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The Rt. Hon. Theresa May MP  
Prime Minister  
10 Downing Street  
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12 October 2016

Dear *Prime Minister*

Thank you for your letter of 30<sup>th</sup> September, in which you explained the Government's intentions with respect to an independent panel into the contaminated blood scandal.

When I raised this matter with you at Prime Minister's Questions, I very much welcomed your open-mindedness on the issue. I would also like to thank you for personally apologising to those affected in your letter, and I acknowledge your points about the new financial commitments the Government is making with a new support scheme.

However, I must take issue with your reasons for not setting up an independent panel into this tragedy. I would also like to clarify my intentions with respect to an independent panel, as you appear to have wrongly assumed that I was asking for a statutory public inquiry into culpability for the scandal. I hope I can address any ambiguities in this reply.

Firstly, you state in your letter that "Lord Archer of Sandwell and Lord Penrose have already separately undertaken thorough, independent inquiries within the last decade." Whilst I acknowledge the importance of both of these inquiries, I do not think either of them have met the needs of the affected community. The Archer Inquiry was not a statutory public inquiry: it was established independently by The Rt. Hon. the Lord Morris of Manchester AO QSO and funded entirely by private donors. Those who established it did so partly because they were frustrated with the Government's unwillingness to commission its own inquiry, so it is unfortunate that you have chosen to reference Archer as a grounds for not commissioning a panel.

Whilst the Penrose Inquiry, by contrast, was statutory, its terms of reference were quite narrow and focussed largely on the question of culpability for the scandal: namely



whether the Government of the day could have done more to reduce the level of infection; and whether enough was done to identify those who had been affected once the facts of the scandal became known. Penrose did not look into the evolution of the support system for those affected and the painful and difficult process many had to go through in waiting for the most basic financial assistance. In the minds of so many of those affected, this decades-long struggle is rightly regarded as an equally-important part of the scandal. It still needs to be considered by an independent panel with far broader terms of reference.

Secondly, you state that “neither inquiry found the governments of the day to have been at fault and did not apportion blame.” The Archer Inquiry expressly did not set out to apportion blame as it was felt, quite rightly, that we could establish that the state had a responsibility to support those affected by the tragedy without needing to establish blame (see p. 91). I regret that you have neglected to note this in your letter. The distinction Archer drew highlights a more fundamental point, which I would like to reiterate: in calling for an independent panel at Prime Minister’s Questions, I was not asking that you set up a statutory body to focus solely on the issue of apportioning blame. Rather, I asked that you follow the model of the Hillsborough Independent Panel and set up a body to help achieve truth and reconciliation for the community of those affected; and to ensure full public disclosure of the details of this tragedy. There remains a strong need for a panel established in this way.

Thirdly, you also claim in your letter that there has already been full disclosure of the documents related to the tragedy; and that, as such, “it is unlikely that a public inquiry would provide further information.” I disagree with this claim. When the Archer Inquiry was conducted, it received limited support from the Government. Indeed this is explicitly noted in the report itself, which states (pp. 8-9) that “the Department of Health maintained its view that the Inquiry was unnecessary, and declined to provide witnesses to give evidence in public.” As you will know, Penrose was limited to affairs in Scotland and established by the devolved Scottish Government. The community rightly feels there is scope for an investigation into the scandal across the whole of the United Kingdom, with full public participation from the Department of Health.

Finally, I contest your claim that an inquiry “would further delay action to address their concerns, and would curtail their plans to reform the existing support schemes.” We are already clear on the various ways in which this tragedy has impacted the community of people affected – this was a key focus in detail of the All-Party Parliamentary Group’s Inquiry, published in January of last year. As such, there would be no reason for an independent panel with correctly-drafted terms of reference to in any way impede the



development of a new support system. There is no reason to use a panel as an excuse to delay the new support regime, and I must urge you to avoid adopting language like that which you have done in your letter as it could cause unnecessary worry to those affected by this scandal.

I hope I have provided greater clarity on how I feel an independent panel could benefit those affected by the contaminated blood scandal. I know that there is strong support amongst many of my Parliamentary colleagues – including many Conservative MPs – for a panel framed in this way, as well as widespread support from the affected community. I must therefore urge you to reconsider the position you have adopted in your letter, and look into the prospects of an independent panel of the kind I have described.

Yours sincerely,

**GRO-C**

Diana Johnson

Labour Member of Parliament for Hull North

Co-Chair of the All-Party Parliamentary Group on Haemophilia and Contaminated Blood

cc: Liz Carroll, Chief Executive of the Haemophilia Society

cc: The Baroness Meacher, President of the Haemophilia Society

cc: The Rt. Hon Alistair Burt MP

cc: The Rt. Hon. Andy Burnham MP

cc: All members of the All-Party Parliamentary Group on Haemophilia and Contaminated Blood