by a longer reply in January, neither fully addressed the points I had raised. I replied the same day (2nd January), seeking clarity and urging change, and later attended a webinar hosted by the Hepatitis C Trust on 9th January, where Mr Foley publicly dismissed questions on these exact topics. The fact that those questions were posed indicated that others in the community shared my concerns. I wrote again on 13th January, copying this correspondence to the Cabinet Office and specifically to the Paymaster General, Nick Thomas-Symonds.
17. What followed demonstrated what I believe to be a deeply concerning and inappropriate level of coordination between the IBCA and the Cabinet Office. On 17th January, I received a dismissive response from a member of the IBCA team (B)¹, which avoided responsibility by referring back to the Inquiry's recommendations framework and ignored the substance of my points [WITN7766002]. I replied again on

¹ Name known to the Inquiry and supplied to IBCA.

19th January and copied both Mr Thomas-Symonds and Mr Foley. On 22nd January, B responded: *"I understand you have raised your concerns with Nick Thomas-Symonds... he will respond to you directly in due course."* This confirmed to me that IBCA were coordinating with the Cabinet Office behind the scenes. Following my challenge of 24th January, on 5th February B wrote again to say, *"Please refer to both our previous correspondence and the email received from Nick Thomas-Symonds..."* – despite the fact that, at that point, I had not yet received any such email. It arrived the following day, 6th February. The implication was clear: B was familiar with the content of the Paymaster General's response before it was sent to me. I challenged this, and finally, three weeks later, I received a reply from her admitting that Mr Thomas-Symonds' office had forwarded the response to the IBCA in advance, to inform their own reply. Furthermore there was inclusion of the phrase *"We would always take this approach where possible so that our replies contain the most up to date information."* This episode highlights the blurred lines between the supposedly independent IBCA and the Government. Rather than acting as a truly "arm's length" body, IBCA appears to function in lockstep with the Cabinet Office, undermining trust and reinforcing the perception that victims and families have no impartial advocate in this process.

Are there any particular steps or measures which you consider could be taken by Government, IBCA or both to alleviate any detrimental impact upon people infected and affected? If so, please set them out.

18. I would strongly urge the Inquiry to recommend the following immediate steps:

a. Oversight and Representation

There must be a statutory, independent compensation oversight panel with full representation from all affected groups. This body must have teeth. A real power to scrutinise timelines, delivery, policy formation, and the inclusion of underrepresented groups such as bereaved siblings and children

b. A Mechanism for Inclusion

The establishment of a formal mechanism to ensure voices like ours are heard, before the scheme concludes. Inclusion must be more than symbolic, it should shape policy.

c. Interest on Delayed Compensation

The government must address the inequity of delayed compensation. In many cases, claims may not be settled for years to come, possibly (as described by the IBCA) as late as 2029, yet no interest or uplift is proposed. Meanwhile, HMRC charges interest on late payments including IHT, even when delays are not the fault of the taxpayer. This double standard must end. Compensation is meant to restore a person or their estate to the position they would have been in. Delayed payments erode that aim. Therefore, interest or uplift is not a “bonus”; it is a necessary part of justice.

d. Inheritance Tax Reform

A temporary exemption or adjustment of inheritance tax liability should be implemented for estates receiving compensation, especially those dating back decades. These families could never have anticipated such payments, and their historically written wills reflect the poverty or modesty of those estates at the time. To penalise them now would be deeply unjust.

e. Recognition of Institutional Culpability

The compensation scheme must reflect not only personal loss but the systemic failures that enabled this harm. There should be recognition of the state’s institutional culpability, its prolonged neglect, denial, and obfuscation. This could be reflected through a punitive element in the compensation framework, separate from calculations of financial loss. Such a measure would acknowledge the seriousness of state wrongdoing and help restore public trust by showing that accountability has real consequences.

f. Active Engagement and Support

There must be a shift from passive response to proactive engagement. Government bodies and the IBCA must initiate communication and support, rather than relying on already traumatised individuals to chase them. MPs should be equipped and expected to provide informed support to their constituents navigating this process.

