Witness Name: Danielle Holliday
Statement No.: WITN7763001
Exhibits: TBC
Dated:4 April 2025

INFECTED BLOOD INQUIRY

WRITTEN STATEMENT OF DANIELLE HOLLIDAY

I provide this statement in response to a request under Rule 9 of the Inquiry Rules 2006 dated 13 March 2025.

I, Danielle Holliday, of Collins Solicitors, 20 Station Road, Watford, Herts, WD17 1AR will say as follows:

1. I am a Solicitor of the Senior Courts and a Partner in Collins Solicitors. We have acted for more than 1500 participants in this Inquiry and we currently represent those clients (together with a further 500 people who have contacted us since the end of the Inquiry). With the exception of work in connection with the Infected Blood Inquiry Final Report and initial client meetings with Sir Robert Francis and Cabinet Officials we have acted on a mainly pro-bono basis since January 2023.

2. Where I refer to "we" in my statement that is, in the main, reference to work undertaken by Des Collins and/or other solicitors in this firm.

3. I have read the statement of Benjamin Harrison of Milners Solicitors [WITN7759001] and do not intend to repeat what has been said where he refers to joint correspondence and/or meetings that we, together with other

Recognised Legal Representatives to the Inquiry ("RLR"), have had with IBCA and/or the Cabinet Office.

Interactions with the Cabinet Office and with IBCA in relation to the compensation scheme.

Initial contact with the Cabinet Office

4. Our interactions with officials at the Cabinet Office pre-date the creation of IBCA. In February 2024 we became aware from campaigner clients that Browne Jacobson LLP had been contracted by the Government to provide advice to the Cabinet Office in connection with the proposed compensation scheme. On 20 February 2024 we wrote to Browne Jacobson, on behalf of the clients we had represented for years, many of whom had been traumatised by their treatment at the hands of previous schemes and lack of involvement in decision making and offered to assist them. Having worked with our clients for nearly 8 years and having a detailed understanding of the recommendations made by Sir Robert in his Framework Study and Sir Brian's Second Interim Report, we believed that we would be able to help with the development of the scheme so as to try to avoid the mistakes of the past. [WITN7763002]

5. Looking back, we may have been rather naive in making that offer but we simply wanted (and still want) the best Scheme for our clients – we have never received a response to that offer, indeed receipt was not even acknowledged.

6. I wrote to the then Paymaster General, John Glen on 28 March 2024 again offering to assist on behalf of our clients generally so that we could consider how information may be shared to enable the process to move forward efficiently and without unnecessary stress to the community [WITN7763003].

7. I cannot locate a response to that letter.

8. On 17th April 2024 the then Paymaster General, John Glen, wrote to MPs regarding the progress of the Government in establishing a compensation

scheme which was to be delivered by an Arm's Length Body (named the Infected Blood Compensation Authority "IBCA"). He said that the Government recognised that it should do more *"to provide reassurance to the people who have been infected and affected by this scandal, and [they] must provide more transparency as [they] do this"*. He said that he would undertake meetings with key representatives from the infected blood community [WITN7763004].

9. The same day he wrote a "*To whom it may concern letter*" which was, I believe, sent to various campaign groups as it was provided to us by a number of clients (but not to our firm or any of the other RLRs). In that letter he sought to assuage concerns that many had raised regarding the Expert Group appointed by him earlier in the year. The identity of all individual members of that group were unknown at that point, save for the Chair Sir Jonathan Montgomery. In particular, he said that *"… the work of the expert group is intended to build on, not replace the recommendations made by Sir Robert Francis and Sir Brian Langstaff. The expert group is providing technical assistance in understanding how the Inquiry's recommendations could work in practice…"* He thanked campaigners and said that he planned to engage further as they develop this work. [WITN7763005].

10. Whilst this was not an interaction with this firm directly it is an early indicator as to the attitude of the Cabinet Office and later IBCA in connection with communication and engagement with the RLRs who had worked with the community for years through the Inquiry and who have continued to provide support and advice to individuals and campaign groups.

11. In early May 2024 I was asked by a number of clients (selected by the Cabinet Office) to attend separate meetings with them and the then Paymaster General, John Glen, but in a listening capacity only which I believe was only grudgingly allowed. The Paymaster General began each meeting with an apology on behalf of himself and successive Governments for the harm caused to the victims and their families over several decades. He then went on to provide what he referred to as a "meaningful update" as to the progress that had been made to establish a scheme to provide compensation to infected and affected

victims since the Government lost the vote in the Victims and Prisoners Bill in December the previous year.

12. He told the meetings that I attended (and I've no reason to believe that he departed from the general script) that substantive work had now been undertaken on the compensation scheme, both by his officials and the expert panel put together to assist in translating the Study by Sir Robert Francis and Recommendations of Sir Brian Langstaff into a workable scheme. He confirmed that the tariffs would follow the 5 heads of loss identified in those reports and that the scheme did not have a fixed maximum budget.

13. He said that, in due course, the Chair, various panels and sub committees in the Arm's Length Body would be appointed in consultation with the communities but that he had taken the step of unilaterally appointing Sir Jonathan Montgomery and the panel of experts so that he could move matters forward because trying to set up such a panel and consulting the various groups with significant differences of opinion would have been challenging and likely lead to further delay.

14. He also said that before he was appointed Paymaster General very little meaningful progress had been made to develop the Scheme and he was keen to move matters forward.

15. I recall that I thought that was interesting given what had been said repeatedly by previous Paymaster Generals and others in the Government that the various departments were moving "*at pace*" to provide a response to Sir Brian's Second Interim Report which set out his recommendations on compensation. It also seemed somewhat at odds with oral evidence given to the Inquiry during the hearings in July 2023.

16. I also recall thinking that the only reason that matters were moving at all was because the Government had lost the crucial vote in the House of Commons in December 2023 and that the Victims and Prisoners Bill, if passed as expected,

would effectively force the Government to set up an independent body to deliver compensation within a specified timeframe.

17. The Paymaster General also confirmed in the meetings that an interim payment of £100,000 would be made to the estates of victims whose deaths had not to date been recognised and that this would be through existing support schemes. However, he could not say when personal representatives of those estates would be able to register or whether any support would be made available to help obtain a grant of probate or letters of administration to enable payment to be made to those estates.

