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From: Grinton A (Anne) on behalf of Keel A (Aileen)
Sent: 06 April 2001 17:51
To: Dora C (Christine)
Cc: PS/HD Health; Marr G (Gerry); Henderson RM (Richard); Lindsay SG (Steve); Falconer S (Sandra); Policy Unit; Currie CT (Colin); Brown JT (James) (PHPU); Press Health; Robson G (Godfrey); Henderson RM (Richard); Gibson M (Mairi); Naldrett CA (Chris); Palmer DJ (David)(Health Finance); PS/CMO
Subject: RE: U: R: HEPATITIS C - ENGLISH COURT CASE - OPTIONS

Christine

Given DH's lamentable decision not to mount an appeal against this judgement, I would favour Option 2 in your paper ie offering a settlement to transfusion claimants infected after 1 March 1990. However, I would totally agree with Mr Robson's view that it is important we do not rush into a decision. We need to take a very considered view as to how best to achieve damage limitation following this judgement.

I have no doubt that your draft submission will cover at length the implications of the judgement for other areas of health care. In particular, the Minister needs to be aware of the fact that we may now have to embark on extensive public education campaigns in the light of the Judge's view that medical knowledge is irrelevant, and it is what the public are aware of that is important. This is particularly relevant in terms of what we are or are not telling the public in relation to vCJD, not only in the context of blood transfusion, but also with regard to the potential for transmission through surgical instruments.

Dr A Keel

-----Original Message-----

Dear all

The Minister has asked for further urgent briefing on the implications for Scotland now that DH have decided not to appeal the English court case judgement. I seek your help in framing this.

Please find below the draft options paper I originally circulated to a limited number of people on Tues 27 March for comment by last Friday 30 March (for which no comments were forthcoming). We decided at the meeting on Tuesday 3 April to concentrate our energies on seeking an appeal and we therefore did not deal with this paper at the time, but now seems a good time to resurrect it.

I am going to draft a submission based on this paper, which I shall circulate round you for clearance. In the meantime, I would be grateful if you would give me any comments on the options set out in this paper. I would also be grateful if Mrs Gibson could give me the answers to the questions at the top of the paper, and to one further question - namely, although NBA conceded that blood was a product in terms of the Act, could we claim in Scotland that it was not, since it is not sold to anyone?

Although the Minister is out of the office for the next 2 weeks, she will make arrangements to see our advice as soon as we can get it to her. Can I therefore ask for your initial comments by close on Tuesday?

Thanks

Christine
Ext **GRO-**

-----Original Message-----

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