

PS/Mr Forsyth

Copy to:

PS/SHHD

PS/Chief Executive, NHS

Mr Hamill

GRO-C

GF SHHD 47/90: HIV VIRUS AND BLOOD TRANSFUSIONS

I refer to APS/Mr Forsyth's minute of 29 January conveying Mr Forsyth's request that consideration be given to the extension of the ex-gratia payment scheme for haemophiliacs infected with the HIV virus to all persons infected due to transfusion of blood or blood products.

In 1987 the Macfarlane Trust was set up with a £10 million ex-gratia payment to help haemophiliacs with HIV and their dependents. It was emphasised that this was in recognition of the "wholly exceptional" circumstances of haemophiliacs.

In early 1988, Robin Cook and Clare Short in particular, campaigned for people who have contracted HIV/AIDS as a result of blood transfusions, to be given special financial help in the same way as haemophiliacs. This was resisted on the grounds that haemophiliacs differ from recipients of blood transfusions on the following ways:-

- a) they were already suffering from a serious disability which affected their employment, mortgage and insurance prospects.
- b) the hereditary nature of haemophilia can, and in some cases does, mean that more than one member of the family may be affected.

Whilst there may be exceptional cases of blood transfusion recipients who had a pre existing disability which the operation was designed to alleviate this will not generally be the case. Nor is it likely that more than one member of the family will be affected.

The number of people reported to have been infected with the HIV virus in Scotland as a result of blood transfusions is 12 while England, Wales and Northern Ireland have a further 32. In addition England, Wales and Northern Ireland have a further 45 cases where investigations are still being made to establish which country is responsible for the blood used by these cases for transfusion.

The campaign for a Government payment to HIV infected recipients of blood transfusions appears to be starting up again, following the announcement in November 1989 of an additional ex-gratia allocation to enable haemophiliacs with HIV (or their families if they have already died) to receive a £20,000 lump-sum payment.

We have been in touch with officials in the Department of Health and there are no plans to extend the remit of the Macfarlane Trust to cover non-haemophiliacs who have become HIV infected. There has never been a system of 'no fault' compensation for medical accidents under successive

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Governments. The Scottish Office could not adopt a policy which would undermine the stance taken by other UK Health Departments.

A revised draft letter is attached. This is similar to the responses which the Department Health are now issuing to correspondents on this topic.

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6 February 1990

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