18. He was unable to elaborate with any further detail save to say that they were trying to create a clear and easily accessible system but repeatedly refused to confirm what (or even whether) any independent legal support will be provided in the first instance.

19. He said that the Government would produce a detailed document setting out its response on compensation very soon and this would set out the rationale, how to register, interim payments and the journey to receiving full payment of compensation.

20. He did not say when this would be published, however, the participants at each of the meetings I attended said that it would be disrespectful and inappropriate to announce any response either on the day or very close to publication of the Final Report. He said that he would feed that back but ultimately it was not his call as to when the announcement was made.

21. Without exception the message conveyed by our clients in each of those meetings was that they wanted to have meaningful involvement in the decision-making process and that they should have legal assistance and representation available to them to do so.

22. I had the clear impression John Glen did not wish to commit to providing a guarantee of any legal assistance to the community with the development of

the Scheme or indeed going forward at all. When the question of legal support and representation was put to him he seemed at pains to point out how simple they intended the process to be. It now appears clear that, by the time of these meetings, the development of the compensation scheme was, in fact, quite far advanced and going to be delivered as a fait accompli without any involvement of the community or their representatives.

23. There followed some further correspondence on 29 April 2024 [WITN7763006] and 14 May 2024 [WITN7763007] regarding the Scheme and anticipated payments to estates. There had been no input whatsoever from the infected blood community or their legal representatives in respect of how and when applications for interim payments to estates may be made

Post publication of the IBI Final Report

24. Our clients, like many in the infected blood community, welcomed the publication of Sir Brian Langstaff's Final Report on 20 May 2024 and felt that the struggles and battles fought for decades had been vindicated. However, that euphoria was very short lived and, despite the message that had been clearly conveyed to John Glen at the various meetings only 2 weeks before, on 21 May 2024 the "Infected Blood Compensation Scheme Proposal Summary" [WITN7752002] was published which left our clients confused and demoralised once more.

25. On 22 May I emailed John Glen requesting a response to my letter of 14 May 2024. In the body of that email I noted that

> *... "IBCS Summary notes that the "proposed Scheme is subject to further validation with representatives of the infected blood community prior to being established in regulations. This will be led by the interim chair of the Infected Blood Compensation Authority, Sir Robert Francis, with final Scheme proposals to be made by ministers and presented to Parliament for approval in secondary legislation"*

I would be grateful if you could confirm that this will include the legal representatives of the infected blood community. [WITN7763008]

26. To the best of my knowledge, I did not receive any detailed response.

27. The same day I was made aware by invited clients of the meeting to be held by the Cabinet Office on 23 May 2024 which was said to be "*a virtual/online technical briefing to representatives from prominent charities, organisations, and support groups within the infected blood community across the United Kingdom*". It had the following Agenda

> *Agenda (90 minutes)*
>
> - *5 mins Introduction of Cabinet Office Officials*
> - *15-20 mins Overview of compensation scheme*
> - *60-70 mins Discussion including:*
>   - *Reflections on the information published*
>   - *Questions on the information published.*

A number of our clients had asked whether we (and other RLRs) could attend and they were told that we could but *"in listening-mode only as this [was] a briefing to support [their] understanding of the material published by the Government"* [WITN7763009]

28. The meeting was due to last from 16.00 to 17.30. I agree with Benjamin Harrison's description at paragraph 7 of his statement. I emailed Hannah Smallwood explaining that I had to leave and requested a meeting to include all the RLRs and the Cabinet Office officials to see if we could progress technical matters and raise our broader concerns. I had thought that the involvement of RLRs would assist the Cabinet Office as we had a better (though by no means complete) understanding of what was being proposed. We also understood our clients and that the approach which had been adopted was likely to cause a lot of unnecessary stress and anxiety to many of them.

29. Our inboxes were full of questions we couldn't answer from clients who were distressed, anxious, and very angry at the thoughtlessness of the timing, the lack of involvement in the decision making, lack of understandable information, the threat to end the support schemes, removal of access to future widow(er)s and interim payments to estates to name but a few.

30. The following day Rishi Sunak announced the General Election and Parliament dissolved. We and our clients were thankful that the Victims and Prisoner Bill made it through to Royal Assent in the "wash up" and became law but apprehensive at the direction of travel.

Progress during May and June

31. At the end of May Sir Robert Francis announced that he would spend the month of June *"reaching out to the community and their representatives to hear what they have to say on the compensation scheme before its terms are set out in regulations".* [WITN7757009]

32. We had not heard anything further and aware of the very short timeframe I emailed Stephanie Sanderson at the Cabinet Office on 7 June 2024, in which I drew her attention to the letter I had received from John Glen on 29 April 2024 when he had said that his officials would be in touch to schedule a meeting but that I had heard nothing further. [WITN7763010]

33. I did, of course, appreciate that this was a period of purdah, but Sir Robert had said that he would reach out to the community and their representatives, and our clients were becoming increasingly concerned at the lack of consultation regarding the details of the proposed scheme and lack of transparency as to how the illustrative figures had been calculated.

34. At around the same time in late May and early June we had a number of meetings with literally hundreds of clients either by Zoom or on the phone. The key issues included whether the current support schemes would continue (which was a source of major anxiety), when any compensation scheme would

be likely to start, when claims could be made for interim payments for estates and whether funding would be available to provide advice on individual claims.

35. On 17 June Sir Robert sent a message [WITN7760002] to those individuals invited to the "engagement sessions" together with an "Engagement Explainer" which did assist us with a better understanding of how individual claims may be calculated but still flummoxed most of our lay clients invited to the meetings. [WITN7752004]

36. I attended one or two of the meetings arranged with campaigners and the main issues identified by them were very much in keeping with those we had had with clients as set out in paragraph 34 above.

37. On 24 June, together with the other RLR's and, somewhat strangely, Raymond Bradley of Malcolmson Law, attended a Zoom meeting with Sir Robert Francis, David Foley and a number of Cabinet Office officials. It was later explained that officials had thought that Raymond Bradley had a significant involvement in the Inquiry [WITN7759002].

38. I defer here generally to the content of that meeting as set out in the statement of Benjamin Harrison and agree with his recollection.

39. Following that meeting, we provided Sir Robert Francis with written submissions as requested by 30 June 2024 [WITN7763011].

