

Morven

Smith/POLICY/DOH/GB

21/05/2009 14:53

To Rowena Jecock/PH6/DOH/GB, Ailsa Wight/PH6/DOH/GB, Elizabeth Woodeson/CQEG/DOH/GB, Judith Moore/OIS/DOH, Kate Pike/OIS/DOH  
cc Penelope Irving/OIS/DOH **GRO-C**, Sarah Kirby/OIS/DOH **GRO-C**, Debby Webb/HP-SL/DOH/GB **GRO-C**, Edward Goff/HP-SL/DOH/GB **GRO-C**, Joanne Jones/OIS/DOH **GRO-C**, Marc McGonagle/OIS/DOH **GRO-C**, Catherine Pearson/PR-OFF/DOH/GB **GRO-C**, Catherine Hawes/DEL-GBT/DOH/GB **GRO-C**, Elizabeth Gunnion/OIS/DOH **GRO-C**, Natalie Pemberton/HRD-ETD/DOH/GB **GRO-C**  
Subje ACTION POINTS from Response to Lord Archer Report  
ct Meeting today 12:30pm

Dear All,

Thank you for attending the meeting with MS(PH) on the reaction to the Government's Response to Lord Archer's Report.

### Action Points

- Clear note on comparison with ROI compensation scheme. Why is it different in Ireland? Litigation questions? Need to ensure that we separate ourselves from the issue of what was settled in Ireland. - **Rowena, Ailsa & Liz**
- What can we do regrading the Skipton Fund? Can we announce review? Can we give more money? We need to know what recipients costs are and how the two payments reflect the costs the recipients have. Why did we choose these amounts at the time? Do they reflect real costs of recipients? What amounts would reflect the real costs? Can we look at cases where dependents have suffered severely and perhaps give them some funding? Can we cost out the 2nd Stage payment group if the money there can be increased? - **Rowena, Ailsa, Liz & Ted**
- Why were the levels for Macfarlane and Eileen set as they were? **Rowena, Ailsa, Liz**
- As we expect that we may have to submit to a debate after recess can we ensure that we have strong lines on the most relevant questions. Especially Ireland, Skipton Fund and the fact that the Haemophilia Society supported the continuation of Factor 8 after we knew there might be an issue. We need careful lines around this in terms of the fact that people would have died without Factor 8 but were then infected with viruses. The Health Bill is in HoC 1st day back from recess so this needs to be kept in mind also. - **Rowena, Ailsa & Liz**
- **Kate & Judith** to keep monitoring media carefully and to report on what is happening.

- The team (Rowena?) to speak to the Haemophilia Society in regards to their reaction. Why did they not speak to us before hand? Chris James needs to explain his press release. Why did he say 'While haemophilia patients crossed the country to give evidence to the Inquiry no Health Minister was prepared to even cross the road', when Health Ministers were not invited to the Inquiry? What basis does he have for this allegation?
- Can we look into ring fencing the 100k for the Haemophilia Society? How would we ring fence it? Could it be ringfenced to ensure that it is only used to put the Society in a place of sustainability? And not be used for campaigning or salaries? - **Rowena, Ailsa & Liz**
- Can we look into the appeal against the withheld Ken Clarke letter? Can the process be sped up? - **Rowena, Ailsa, Liz**
- Are we able to say that we will sit down with the Alliance and work out the Terms of Reference for the Review of the Skipton Fund? - **Rowena, Ailsa, Liz**

### Additional Notes from Meeting

- MS(PH) expressed serious concern over the reaction to the Response especially from the Haemophilia Society. The team confirmed that they were shocked at the Haemophilia Society's response also - there had been no indication from them that it would be such a vitriolic response.
- MS(PH) asked why we haven't accepted liability as Ireland have and asked for this to be investigated. She said that we need to separate ourselves from the comparison with Ireland in order to get a positive message across. People need to understand why the UK case is different to Ireland. The team agreed to produce substantive information and defence on this point for future use including information on the litigation case in UK in 1990s and how this differs from Ireland in order to make the case for reasonable payments. - **Rowena, Ailsa & Liz**
- MS(PH) noted that we have to be careful how we approach the issues around financial assistance in terms of the Thalidomide Trust. Natalie Pemberton is lead official on this.
- Liz noted that the Macfarlane and Eileen Trusts were happy with the rise in payments, but would probably be reluctant to say so publicly. - **Can we check?**
- Rowena reported that informally the Haemophilia doctors were happy with our response. However they were disappointed that dependents had not been provided for. Again unsure whether they would speak publically about their reaction. - **Can we check?**
- The team pointed out that we need to be mindful of the fact that Skipton is UK-wide.
- MS(PH) said that if it transpired that money needed to go to the Skipton Fund then we would need to revisit this with Finance colleagues.
- Judith noted that we have to be mindful that by waiting until 2014 to review it may look like we are waiting for more recipients to die before reviewing the money being given.



- Liz noted that if we were to give the Skipton Fund recipients the same amount as Macfarlane and Eileen recipients it would be in the order of 50million annually - **Can this be costed out?**
- MS(PH) stated that she was uncomfortable with a monetary argument versus a moral argument.
- MS(PH) also noted that we need to be careful in terms of the Penrose Inquiry in Scotland as if we said that we wanted to wait and see what Penrose said then Penrose would become a UK-wide Inquiry which is something we were trying to avoid.
- The team raised the point that Lord Darzi committed to a debate in the Lords - *'I personally commit to do everything possible to ensure that the Government respond fully to the noble and learned Lord's recommendations in advance of the L Whitsun Recess, if not the week before. Furthermore, we will of course assist as far as possible in securing a debate on the Government's response.'* (taken from Lords Hansard 28 Apr 2009 Column 143).

I apologise for the length of this email, but felt it was important to report back as fully as possible. I would appreciate if I could have the Action Points (and additional queries in notes section) work back **by 11am on Monday 1 June** in order to appraise the Minister on her return from Recess?

Thank you,

Morven Smith

Assistant Private Secretary  
Minister of State for Public Health  
Department of Health  
Richmond House

GRO-C

**\*\*MS(PH)'s box closes at 2pm Monday to Wednesday and 12midday on Thursday. Please note MS(PH) does not have a box on Friday.\*\***