

**Statement by The Rt.Hon. The Lord Jenkin of Roding, former Secretary of State
for Health & Social Security, 1979-1981**

1. During my two years as Secretary of State I saw a lot of papers that came across my desk on the subject of contaminated blood and blood products used by the National Health Service over a period of years. As this was a highly technical issue, and as the Minister of State for Health, Sir Gerard Vaughan, MP, was himself a doctor who had some understanding of these matters, I was happy to delegate almost all the day-to-day handling of this business to him, only asking that I be kept informed of important developments, including any Parliamentary Questions which we would have to answer. Although therefore I was not involved with the detailed work on any of the papers handled by the Department over this period, I was kept aware of developments as they happened as I had asked my Private Office to make sure that any papers dealing with contaminated blood were passed to me for reading. From time to time I discussed matters with Sir Gerard but was in general content to leave the detailed work to him. Sadly, he passed away a few years back and I have no knowledge of whether he retained copies of any of the papers he saw.

2. During this work, I was made aware that contaminated blood and blood products had been bought from the United States of America for use in the National Health Service, and that all the normal tests required at the time had been carried out. However, it subsequently emerged that tests had not been carried out for HIV contamination or for what was known at the time as non-A and non-B Hepatitis. It was already apparent that there were patients, notably haemophiliacs, who had received this contaminated blood as part of their NHS treatment and who had later contracted one or other, or both, of these diseases.

3. I have since subsequently learned that the source of this contaminated blood was the US Prison Service and that the blood had been taken from prisoners within this Service, sometimes, I understand, without necessarily securing their full consent. I have, of course, no knowledge whatever of what safety checks were carried out by those who took blood from this source and sold it to the NHS.

4. In September 1981, the Prime Minister appointed me as Secretary of State for Industry and from that date I had no further involvement with the issue of contaminated blood until I was persuaded by Mr. David Amess, MP, then Chairman of the All Party Group on Hepatitis, to attend a meeting of the Group in 2004. There, I learned that there had been many developments, mainly in Scotland, over the issue of contaminated blood and that a well organised group of sufferers from haemophilia were pressing for an Inquiry into how they came to be infected with Hepatitis C. My presence was noted at the meeting just mentioned, and subsequently I was approached by a Mr. GRO-A from Scotland who suggested that it might be appropriate for me to exercise my right as a former Minister to ask to see the files on the subject that might have crossed my desk at the time. As this seemed to me to be a perfectly reasonable request and as I felt by then under some duty to do what I could to help these unfortunate people, I wrote to the then Lords Minister at the Department, Lord Warner, on the 14th December 2004; I attach, flagged A, a copy of this letter.

5. Lord Warner replied on the 27th January and I attach his letter flagged B.

6. I found this letter highly unsatisfactory and accordingly on the 2nd February 2005 I spoke to Mr. Sean Gallagher in the Private Office of the Permanent Secretary, then Sir Nigel Crisp, about making an appointment to see him to discuss the matter. This approach subsequently became known to Lord Warner who, on the 10th March 2005, wrote to me again; and I attach a copy of this second letter flagged C. No doubt inadvertently Lord Warner's Private Office enclosed with this letter a background note from officials to him making the point that his earlier letter had given a very false impression of the Department's records system, explaining that the reply had been drafted by "the Correspondence Unit using a number of standard lines, and the reply did not fully address the points raised in the letter." This background note is attached to the letter at Flag C.

7. It was not until the 13th April 2005 that I was able to meet Sir Nigel Crisp and put the whole matter to him. Sir Nigel expressed dismay at the inadequacy of Lord Warner's first letter, and at the terms of the background note which had inadvertently been sent to me, and he offered his very sincere apologies for my having been treated in this way. He then went on to explain that there are indeed a large number of files held at the Public Record Office and that it would be necessary for his officials to extract all those files which might be relevant to my enquiry. However, and this was perhaps the most important point to emerge from this meeting, **Sir Nigel made it clear to me that all the files that bore upon the issue of contaminated blood products had been destroyed.** He went on to explain that there had been a long process of litigation by and on behalf of HIV sufferers which had culminated in those who were identified as having contracted their disease via contaminated blood being offered substantial sums of compensation. He then said that when this litigation had been settled and the compensation paid, **it was felt by the Department that there was no longer any point in retaining the files about contaminated blood and that they were accordingly destroyed.** I expressed some surprise at this as the Department must have been aware that it was not only HIV sufferers who were complaining but those who had contracted other diseases notably Hepatitis C. As it was some of these people who were now seeking my help to go over the papers, I said that I found it very difficult to understand how anyone at the Department of Health could have come to a decision that it was right to destroy these files. Sir Nigel could do no more than express his regret that this had been done but I was left with a clear impression that it had been done with intent in order to draw a line under what was by any standards a health disaster, not only for the Blood Transfusion Service but for the NHS generally.