40. On 26 June, two days after the meeting with Sir Robert and David Foley, I did receive a letter from the Correspondence Officer for the Public Correspondence Team in the Cabinet Office which acknowledged my letter of 7 June and basically said that we had attended a meeting as requested and that he hoped it had provided sufficient opportunity to address our concerns [WITN7763012]. It hadn't, of course, but I had hoped that it would be the beginning of a process of real engagement with the RLRs following the provision of written submissions. However, given the Regulations which were published on 23 August 2024 [RLIT0002479] and our next meeting on 2 October (over 3 months

later), I am not convinced any of the submissions were even read, let alone considered.

41. I would pause here to note generally that most of the correspondence with IBCA/Cabinet Office, whether from me individually or sent collectively by the RLRs, ends with an offer to meet. Most of the responses from IBCA/Cabinet Office then pay lip service to having a meeting by suggesting that officials will be in touch to arrange which of course never happens.

42. At a number of points in his statement Benjamin Harrison sets out that he felt that the involvement of RLRs was not welcome. I would go further and say that it was discouraged and the repeated requests for legal representation and assistance at the meetings attended in June were ignored and the clear requests for legal assistance were not acknowledged or mentioned in the subsequent email update from Sir Robert sent to those on the wider IBCA mailing list. [WITN7763013]; nor were they included in the High-Level Summary of discussion points from the various meetings which was produced by the Cabinet Office and shared with attendees of the meetings [WITN7763014].

43. It is interesting to look back at the High-Level Summary as it is now clear that, save for the U-turn by the Paymaster General that those already in receipt of support scheme payments would continue to do so, I don't think anything that was said at the engagement meetings made any difference whatsoever to the first set of Regulations that were published on 23 August 2024. The HCV Severity Bands were unchanged as were the Injury and Autonomy Awards. The structure of the Financial Loss Award remained the same, including the reduction following the introduction of effective treatment for HCV in 2017.

44. In each of the statements provided by David Foley, Nick Thomas-Symonds and James Quinault in response to Rule 9 requests there is reference to the involvement of people infected and affected in IBCA's decision making. Save for the U-turn mentioned above and some minor tweaks I cannot see that issues raised have translated into reality in the 2025 Regulations.

45. David Foley is, throughout the first section of his statement [WITN7757001], keen to emphasise the *"involvement of people infected and affected .... in IBCA's decision making"* and that *"IBCAs work has been significantly enriched by this extensive engagement"* and that *"Community engagement is also built into decision-making through community representation in governance meeting and decision-making processes"*.

46. There is however a complete refusal or inability to engage with the RLR's who have represented infected and affected people for years. One of the essential problems is that individual campaigners and charities have no experience of any claims process or certainly not one of this nature. The reality is that other than a lot of note taking and nodding – nothing changes and it appears that there is no influence whatsoever of the people and affected on the actual decision making

47. There is also the issue that many individuals were at short notice provided with a lot of information at the meetings they attended which largely they do not fully understand or assimilate. An analogy would be that it is similar to watching a complex science programme on regular TV. We all sit there and say how clever it is and how much we admire the input, but as far as really understanding it or raising sensible questions as to how whatever process there is may be improved, we simply do not have a clue. This reflects the feedback we have had from many of the attendees at the engagement meetings who very often will come back to us for advice which we are in great difficulty giving because of our lack of involvement in the system/process.

October to December

48. The next meeting between RLRs, Sir Robert, David Foley and Cabinet Office officials was on 2 October, I recall that a number of issues and concerns that we had regarding the Scheme were raised which I then set out in the update we provided to clients the following day. What struck me at the time was that it felt that every issue of significance seemed to be beyond the

control/remit/discretion of IBCA and fell within the remit of the policy team at the Cabinet Office [WITN7763015]

49. We became aware from an email sent on the generic IBCA mailing list on 17 October that the first 17 Claimants were being invited to bring their claims and we were subsequently informed by two of our clients that they had been included in this initial group. We were not notified by IBCA that this was about to happen, and the question of legal and financial support remained outstanding. We continued to assist and support our clients despite the uncertainty and if necessary we would have continued pro-bono throughout the process as we could not simply abandon them.

50. Both of our clients received an introductory email from a named case handler which was to arrange an initial call. They were both told that they would be sent a further email prior to the call which will include information about the legal and financial support they could get as they made their claim. This information had not been provided by the time I attended the first meeting.

51. I received an email from IBCA Enquiries Mailbox on 5 November 2024 confirming that legal support would be provided at two key points i.) when confirming that the information IBCA had was correct and ii.) when deciding whether to accept the compensation offer. It was said that the support would be paid for by IBCA within agreed contract terms with agreed providers. That came as a surprise as, at that point, no contract terms had been agreed, in fact, it had not even been the subject of any discussion at all between the RLRs and IBCA/Cabinet Office.

52. We had only attended 2 meetings with Sir Robert and David Foley – 24 June and 2 October – neither of which involved any discussion about costs or the practicalities of how we were going to support our clients through the claims process. We had no idea at that point of the design and/or operation of the Scheme.

53. In a follow up to that email, 14.20 on 5 November , we were invited to a meeting on 7 November *"with Sir Robert Francis and David Foley to discuss this offer in*

more detail" which we looked forward to as no details whatsoever had been provided in the first email.

54. I was then forwarded an email by a client which he had received from IBCA Enquiries and had been sent, it appears, to the campaigners/groups that had been invited to the "engagement" meetings in June. The email was to inform them, ahead of the wider message that was due the following week, that the Government had accepted Sir Roberts recommendation that legal and financial support should be provided by the Scheme noting that this would be of interest to them and their members.

55. Neither we nor, as far as I am aware, any of the other RLRs were included in this mail shot. Our clients were told that they could share this information with their wider network. There was far more information set out in that email than we had received to date which again caused issues when clients rang and asked questions about what they had been told in online forums.

56. I was surprised to see that the email also included a list of pre-prepared Q&As which were apparently already being used by IBCA staff when speaking to claimants who had contacted them. It was becoming clear that, like the approach taken to the Scheme and the first set of Regulations, IBCA intended to dictate how and when legal support would be provided which was not necessarily going to be in the best interests of our clients.

