



URGENT - PRIVATE & CONFIDENTIAL - NOT FOR PUBLICATION

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By First Class Post and Email

Date: 26 February 2015

Dear Sirs

The Incorporated Trustees of the Macfarlane Trust, Roger Evans & Jan Barlow

We act on behalf of the Incorporated Trustees of the Macfarlane Trust, Roger Evans and Jan Barlow. This letter is being sent separately to the Haemophilia Society ("tHS") and its Chief Executive, Liz Carroll.

The Incorporated Trustees of the Macfarlane Trust is the incorporated trustee body of the Macfarlane Trust ("MFT") pursuant to s.251 of the Charities Act 2011 and acts on behalf of the MFT. Mr Evans and Miss Barlow are respectively the Chair and Chief Executive of the MFT.

The MFT was established in 1988 by the British government to people with haemophilia who were infected with HIV as a result of contaminated NHS blood products, together with their spouses, parents, children and dependants. The MFT's funding is provided by government and the majority of its funding is spent on discretionary regular payments to those who were infected and to their widows/widowers. Currently, the MFT supports between 500-600 beneficiaries in accordance with its charitable aims. The MFT has an outstanding reputation in the charitable sector and works closely with several other organisations in this field, including the Eileen Trust, the Skipton Fund, the Caxton Foundation and MFET Limited to support its beneficiaries.

The close relationship between these organisations is illustrated by the fact that Miss Barlow is the Chief Executive of the Caxton Foundation and the Company Secretary of MFET Limited. She also manages the staff of the Eileen Trust and the Skipton Fund. Roger Evans is also the Co-Chair of MFET Limited. Each of our clients has longstanding and excellent reputations in the field of charitable work and public service.

Our clients very much regret that they have been compelled to instruct us to write to tHS and Mrs Carroll. Our clients' sole concerns relate to supporting their beneficiaries whom they support tirelessly. However, it is precisely because tHS and Mrs Carroll have recklessly endangered the very important work which our clients undertake that they have little choice but to instruct lawyers to take appropriate action in this matter.

Our clients complain about the seriously defamatory and completely false allegations concerning them which the Haemophilia Society ("tHS") and Mrs Carroll published in a letter dated 10 February 2015 addressed to Jane Ellison MP (the "Letter"). We enclose a copy of the Letter for your ease of reference. We understand that tHS is incorporated by guarantee and is registered at Companies House; therefore both tHS and Mrs Carroll are joint and severally responsible for the publication of the Letter to Ms Ellison MP and to all the other publishees set out below.

NOT RELEVANT



In addition to Ms Ellison MP, the Letter was sent to at least six other MPs identified at the end of the Letter as well as Baroness Meacher, tHS' President. In order to achieve the maximum impact and damage to our clients' reputations, the Letter was also published on tHS' website from approximately lunch time on 23 February 2015 until a point unknown on 23 February 2015. The Letter was also widely published via tHS' Facebook page, and via tHS' twitter feed. We also understand that a copy of the letter was passed to the Guardian's political correspondent who has written to Ms Barlow informing her of her intention to write about these allegations. A copy was not sent to the MFT and the Letter did not come to the attention of MFT until 23 February 2015.

The scale of this online publication is very significant; tHS' Facebook page has over 1654 "likes" and the particular item containing the Letter was specifically "liked" thirteen times in approximately 24 hours. The Letter was "shared" by thirteen individuals thereby ensuring the further rapid dissemination of the false allegations within it. Similarly, tHS' twitter feed has 1,694 immediate followers, and by 24 February 2015, the tweet containing the Letter had been retweeted by three individuals to at least a further 720 further followers.

One particularly worrying re-tweet was made on 23 February 2014, when one of tHS' twitter followers forwarded the Letter to the well-known Channel 4 television news presenter Jon Snow in the following stark terms:

GRO-C	22h22 hours ago
GRO-C	C4 news need to cvr this - barbaric comments from the CEO/Chair of 2 charities est by DoH - #deadpatientssavemoney?

The Letter has therefore been very widely and deliberately disseminated by tHS and Mrs Carroll to cause maximum damage to our clients' reputations. Such a deeply damaging hashtag and reaction illustrates the real and serious harm which the Letter has already caused to our clients' reputations. The broader impact on our clients' reputations within the relevant sector is exemplified by the fact that the Letter was first drawn to our client's attention by a beneficiary of the Caxton Foundation who had read the seriously defamatory allegations.

The Letter falsely states that at a recent meeting, Mr Evans and Miss Barlow, the Chief Executive and Chair of MFT "expressed the opinion that the Department of Health should wait before responding to Penrose so more people will have died and they will have less to pay out."

The reference to "Penrose" is a reference to the Penrose Inquiry. As you are well aware, and as all readers of the Letter would have known, the Penrose Inquiry is a highly publicised public inquiry into the circumstances in which patients treated by the NHS in Scotland became infected with Hepatitis C, HIV or both through the use of blood or blood products. The Penrose Inquiry's Final Report is due to be published on 25 March 2015.

