

**NOTE OF MEETING WITH DH(E) AND WELSH ASSEMBLY COLLEAGUES ON
17 MARCH 2005 IN ST ANDREWS HOUSE**

In attendance:

Sylvia Shearer, SEHD
Joy Hosie, OSSE
William Connon, DH(E)
Caroline Lewis, Welsh Assembly
Neil Buffin, Welsh Assembly
Sandra Falconer, SEHD

Apologies received from:

Gerry Dorian, DHSSNI
Jan Marshall, OSSE

Sylvia Shearer welcomed colleagues and thanked them for agreeing to attend.

1. Skipton Fund:

1.1 Progress on Agency Agreement (AA) and Service Level Agreement (SLA)

William Connon explained that there were particular concerns about the AA as drafted and that he was keen to finalise this and then deal with the SLA between the territorial Departments.

Comments on the most recent draft of the Agency Agreement were discussed and it was agreed that William would submit these to the DH(E) lawyer to incorporate and produce another draft. In particular there remained concerns about:

- the level of indemnity proposed. William had sought independent legal advice on this which indicated that the proposal as it stood gave DH(E) little or no control.
- The Memorandum of Association for the Skipton Fund, which showed the Skipton Fund above the MacFarlane and Eileen Trust was considered inappropriate. It was agreed that the role of the Skipton Fund Directors should be clearly defined in the Company Documentation and that this should be restricted to the ex-gratia payment scheme.

William also agreed to check the position in relation to the administration of payments of claims from eligible people who were now resident abroad including BFPO claimants.

1.2 Funding and running costs

William indicated that he had informed the Skipton Fund that no further funding would be provided until the agreement had been finalised and signed. He also had concerns about the high level of funds held by the Skipton Fund and the use of the interest from these to meet their running costs. It was noted that invoices for the Territorial Departments' contribution were being prepared.

1.3 Appointment of Directors

It was noted that this unresolved issue was causing concern in Scotland. It was agreed that it would be appropriate to appoint at least one Director from a Health Administration to take on a Governance role. William undertook to speak to with DH(E) solicitors to start the process of appointment of permanent Directors ensuring an open and transparent mechanism was employed and all four administrations were involved.

1.4 Appeals panel and process

Sylvia Shearer indicated this matter was now pressing as the Minister was being questioned as to why this process had not been established. Joy Hosie considered that the Appeals Service, which already had an established network of experienced panel members, might be an appropriate body to assume responsibility for the consideration of appeals. Joy agreed to provide William with contact details for the service, led by Judge Michael Harris, to allow him to ascertain whether this was a possible solution. William agreed to check and provide feedback to the other Administrations as a matter of priority.

2. Scottish Parliament Health Committee Meetings

2.1 Skipton Fund 22 March 2005

Sylvia Shearer explained that the Scottish Parliament's Health Committee had invited the Health Minister to give evidence on 22 March in relation to the Skipton Fund provisions in the Smoking Bill currently being considered by the Scottish Parliament. These provisions were necessary to regulate the Skipton Fund payments which were currently being made under Common Law powers.

2.2 Public Inquiry 10 May 2005

Sylvia also explained that the Health Committee had indicated that it would consider the calls for a public inquiry in relation to infection with Hepatitis C on 10 May. The Health Minister would give evidence during that session. It was noted that it would be most helpful if the matter of the Appeals Process had been resolved by that date.

William clarified that DH(E) would co-operate if Scotland decided to hold a Public Inquiry but he urged that before any such decision was taken that Scottish Ministers speak to the Special Advisers and Ministers in the other administrations.

3. FOI

It was agreed that each of the Administrations would continue to liaise over requests made under FOI which might involve one or more of the other Departments.

4. **Regular meetings between Administrations**

As those present felt these issue benefited from live debate, William proposed, and it was agreed, that more regular meeting between the Departments at 6 monthly intervals would be beneficial and should be established.

Sandra Falconer
HPQ
SEHD
22 March 2005