57. I was quite shocked at the lack of communication with the RLRs before such an email was sent to our clients and before there had been any discussion at all with us as to what legal support may look like. This is, I believe, quite typical of the IBCA/Cabinet Office approach to "engagement" and was, as we were to discover at the meeting on 7th November, intended to be a *fait accompli.*

58. The following day, having discussed the above emails with the other RLRs I sent an agenda to IBCA on behalf of us all setting out the issues that we wished to cover at the meeting. This included, inter alia, how IBCA communicated with legal representatives which was simply non-existent.

59. I have read the account set out in Benjamin Harrison's statement and agree with what he has said at paragraphs 41 to 53 [WITN7759001]. However, I feel that it is important to refer to some of the correspondence in more detail.

60. It appears to me that a large part of the problem regarding the provision of legal support is again because the IBCA/Cabinet Office did not involve the RLRs in the process from the outset. It is also clear that they fundamentally do not understand the ethical and regulatory duties owed by solicitors to their clients.

61. On 15 November David Foley wrote to the RLRs, inter alia, that

> *"Once you see the declaration form, I hope you will understand that the work which we are asking to be carried out at this stage is limited in nature. This is due, as you will appreciate, to the nature of the compensation scheme and the need at this stage mainly to carry out an assurance task in respect of the declaration form to ensure that people claiming compensation are aligned with the appropriate tariff, based on the relevant medical information".* [WITN7759011]

62. Essentially, what IBCA/Cabinet Office had envisaged was that the RLRs would effectively just "rubber stamp" what claims managers had put in the Declaration Form from the information they had obtained from claimants and IBSS. We have a duty to act in the best interest of our clients whereas the claims managers do not.

63. The RLRs responded jointly to that letter on 21 November and agreed to move forward with the amended proposals. We also set out why we thought that the model adopted for the Core Route was deeply flawed and suggested a more efficient approach. A response to that letter was not received until 17 January 2025 [WITN7759012]

64. The contract was agreed and signed on 2/3 December 2024 and was limited to the initial cohort of 15 or so invited claimants with a view to learning from that experience before considering how to deal with the next 250 claims.

65. On 21 December we, together with the other RLRs, received an email from David Foley attaching a letter and proposed variation to the contract to advise the next 250 claimants. It is fair to say that we were shocked and surprised (seems to be a common theme) at the attempt by the Cabinet Office to insert a clause which effectively prevented us from making any negative comments about the operation of the compensation scheme which we all considered may be detrimental to protecting the interests of our clients. [WITN7763016].

66. The RLRs agreed a response which was sent to David Foley on 23 December in which we set out in detail why the inclusion of what became known colloquially as the "gagging clause" would be in breach of our professional, ethical and regulatory obligations to each individual client. [WITN7763017].

67. We updated our clients on the position in a mail merge on 15 January [WITN7763018] and David Foley responded to the RLR letter of 23 December on 17 January [WITN7763019]. I cannot say whether the two are linked. He suggested an amendment to the clause which after some tweaking was acceptable to us all.

68. I have had further correspondence with IBCA as set out in the claims process section below.

69. I have been invited, together with the other RLRs, to a Zoom meeting with IBCA/Cab Office on 2 April 2025 to *"review the provision of legal support for people claiming compensation and discuss next steps, following the first group of claims".*

Our experiences of the IBCA claims process

70. We have, to date, been instructed to assist 30 clients who have been invited to commence their Core Route claims under the 2024 Regulations which currently apply to infected people who are registered with one of the IBSS, so eligibility

is not in issue. In theory the 2024 Regulations also applied to estates but as far as I am aware no personal representatives have yet been invited to begin a claim on behalf of an estate. The 2025 Regulations were published on 31 March 2025.

71. When a claimant is invited to make their claim through the Core Route they are allocated a named IBCA claim manager. The first meeting with the claims manager is usually for introductions and for them to outline the procedure and for the claimant to explain their circumstances if they wish. The claims manager will also have received a set of IBSS documents. I understand that all files previously held by Russell Cooke have now been digitised and transferred to IBCA.

72. I am not entirely clear as to how the system is supposed to work and it may differ depending on the claims manager and/or when a person requests legal support but at some point, within a claim, we are sent a pro-forma request form by IBCA to advise a named individual which is then signed and returned.

73. The instructions are from a mixture of clients for whom we have acted for several years and know well and, from others who have been referred to us by IBCA.

74. Initial contact has varied, from clients coming to us as soon as they are invited to start their claim and before we have received the pro-forma request from IBCA, through to instructing us having already signed the Declaration Form and in some cases being in receipt of an offer. This may be because some of our clients are proactive and would like to instruct us from the first meeting whilst others, possibly whom we have not worked with before, are referred at the "Declaration Stage" when information has already been inputted into the Declaration Form. I suspect that this may be the point at which the claims managers have been trained to inform claimants of the access to legal support.

75. I understand from colleagues who are assisting with claims when the claimant has only been informed about legal support at the Declaration Stage we have, on a number of occasions, had to get claims managers to amend even signed forms where they have been based on incorrect dates. This means the claims manager is then duplicating work they have already carried out once and which could have been avoided if we had been involved from the commencement of the application.

76. Once the dates and severity levels are agreed the claims manager prepares the Declaration Form and sends it to the claimant for signature. Once this has been agreed and signed, the claim manager will calculate the compensation offers. It usually takes about a week or so from signing the declaration form to receipt of the offers. The claimant receives two offers; one will be for a total lump sum and the other offer will be for a lump sum with your IBSS payments continuing. We then check the offers and provide our advice to the claimant.

77. The claimant is then able to have a one-hour session with the financial advisor, funded by IBCA to run through some scenarios.

78. Once the claimant has decided which offer to accept and provided the relevant ID, the money is transferred in about a week from the date of acceptance of the offer.

79. The system works well when we work collaboratively with the claims managers and ensure that all the relevant evidence is available to support the correct dates and severity levels.

Issues with documentation and dates

80. We have, so far, dealt with approximately 15 different claims managers and have generally found them to be very nice and pleasant to work with and they seem keen to assist claimants in progressing their claims. One of the problems

we have identified in these early claims is that the information that the claims managers have been supplied with from IBSS is limited and are not always correct

81. The IBSS documents generally contain very little in the way of actual medical evidence and instead contain information relating to the provision of grants and loans from the relevant Trusts, and documentation in support of requests for items such as fridges, school uniform, ovens and respite care.

