

Witness Name: Sally Richards

Statement No: WITN4508004

Exhibits: WITN4508017 - 020

Dated: 21/04/2021

## **INFECTED BLOOD INQUIRY**

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### **FOURTH WRITTEN STATEMENT OF SALLY RICHARDS**

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I provide this statement in response to a request under Rule 9 of the Inquiry Rules 2006 dated 2 July 2019.

I, Sally Richards, Scheme Manager within the National Services Scotland (NSS), Scottish Infected Blood Support Scheme (SIBSS) with responsibility for managing the scheme, will say as follows: -

#### **A. Appeals**

- i) Please provide the minutes of all meetings convened by the Appeals Panel since 1 November 2017 where applications are discussed. If no minutes are kept of these meetings, how are discussions between panel members about the merits of an application recorded?**
  - ii) Are earlier decisions of the Medical Assessors and Appeals Panel considered in determining cases with a similar set of facts/claims? Is guidance updated to reflect changing interpretation of the schemes policy?**
  - iii) Please give the names, titles and qualifications of the appeal panel members. Please also provide a brief overview of their relevant experience.**
  - iv) How was the 'lay person' chosen by the Scheme and is this a rotating position?**
  - v) What is the appeals procedure for non-medically based applications, such as discretionary grants and income top up?**
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- i) See documents attached [WITN4508017-19]
  - ii) The Appeals Panel have only met on 2 occasions so there are no earlier decisions to draw on; however, Professor Peter Mills was a member of the previous UK scheme and has extensive experience to draw on. Guidance is updated to reflect changing interpretation of the scheme policy.

- iii) See documents attached [WITN4508020]
- iv) The “lay person” was chosen by David Knowles, Director at the time, contacting suitable candidates from the wider health community. This is not a rotating position.
- v) The appeals procedure is the same for non- medically based applications.

#### **B. Time limits to apply**

**In relation to time limits to apply to the Scheme under Schedule 6.2 of the Scheme Rules;**

- i) **In files SIBS0000086, SIBS0000084, SIBS0000118 and SIBS0000120 provided by the Scheme in response to our previous request, all applications were refused partly because an application was not made within 12 months of diagnosis under Schedule 6.2. In each of these cases the applicant was diagnosed with HCV prior to the establishment of the Scheme and it was therefore not possible for an application to be lodged within 12 months of diagnosis.**

**Please comment on this. Why does this time limit exist?**

In the cases referred to, the failure to make an application within 12 months of diagnosis (or to provide a good reason why that was not possible) was a secondary reason for declining the application and not the primary reason for doing so.

Your question on why the time limit exists is a matter for the Scottish Government and the Scottish Government has provided the following response. The Skipton Fund acted as a predecessor scheme to the Scottish Infected Blood Support Scheme and so, while applicants could not have applied to SIBSS within 12 months of diagnosis if they were diagnosed prior to April 2016, if they were infected with hepatitis c they could have applied to the Skipton Fund. If an applicant had applied to and been rejected by the Skipton Fund they could still reapply to SIBSS even though it was over 12 months since their diagnosis as SIBSS administrators would normally consider that reasonable grounds for not meeting the 12 month requirement in Schedule 6.2 of the Scottish Infected Blood Support Scheme 2017.

Section 28(3)(c) of the Smoking, Health and Social Care (Scotland) Act 2005 requires the scheme to ‘provide for the procedure to be followed in relation to claims under the scheme (including the time within which claims must be made ...)’. Therefore the Scheme document requires to set out a timeframe. 12 months following diagnosis would normally be a reasonable timeframe for a patient to be able to find out about the Scheme and arrange for the forms to be completed, although as noted in Schedule 6 of the Scheme document, the scheme administrators do have the discretion to accept applications over 12 months following diagnosis ‘on cause shown’, in other words where the applicant is able to provide a reasonable explanation regarding why they did not or could not apply within 12 months of diagnosis.

**C. Approved Applications**

- i) Please provide full unredacted copies of all new applications of Chronic HCV (Stage 1) payments received after 1 October 2017 that have been approved, including all material considered by the decision maker. Please ensure each beneficiary file is individually scanned.

These have been provided to the Inquiry.

**Statement of Truth**

I believe that the facts stated in this witness statement are true.

**GRO-C**

Signed \_\_\_\_\_

21/04/2021

Dated \_\_\_\_\_