The allegations are completely false and without any foundation as Mrs Carroll knows. The meeting apparently referred to in the Letter took place on 29 January 2015 at tHS' offices and was attended by Mr Evans and Miss Barlow and Mrs Carroll. It was a routine and regular meeting between the MFT and tHS to keep each organisation informed of the work of the other. However at no stage of the meeting did either of Mr Evans and Miss Barlow express any of the views or similar views to those alleged in the Letter. In context, the allegations are clearly seriously defamatory of each of the MFT, Mr Evans and Miss Barlow. They would have been understood to mean that:

1. The MFT advocated that the Government should delay its response to the Penrose Inquiry so that more people would have died as a result of contaminated blood products and the government would therefore have to pay lower amounts of compensation to the victims;



2. The MFT's policy was to seek to minimise the financial support given to the victims of contaminated blood products;
3. The trustees of the MFT were acting contrary to its stated charitable purposes and not in the best interests of its beneficiaries;
4. The MFT had a callous disregard for the interests of its beneficiaries;
5. Mr Evans and Miss Barlow advocated that the Government should delay its response to the Penrose Inquiry so that more people would have died as a result of contaminated blood products and the government would therefore have to pay lower amounts of compensation to the victims;
6. Mr Evans and Miss Barlow sought to minimise the financial support given to the victims of contaminated blood products;
7. Mr Evans and Miss Barlow had a callous disregard for the interests of the MFT's beneficiaries; and
8. Evans and Miss Barlow were seriously unfit to represent important charities established by government and therefore should be removed from their posts.

In context, it is beyond argument that these allegations are serious defamatory of each of our clients within the definition of s.1 of the Defamation Act 2013. The damage done to their reputations already could not be better encapsulated in the aforementioned tweet which describes the stated views as "barbaric" with the hashtag "deadpatientsavemoney?". This seriously risks undermining the willingness of beneficiaries of contaminated blood to seek support from our clients. The broader impact upon our clients' work in this sector is also illustrated by the fact that the publication of the Letter was drawn to their attention by a beneficiary of the Caxton Foundation. The publication to Ms Ellison MP and the other individuals identified on the Letter was clearly designed and intended to and will have caused serious harm to its reputation in government, which provides the entirety of the MFT's funding and more broadly within parliament.

Mr Evans, Miss Barlow and the Incorporated Trustees of the MFT are hugely distressed to read that such appalling views have been falsely ascribed to Mr Evans and Miss Barlow in the Letter and which, in light of their leading roles, clearly reflect also on the reputation of the MFT. They are shocked that Mrs Carroll would make up such false allegations, but it is clear that she published the allegations knowing they were false and with malice. Nothing either Mr Evans or Miss Barlow said on 29 January 2015 could possibly have provided any basis for such a complete fabrication. We note that in tHS' statement published on its website late on the afternoon of 24 February 2015 (to which we return below), Mrs Carroll does not attempt to assert that either Mr Evans or Miss Barlow stated the views which she had previously ascribed to them. Should it prove necessary, our clients will rely on this as yet further proof of malice in relation to the original allegations in the Letter.

While we note that tHS has removed the Letter from its Website on 23 February 2015, the damage being caused to our clients' reputations continues, not least in light of the deliberate and widespread dissemination through the grapevine of social media. There is also the serious damage to our clients' reputation within government and to the MPs who received the original letter. The only way that continuing damage can be arrested is by an immediate retraction and unequivocal apology from tHS and Mrs Carroll to all recipients of the Letter.

Late on 24 February 2015, tHS posted on its website a statement which Mrs Carroll refers to as "a retraction" in her email to Ms Barlow of 16:36 (the "Statement"). The Statement is not a retraction,



nor is it headed at such. The Statement is distinctly equivocal and contains the further insulting and defamatory assertion that Mr Evans' and Miss Barlow's conduct at the recent meeting had given Mrs Carroll the impression that they and the MFT advocated and held the views described above. Nothing at the meeting could have possibly given Mrs Carroll any basis for such a bald and false assertion. The Statement therefore does not come close to alleviating the sting of the seriously defamatory allegations in the Letter. As set out above, the Statement is simply further evidence of malice in relation to the original false allegations.

Accordingly, and to ensure that further serious harm is not caused to our clients' reputations, our clients urgently require tHS and Mrs Carroll to:

1. remove the Letter from any online source where it continues to be published;
2. remove the Statement from any online source where it continues to be published;
3. undertake that they will not publish the same or similar allegations concerning our clients which are contained in the Letter and the Statement; and
4. retract the false allegations contained in the Letter and the Statement and publish a clear, fulsome and unequivocal apology to each of our clients, in wording to be agreed, to all original recipients of the Letter and to ensure that such apology is also published prominently on the HS' website, Facebook page and twitter feed for at least seven days.

Our clients require that these actions are agreed and undertaken within 48 hours of the date of this letter to ensure that their reputations are not further damaged and that no greater harm is done to their work in this charitable sector for the benefit of the victims of contaminated blood products. Ultimately, it is these victims who are undermined and damaged by the publication of such patently false allegations concerning our clients.

If tHS and Mrs Carroll are not prepared to take proper and responsible action to remedy the damage they have caused, our clients will regrettably have to consider taking further action, which may ultimately include recourse to issuing legal proceedings. We wish to make clear that this is something which our clients will not countenance lightly, but the seriousness of the damage which the false allegations concerning them has caused requires this matter to be promptly and properly addressed and remedied. The work undertaken by our clients is simply too important for the victims of contaminated blood products to allow it to be undermined in such a manifestly false and peremptory matter. Our clients sincerely hope that it will be possible to resolve this matter without the need for further legal involvement but the allegations which tHS and Mrs Carroll have published so widely has had and will have a real and serious impact upon the work which our clients undertake. That cannot be allowed to continue.

In the circumstances, our clients very much hope that tHS and Mrs Carroll will act promptly and responsibly to correct their seriously damaging actions.

Our clients' approach will therefore be governed by tHS and Mrs Carroll's immediate actions. Pending that response, our clients' rights are reserved in their entirety.

We look forward to hearing from you as a matter of urgency.



Yours faithfully

GRO-C

Wilsons Solicitors LLP

Enc Letter of 10 February 2015

Cc Mr B Manson