82. IBSS records rarely record an accurate date of **infection** and/or **first treatment** as those dates were not necessarily required to access the historical Trusts and schemes nor would there usually be any reference to any infection with Hepatitis B as it was not covered by those schemes.

83. We have also found that it is rare to find the correct date of **diagnosis** for HCV or HIV in the IBSS records.

84. In our experience where there does appear to be a date of diagnosis in the IBSS records, we have then gone on to locate (sometimes) significantly earlier dates than that recorded in the IBSS files as we look for evidence from other sources including GP records, hospital notes and UKHCDO records. In addition, a diagnosis may not be immediately obvious to the untrained eye as, for example, HCV is often referred to in medical records as non-A non-B or simply 'hepatitis', HBV is also Australian Antigen and HIV may be noted as HLTV III, ARC, AIDS or Stigmata of Aids. None of which will be recorded in the IBSS records.

85. Whilst the date of diagnosis may not be of particular significance in connection with the calculation of some claims, it is important when calculating the additional financial loss award for HIV claimants under Regulation 20 who were diagnosed with HIV over the age of 16. For example, the annual award from the date of diagnosis of HIV and for each subsequent year £29,657 whereas the annual amount for each year from year of infection and for the year before the date of diagnosis is between £14,829 and £22,243.

86. It appears that this is not understood by David Foley as he said in his letter to me dated 20 February that *"For individuals already registered with the Infected Blood Support Scheme (IBSS), the diagnosis date does not impact the calculation of their compensation award".* [WITN7763020] Unless of course you have a claim as outlined under Reg 20 as set out above.

87. It is also likely to be of significance when it comes to the assessment of claims for exceptional loss of earnings under the Supplemental Route where a claimant must show that they were unable to work at the level that they had before they were **diagnosed** (see e.g. Reg 33).

88. Ensuring that relevant dates are correct is very important for both Routes and as I have outlined above our experience has been that this information is not usually available from the IBSS documents alone. I raised this concern with IBCA in my letter of 29 January 2025 [WITN7763021] and received the response set out below from David Foley on 20 February [WITN7763020]

> *"As we process claims, we have been able to obtain much of the necessary information via the support schemes and the Skipton Fund. Nearly half of the claims processed so far contained all required details, including infection dates, diagnosis dates, and severity changes".*

89. I can only assume that those claims were ones which were processed by claims managers alone, without any legal support, as we have found in the majority of claims we have dealt with the dates of infection and/or diagnosis were wrong and, in a number of claims, if left unchecked, would have resulted in under settlement of our clients' claims of between £20,000 and £160,000. I wonder whether this may be one of the reasons that there seems to be a reluctance to encourage individual claimants to seek independent legal advice.

90. I pause here and accept that what I say may be slightly cynical but, having very nice claims managers who encourage claimants to trust them to input the

correct information and not to seek free legal advice may lead to the processing of a large number of claims at an undervalue, which could potentially save the Government tens if not hundreds of millions of pounds.

91. As I have set out above, ensuring that the correct dates are identified is essential and we are aware that some (by no means all) claims managers have told claimants that do not need their medical records and that the claims manager can simply go and ask their treating clinicians for dates of infection/diagnosis but there are two issues with this.

    a. Claimants have to rely on the claims managers asking the right question(s) of the right people; and,
    b. Clinicians are very busy and do not necessarily have the time to properly interrogate records to establish the correct date(s).

92. I have been provided with a copy of a form sent by Mr X's claims manager to a Consultant Haematologist which asked him to answer 3 questions:

    a. Please confirm if any tests were performed to diagnose for Hep B and HIV, please include dates and results?
    b. Can you please confirm the earliest date for a positive test of Hep C?
    c. Please provide any liver tests and diagnosis that confirms the hepatitis severity level as per the annex provided below.

    I am so shocked at this form and the answers that were provided that I hardly know where to start. [WITN7763022]

93. Taking each question in turn –

    a. *Please confirm if any tests were performed to diagnose for Hep B and HIV, please include dates and results?*

    The answer given was negative serology Hep B 2009 and the most recent result for HIV 2020. What is actually required by the claims manager is evidence of the earliest date at which this person was tested for Hep B and the results of

that test. I know from evidence that I have on his file that there are records that exist which show that he had hepatitis and liver function tests in the 1970s.

b. *Can you please confirm the earliest date for a positive test of Hep C?*

The Haematologist confirmed from the "*earliest current electronic records available*" showed Hep C PCR positive in 1999 but that records show he had been told in 1994.

c. *Please provide any liver tests and diagnosis that confirms the hepatitis severity level as per the annex provided below.*

From the answer given it is said that the most recent liver scan was 15 years ago in 2010 and showed a kPa of 10 which according to medical literature is **"Severe scarring".** The Haematologist has said that according to those results he is Level 2 in the Regulations.

The Haematologist does not take into account that he did not clear Hep C until 2016 so a further 6 years and on the balance of probability he will have suffered further liver damage and this cannot be known definitively without an up to date fibroscan. The difference between the Compensation paid under Level 3 rather than Level 2 is quite significant.

94. We have asked the claims manager for a copy of the declaration form and any evidence that has been used to support the dates in the form.

95. In addition to my comments above, at the other end of the scale, we have received feedback from a client who has spoken to a Trust Director (he does not wish to say whom) who has had dealings with claims managers and has said that IBCA are passing the onus onto Haemophilia Centres to trace patient records and dates of infection. He was told that in one case this took 8 hours, another person's medical records were taken home over the weekend. It was also said that they would need to employ a full-time member of staff to deal with these requests. We have passed this on to IBCA and are awaiting a response. [WITN7763023].

96. On a practical level, in claims where we already have the medical records or where records obtained by claims managers are supplied to us it would make sense for us to review them and identify relevant evidence. This would need to be done in any event for us to be able to advise on the accuracy of the Declaration Form. This would also free up the claims managers to be able to deal with more claims.

Eligibility

97. In all claims we have dealt with to date there has been no issue with eligibility to claim under the Scheme. This is likely to become more complicated (and potentially contested) as the Scheme is opened to those who are infected but not registered with any of the historic Trusts and schemes.