g. Proper Legal Support for Families and Estates

The complexity of the compensation process, particularly in relation to historic estates, inheritance tax, intestacy, and long-lost documentation, demands access to expert

legal support. At present, families are being left to navigate these challenges alone. Whilst MPs, charities, and support organisations offer empathy and guidance, they cannot, and should not, be expected to provide detailed legal advice on matters of such significance. A dedicated, independent legal support service must be established and made available at no cost to claimants. Without this, there is a serious risk that individuals and families will make costly errors, face unnecessary delays, or abandon claims altogether. The failure to provide accessible legal assistance will only compound existing distress, adding further anxiety to an already traumatised and fragile community. No one should be expected to navigate this complex and emotionally charged process without proper help.

h. Immediate Relief for the Elderly

Urgency must be injected into the process for the oldest cases, i.e. those where elderly (or sick) bereaved partners are still alive. These individuals are at risk of dying before seeing justice. Delay here is not just a bureaucratic failure; it is a moral one, and it is already happening.

19. I along with my fellow community members fully understand and support the priority rightly being given to those who were directly infected. However, in doing so the needs of others, particularly affected relatives and those managing estates, must not be pushed to the periphery. We feel sidelined, at times even deliberately excluded, and left questioning whether justice will ever be fully realised for those who do not fit into the narrowest categories of loss.
20. The support group Tainted Blood: Siblings and Children was established in 2024 as a response to this clear imbalance. It emerged from a growing realisation that the emotional trauma, practical barriers, and long-term consequences faced by bereaved children and siblings were being largely ignored in the framework. It also became increasingly apparent that estates, particularly where no infected individual was still alive, were being deprioritised or misunderstood, despite these being some of the longest-standing and most deserving cases.
21. The suffering of affected relatives is real and enduring. Many have carried unresolved grief and trauma for decades, their lives shaped by loss and the absence of justice.

Some have been left out altogether due to the strict application of intestacy laws or the historical absence of financial planning for estates that had no expected future value. In many of these cases, compensation (should it ever arrive) is at risk of being lost to inheritance tax or tied up in legal complexity, with no support or remedy provided by the very state that caused this harm.

22. This is compounded by the clear inequities within the proposed injury awards. The suggestion that short-term or estranged partners may receive more than grieving children or siblings is profoundly unjust. It fails to recognise the depth of connection and the enduring personal consequences that come from losing a parent or sibling, often in childhood or adolescence. It also fails to recognise that many estates only exist in name alone and offer no practical route to support surviving families, especially when intestacy or will structures from decades ago make no provision for the people most affected. There must be a specific and meaningful provision for those who lost a parent or sibling, particularly in childhood or adolescence, recognising the enduring emotional and psychological impact of that loss. These relationships were formative, and the grief unresolved. To treat these individuals as peripheral is to misunderstand the full legacy of this scandal.

23. The closure of supplementary routes to justice, whether for affected family members or for unregistered estates, adds yet another layer of exclusion. The scheme risks creating winners and losers not based on impact or suffering, but on technicalities, paperwork, and historical legal frameworks ill-suited to the present reality.

24. What is needed now is fairness, clarity, and inclusion. Not only for bereaved children and siblings, but for the families managing complex, long-neglected estates, many of which represent the earliest and most catastrophic losses in this scandal. Their cases should not be relegated to footnotes, nor should they be made to wait while newer or more administratively straightforward claims are prioritised.

25. The continued failure to ensure meaningful inclusion for both affected relatives and estates is not just a missed opportunity, it is a risk to the moral and legal credibility of the entire compensation scheme. The harm this scandal has caused spans generations, and so must the justice that seeks to remedy it.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed

GRO-C

Dated 28th April 2025

Table of exhibits:

Date	Notes/ Description	Exhibit number
3 March 2025	Email chain between Owen McLaughlin and IBCA	WITN7766002