

POH(3) 4151/166

Mrs Ann Winterton MP

Thank you for your letter of 23 November to Gerald Malone about compensation for patients who have been infected with hepatitis C as a result of NHS treatment.

We have great sympathy with those who may have become infected with hepatitis C through blood transfusions or blood products. The Government do not accept that there has been any negligence and have no plans to make payments to such patients.

Most haemophilia patients were infected with hepatitis C before blood products were treated to destroy viruses. These patients received the best treatment available in the light of medical knowledge at the time.

The first anti-hepatitis C tests did not become available until late 1989. These first tests had too large a number of false positive and false negative results and no satisfactory confirmation tests were available. Expert advice was that these tests should not be introduced because of these deficiencies. The Department of Health funded several trials of the first and second generation anti-Hepatitis C test kits. Routine screening of all blood donations was introduced in late summer 1991 when satisfactory kits became available together with confirmatory tests. The screening tests now available are even more accurate than the second generation kits.

The Health Departments are considering a range of potential initiatives to improve the understanding, treatment and management of hepatitis C. The Health Departments have announced a UK-wide look back exercise with a view to tracing, counselling and, where appropriate, treating those who have been put at risk as a result of exposure to the hepatitis C virus through blood transfusion.

On the more general issue of compensation, the Government has never accepted the case for a no fault scheme of compensation for medical accidents. It is unfair to others and still requires proof of causation which is often difficult to establish. Every individual case where a medical accident has occurred is a personal tragedy for both the individual concerned and their family. If the NHS is proved negligent in a court, it accepts its liability to pay damages.

I hope that this will reassure you that the Government will do all it can to care for those affected.

TOM SACKVILLE

STANDARD MATERIAL FOR USE IN ANSWERING PO CASES ON HEPATITIS C

Introduction

Thank you for your letter of [23 November] to [Gerald Malone] about [compensation for patients who have been infected with hepatitis C as a result of NHS treatment].

General position

We have great sympathy with those who may have become infected with hepatitis C through blood transfusions or blood products. The Government do not accept that there has been any negligence and have no plans to make payments to such patients.

Haemophiliacs

Most haemophilia patients were infected with hepatitis C before blood products were treated to destroy viruses. These patients received the best treatment available in the light of medical knowledge at the time.

Introduction of tests to screen HCV in blood donations

The first anti-hepatitis C tests did not become available until late 1989. These first tests had too large a number of false positive and false negative results and no satisfactory confirmation tests were available. Expert advice was that these tests should not be introduced because of these deficiencies. The Department of Health funded several trials of the first and second generation anti-Hepatitis C test kits. Routine screening of all blood donations was introduced in late summer 1991 when satisfactory kits became available together with confirmatory tests. The screening tests now available are even more accurate than the second generation kits.

General response to the infection

The Health Departments are considering a range of potential initiatives to improve the understanding, treatment and management of hepatitis C.

Look back

The Health Departments have announced a UK-wide look back exercise with a view to tracing, counselling and, where appropriate, treating those who have been put at risk as a result of exposure to the hepatitis C virus through blood transfusion. This work has already been put in hand and will be undertaken as quickly as possible.

Compensation

On the more general issue of compensation, the Government has never accepted the case for a no fault scheme of compensation for medical accidents. It is unfair to others and still requires proof of causation which is often difficult to establish. Every individual case where a medical accident has occurred is a personal tragedy for both the individual concerned and their family. If the NHS is proved negligent in a court, it accepts its liability to pay damages.

Conclusion

I hope that this will reassure you that the Government will do all it can to care for those affected.

[Tom Sackville]