Principal concerns regarding the compensation scheme

Operational concerns

Initial invitations

98. It seems to me that the Core Route claims process is fraught with duplication. Most of which is unnecessary. The Regulations say that an application should be made in writing in the prescribed form (2025 Regulation 65). I have never seen one and as far as I can tell, if one exists it has been kept a well-guarded secret. This is probably because no applications can be made in the way suggested or authorised by the Regulations because the only claims which can go forward at the moment are by invitation from IBCA. This approach has inevitably led to delays in commencing claims and I am not sure that this is going to change any time soon.

99. Whilst this at one level can be fully understood, because for example the Scheme could not have coped with thousands of applications on day one, however, there has never been any openness or transparency on this issue and everything feels laced with "positive spin". The victims have simply been told that they cannot move forward unless they are invited and have no

knowledge of who and/or why and/or when anyone will be invited. Again, at a high level, one can understand this, but at ground level it should be explained fully. This is against a background where for example, the Regulations appear not to allow any discretion whatsoever. Those Regulations are adhered to without exception. It seems to be a question of IBCA choosing which Regulations it wants to obey and which ones it doesn't.

100. There is no transparency in the criteria currently used to invite claimants. I am aware of clients who have died since the Scheme commenced and others who are unlikely to live long enough to receive compensation. There is a suggestion that those who are sick and/or elderly may be prioritised but, as far as I am aware, there is no system currently in place to do this.

101. I did write to IBCA on behalf of a very sick client and asked to be signposted to someone who could assist. The response I received was not very helpful. It seemed like a "stock response" beginning with an expression of sorrow then the usual line to take setting out how they "*continue to work with the community to get feedback regarding how claims should be prioritised*". I was asked not to provide IBCA with names or details as *"when these are required, they would gather all information from the relevant IBSS"*. That didn't make any sense to me as I couldn't see that IBSS would have that type of information but sometimes it is difficult to make a line to take fit particular scenarios [WITN7763024]. The rest of the email also seemed to be cut and paste to me. My client has since passed away without receiving any compensation.

102. On 10 February 2025, IBCA set out the order in which those who are entitled to bring a claim will be invited (RLIT0002482).

a. Living infected people who are already registered with a support scheme.
b. Supplementary claims.
c. Registered estates.

d. People who are affected and linked to a registered infected person or registered estate.
e. People who are infected but not registered with a support scheme (unregistered infected)
f. Personal representatives applying on behalf of an estate that is not registered with a support scheme and people who are affected and not linked to a registered claim.

103. IBCA states on its website that some people from each of the listed groups are expected to be able to claim it by the end of 2025. I have no idea what criteria will be used to select the invitees, but I have no doubt that it will cause upset and confusion.

Knowledge of availability of legal support

104. It would seem, from what we are told anecdotally, that applicants are not encouraged to seek independent legal advice at the outset even though it is provided at no cost to them. We are also aware that some of our clients have been told that we "*may not have capacity to assist*", that instructing a law firm "*could lead to delays*" and that claimants can rely on the claims manager to get all the information they need to bring a claim.

105. An example of the failure to offer timely access to legal support has occurred as I am writing this statement. I am told that we were contacted by an existing client (Mr X who is mentioned at paragraph 92 above) who was invited to begin his claim on 26 February. At the outset he told the claims manager that he was one of our clients and that person said, "*yes we know*". He was not advised that he was entitled to legal support at that stage and attended meetings with the claims manager and gave information to him which has then been used to progress through to the Declaration Stage at which point our client insisted that he needed to speak to us and get advice. It appears likely from our initial call with our client that the severity level proposed by the claims manager

is incorrect. You will see from the documents attached that at no point was he advised that he was entitled to legal support. [WITN7763025]

106. This approach appears to be borne out when visiting "**How the Scheme will work"** on the IBCA website [WITN7757007]. The page sets out that you will have a claims manager who will help you through the process. They will:

- *listen to what you have to say*
- *help collect any documents you need*
- *explain what compensation you can get based on your situation*
- *explain the types of help and support you can get to make your claim*
- *answer your questions so you'll always know what to expect next*

If you're part of an existing support scheme, we'll use the information we already have to make things quicker for you.

Here's how it will work:

1. *We'll contact you when the service is ready for you to claim.*
2. *Your claim manager will check what information we already have about you, and if there's anything else we need.*
3. *Your claim manager will arrange to speak with you, so you will know what to expect.*
4. *We'll help you gather any documents we need to help make sure you get the compensation you are entitled to.*
5. *We'll calculate your compensation amount.*
6. *We'll tell you how much and what types of compensation you can get based on your situation.*
7. *You'll decide whether to accept the compensation amount we've sent you.*
8. *If you accept, we will arrange to transfer the money to you.*

You'll have some decisions to make about whether to take a single payment or regular payments, and whether to continue with current support payments if you're registered with an existing scheme. We'll explain all the options to you and support you to make sure you're comfortable with your choice.

107. There is no mention of a claimant's right to paid for legal support which, for the reasons set out in this statement, may be ill advised for the claimants but likely to benefit to the Treasury.

108. There are no direct links from the "How the scheme will work" page [WITN7757007] to what help and advice is available and it appears that the only way to access the information is to actively search through the drop down menu tab. The information contained there simply states that:

> *"The Government has agreed with Sir Robert Francis KC's recommendations for IBCA to:*
>
> - *provide legal support for people at certain points when making a claim*
> - *provide or direct people to financial advice*
>
> *Exactly how this will work is still being finalised. We'll let you know when we have more details to share.*

109. This gives the impression that there is not any legal support available to current or future claimants.

110. The Government has now (31 March 2025) published the 2025 Infected Blood Compensation Scheme Regulations (the "**2025 Regulations**") together with an "Explainer Document" in which there is again no mention of legal advice and support nor access to financial guidance paid for by the Scheme.

111. It would appear from information set out on the IBCA website that possibly about 50% of claims have been processed so far without any legal advice. It is not possible to say with any certainty but, based on our experience concerning dates and severity levels, a significant number may well be under settled.

112. David Foley has said that "*Every single compensation claim is unique with complex circumstances.*" (RLIT0002484, 10 February 2025) but applicants are encouraged to believe that it is all quite simple.