8. Nevertheless, Sir Nigel said that there were some files in the Records Office and that when his staff had had an opportunity to identify those which might be of value to me, I would be informed and I could then make an appointment to go and inspect them. He gave me the name of Miss Zubeda Seedat as the official who would be in charge of this process and with whom I should get in touch.

9. After some delay, arrangements were made for me to inspect the files and this inspection was spread over two or three days. Before starting my search, I was invited to meet Ms Seedat's superior officer, a Mr William Connon. Mr Connon confirmed, with great emphasis, that I would not find any files about contaminated blood because they had been destroyed. There was something in Mr Connon's manner when speaking to me about this that led me to suspect that he may have known more about the destruction of these files than he was prepared to disclose to me. I would like to suggest that Mr Connon is invited to give evidence to the Inquiry about any part that he may have played in this affair.

10. When I began to go through the files which Ms Seedat had procured for me, although I found no files touching upon the use of contaminated blood or that this might have been the source of the infections, there was a great deal of evidence that the Department was very well aware that Hepatitis C had become a fairly widely diagnosed disease. Indeed, all blood and blood products used for transfusion after the identification of the disease were routinely subject to tests to determine that the blood was indeed free from contamination by this disease.

11. Miss Seedat subsequently sent me two large bundles of copies of documents which I have marked "X" and "Y" and which I had identified as having some bearing on the issue of blood safety and of haemophilia patients infected with Hepatitis C. I enclose in separate bundles, the two sets of papers which were supplied "in accordance with guidance under the Freedom of Information Act". Miss Seedat explained that, under FoI rules, some of the papers, those in Bundle "X", could not be disclosed to those who had initiated my enquiry, or indeed to anyone outside the Department. William Connon told me that one of the senior researchers had expressed concerns at the release of papers which referred to his research, and I was given to understand that the reason for this was that the research involved the use of animals and that the researcher was concerned about his own personal safety. In the light of this, I agreed that I could not disclose the papers in this category and have not done so to this date. It must be for the Inquiry to decide whether they wish to see these other papers and what publicity should be given to them.

12. Subsequently it transpired that there were two further groups of files. First, a firm of lawyers, pursuing enquiries on behalf of their clients, had discovered that they held the counterparts of the correspondence in some of the missing Department's files. Second, the Department claimed to have discovered a further bundle of files which had not been unearthed at the time of my search and which I might wish to see.

13. The Department, as I had been promised, was due to publish a Report on the whole matter, but in the event the Report that was published in February 2006 was entitled "Self-sufficiency in Blood Products in England and Wales" and then a chronology from 1973-1991. From my study of this Report, it did not deal satisfactorily, or indeed at all, with the issue of contaminated blood. I accordingly tabled a Question for Oral Answer and this was answered on Wednesday, 19th April 2006 at columns 1054-1056. In the course of the exchanges Lord Warner said "we regret that the papers were destroyed in error, which was I think explained to the Noble Lord in a meeting with the former Permanent Secretary to the Department of Health." Indeed, in an earlier Question Lord Warner had said that the papers were destroyed "inadvertently".

14. Since this was most certainly not the explanation that had been given to me by Sir Nigel Crisp at the meeting referred to above, I found the Minister's answers deeply unsatisfactory. Nevertheless, I thought it right to follow up my earlier searches with a request that I might have a sight of the two recently discovered groups of files referred to in paragraph 11 above. I tabled a further Question to the Department which was answered on the 24th May 2006 (Lords Hansard, cols 824-26.) I heard nothing more for several weeks and in due course rang Lord Warner's office to find out what was happening about these new files. He replied on 23rd October to say that they were still being studied by officials and that they could not be released until this work had been done. I attach a copy of his letter of the 23rd October flagged E. With some reluctance, I accepted this explanation but many further weeks went by without my hearing anything and accordingly I wrote to Lord Warner's successor, Lord Hunt of King's Heath on the 8th January 2007, following up the earlier correspondence and repeating the request that I should be allowed to inspect those files: I attach this letter flagged F. Lord Hunt replied in a letter dated the 16th February advising me that it might be worthwhile waiting until the Report to which he referred was available; this letter is attached flagged G.

15. I have not yet seen these two groups of files and of course this has now been overtaken by the announcement of the Independent Public Inquiry to be carried out by The Rt.Hon. The Lord Archer of Sandwell, QC. No doubt, Lord Archer will wish to consider whether these two groups of files should be examined.

16. I suggest that Lord Archer may also wish to press further for information which might bear on the circumstances surrounding the destruction of the Department of Health's files and by whom, and at what level, this decision was taken.

GRO-C

Lord Jenkin of Roding

20th April, 2007