Application of the 2024 Regulations

113. We have found that individual claims managers are sometimes not consistent in their application of the Regulations. For example, what evidence is acceptable in determining correct dates or severity levels with one claims manager has not been acceptable to another. This may lead to different outcomes for different claimants – especially if they have not sought legal advice. This inevitably disadvantages claimants who have not sought legal support as it is likely that the claims manager will simply say that they are following the Regulations.

114. In some claims we have dealt with additional documentary evidence has been required to prove particular dates and/or severity

115. It is also not clear what evidence will be acceptable in the absence of medical records which we know is a problem for many of the infected community who are still alive. It will certainly be a problem for those representing the estates of people long since deceased.

Delay

116. Many concerns have been raised by our clients that those who have to wait 2 or 3 years before their claims are settled and are likely to be deprived of investment opportunities as their lump sums will be lower due to their support scheme payments being deducted. I do understand that they will have had the same amount of compensation but an early applicant will have had 2 or 3 years more growth/interest on their lump sum and there is currently nothing to address this disparity. We have suggested that interest should be added but this has been refused.

117. The feeling of delay is made worse I think by the introduction of the compensation calculator which will give an indication of what someone may be entitled to. I have had clients contacting me in tears because they are in significant debt and are about to lose their homes. In one case I have written a to whom it may concern letter directing them to the IBI and IBCA websites

118. We know that IBCA has said that it has reached its target of 250 invitations by the end of March 2025 but we do not know anything further at this stage regarding further invites and it is the unknown that compounds the stress and anxiety in the community.

119. Some of our clients believe that they are being excluded for past campaigning, others believe that the Government is waiting for people to die so that less will be paid out.

Communication by IBCA

120. I agree entirely with the comments in Benjamin Harrison's statement [WITN7759001] at paragraphs 81-89 and would say that reflects the feedback I have received from clients.

Policy concerns

121. I agree with the views expressed by Benjamin Harrison in paragraphs 91 to 116 regarding the practical application of the Regulations and suggested changes at paragraphs 117 to 212.

122. We had also previously identified that the formulas used in the calculations served to significantly reduce past losses for those who elected to accept a smaller lump sum and continue with support payments. This is at odds with IBCA/Cabinet Office statements which say that elections to keep support payments will only affect future loss, I raised them with David Foley on 29

January 2025 [WITN7763021]. I feel from the response I received that the issue has not been properly understood. When raised with claims managers the response has simply been those are the regulations.

123. I wrote again to David Foley on 20 March 2025 but have not yet received a response. [WITN7763023]

Trust

124. There is little trust in IBCA and the Government which I am aware has been addressed by other campaign groups and charities.

125. I was contacted recently by a campaigner who was aghast at the fact that the House of Commons was asked to approve the Infected Blood Compensation Scheme Regulations 2025, without a debate. Instead, the regulations were 'debated' by a delegated committee in a committee room, on 24 March. [RLIT0002485] I am told that just 3 people spoke; Minister for the Cabinet Office and Paymaster Master General Nick Thomas-Symonds, the Shadow Minister for the Cabinet Office Mike Wood, and the previous Paymaster General, John Glen MP.

126. There appears to be much confusion surrounding the Supplemental Regulations. Whilst I have not studied them in any detail, however, I am aware that claimants who are unhappy at the awards they are likely to receive have been told by IBCA staff and/or claims managers that they may have a claim through the Supplemental Route when from a brief cursory glance it is plain that they are not.

127. There is also confusion regarding the status of interim payments to Bereaved Partners and payments due to estates which is causing significant anxiety. I am told by a campaigner client that a Bereaved Partner was recently advised by an IBCA staff member to include the £100,000 interim payment made to the Bereaved Partner, in the calculator for the estates claim. She also said and I quote:

"Obviously that then deducts the amount form the estate award. That's incorrect! Arse and elbow! Arghh!

We're on our knees trying to mop up the mistakes and the widespread confusion, and the distress that it's causing.

Meanwhile 3 'user consultants' who are nowhere to be seen by the community, are being paid to do exactly what?"

128. IBCA is simply not helping itself.

Practical measures which could be implemented to address concerns.

129. I agree with the views of Benjamin Harrison expressed at paragraphs 117 to 121 of his statement [WITN7759001] and make the additional observations below.

130. We have suggested that it would be far more efficient and cost effective if we completed the Declaration Form with our client and submitted it to IBCA with supporting documentation, so we would effectively make the application on behalf of our clients. The claim could then be allocated to a claims manager who can arrange a call with the client and the legal representative to go through any queries before the client signs off the declaration. The claims manager could then produce an offer letter very quickly thereafter.

131. IBCA should actively promote the availability of independent legal advice and encourage the claimants to make use of the provision. It should also conduct an audit on the claims which have been paid without the applicant having received independent legal advice.

132. There are huge issues of trust with the community here: many do not trust the Government and as a consequence most do not trust IBCA, it is not seen as an Arm's Length Body, but as an arm of the Cabinet Office.

133. IBCA should consider having in person meetings with us in the very near future to discuss some of the very real issues which are going to come up as new claims groups are introduced or maybe seconding one of us from the RLRs for a short time so that we can look together at the practicalities of the next stage. This is not about fees but making IBCA/Cabinet Office aware of the potential complexities and conflict points. We also need to try and have an agreed position regarding what evidence is acceptable where records have been destroyed for example.

Other relevant matters

Engagement with the Infected Blood Interim Estates Payment Scheme ("IBIEPS")

134. We have assisted around 45 people with their applications for probate and an interim payment. Initially there was a lot of confusion generally following the announcement in October 2024 that IBIEPS was open to receive applications for interim payments to estates. The position regarding what the legal fees would and would not cover was inconsistent.

135. By way of example we were contacted by some elderly parents who had grants of probate but they struggled to navigate the application process for an interim payment. One client called IBIEPS and asked what the £1500 legal fee would cover an was told the following:

> *"Dear XXXXX,*
>
> *Thank you for your call to the Interim Estate Payments on 25 October 2024.*

We here at Interim estates Compensation can approve multiple legal fee applications for the same record up to a maximum combined total of £1,500.

We can offer £300 towards fees incurred by applying for probate also.

They must send evidence of proof of costs which includes:

1. *receipts*
2. *paid invoices*
3. *bank statements*

We must also see proof someone has applied for probate if they're claiming for a refund of this.

We can only refund the probate and legal fees to the person's whose IBIEPS application has been approved.

They have 6 months from the date the application was approved to claim.

If you have any further queries, please do not hesitate to contact us.

Kind regards, [WITN77630026]

136. We asked our client to go back to IBIEPS and get specific confirmation that the legal fees can be claimed for assistance with making the application for the interim where the grant has already been obtained, the multiple fee applications made it look like it might, but it was unclear.

137. He received the following confirmation from an Administrative Office at IBIRPS:

"Dear XXX,

Thank you for your call to the Infected Blood Interim Estates Payments Scheme (IBIEPS) earlier this afternoon, I can clarify that ***any legal costs up to £1,500 regarding the application for the interim payment can be refunded.*** *You would just need to provide evidence for proof of costs incurred for legal fees including:*

1. *Receipts*
2. *Paid invoices*
3. *Bank statements*

If you are looking for a refund on probate, this can also be refunded up to the value of £300. ….." [Emphasis added] [WITN7763027]

138. As we had had a huge volume of calls regarding interim estate payments, we wrote to those clients confirming that IBIEPS provide funding for legal support to assist executors and administrators in making the claim for an interim payment and not just obtaining probate.

139. The information provided was incorrect and the £1500 would only cover an application for a grant of probate or letter of administration it would not pay us to assist our elderly and vulnerable clients with the application itself. In addition, the Scheme required clients to provide a receipted invoice to show that they had already paid the money out and claim a refund.

140. As it was fast approaching Christmas, most simply did not have that spare cash available we decided that we could assist with obtaining probate as long as the interim payment was paid into our client account from which we could then deduct £1500 plus any disbursements such as court fees and send the client the balance together with a receipted invoice which they could use to reclaim the costs.

141. I thought that this was an unnecessarily cruel approach by IBIEPS in dealing with the provision of legal support for traumatised and vulnerable people.

142. We then had a fight with IBIEPS to get them to pay the interim payments into our client account on behalf of individuals (citing some GDPR Data Minimisation principle at that point) and which sections of the application should be completed. [WITN7763028 and WITN7763029]. It took some going backwards and forwards before the Cabinet Office confirmed that they were able to pay the interim payments to the applicant's solicitors and it was eventually sorted.

143. The various Administrative Officers were (and are), shall we say, a mixed bag, in terms of ability and knowledge (see more below). We have found on numerous occasions that if we contact them with a query the answer changes depending on who you are put through to. I am told that there is a concerning lack of consistency.

144. I am also told that some of the agents are very helpful and assist with queries we raise on behalf of individual clients and provide the information requested, whilst others refuse to provide us with any details of where claims are despite answering all of the security questions and having the express permission of clients.

145. We have also found that where there has been more than one query on an application, IBIEPS have not communicated them in one letter, but in different letters. For one client– IBIEPS required another form of ID that they asked for on 21st February, which was immediately actioned, then asked for wet signature on 11th March for an application that had been made in November 2024. It is not clear why they could not be requested together?

146. This causes significant delays for our clients. In the meantime, IBIEPS have said they cannot verify themselves whether the application has a wet signature, when we spoke to an agent who looked at the application, they were sure it was a wet signature. We are fairly certain we supplied them with the wet signature application in the first place.

147. A number of times IBIEPS have asked for documents which had previously been provided to them. Whether this be ID documents or IBIEPS contact preferences form. We have sent IBIEPS cover letters with such documents that prove they were sent. All the documents are also sent recorded, so there is certainty the documents were sent to IBIEPS. This causes delays to the applications and at an added cost and time spent for us and significant stress and anxiety to our clients.

148. I think that one of the things that causes the most delay is the fact that they will not accept email attachments and insist that everything is sent by post. Sending documents by email would prove what dates documents were sent, as IBIEPS appear to have significant issues retaining and locating documents sent in the post (see above). Although, again there is no consistency as for one application we were encouraged to send ID documents by email. This was confirmed by telephone and email.

149. When we receive the £100,000 from IBIEPS. They do not provide a unique reference number so it is easily and promptly attached to that specific client's file. On the 7th March, we received six £100,000 payments from IBIEPS. We had to ensure that these payments were for the specific clients. While we receive a letter saying that we will receive the £100,000 on the 7th March for that client weeks before, we are given no additional confirmation on the day. Instead, we had to call IBIEPS for confirmation that these payments were for those specific clients. This creates more delays.

150. On two occasions, we have had applications be approved, a date provided for when we can expect the money to be received in relation to that client, and then the application has been paused as an additional document is required. Informing our clients that their application has been approved, and even the date the money will be expected, to then tell them their application has been paused and they will have to wait longer is very difficult.

151. There have also been issues with acceptance of probate documents from Jersey and Guernsey which have finally, after nearly 5 months been sorted. The explanation for the delays has been unconvincing.

152. Generally, the process has been stressful, time consuming and unnecessarily bureaucratic.

Brief comments on Statements of James Quinault, Nick Thomas Symonds and David Foley

153. Again, I have read the views of Benjamin Harrison in connection with the above statements and I agree with his observation and have one or two of my own as set out below.

James Quinault

154. This statement [WITN7755001] is divided into sections but is in many ways less informative than that of David Foley and Nick Thomas Symonds if that were possible. On occasions it is difficult to grasp precisely how they could be so out of touch with reality.

155. At 13 (b) for example, he is asked what steps have been taken to incorporate or implement suggestions, proposals and comments from people infected and affected, but completely refuses to address the fact that the RLR's have been ignored completely.

156. Paragraph 27 – He said that IBCA is consulting on operational decision making, for example in what sequence IBCA should aim to open the Scheme to different cohorts of claimants. It may be that he is not in the loop but IBCA released the proposed sequencing on its website on 10 February although no-one actually knows how it will work in practice

157. At paragraph 48 we have Eligibility of Affected Siblings and the question of unethical research. The views of the community have not been reflected in the present Regulations.

158. At paragraphs 69 and 70 he deals with the fact that IBCA's staff are all civil servants and says that this is acceptable because they will cease to be once IBCA can employ in its own right, but they will be the same people, with the same mindset and presumably go back into civil service once IBCA comes to an end.

159. The response given at paragraphs 107, 108 and 109 is disingenuous, for example the only way you can make an application is on an application form and they don't even exist.

160. Underneath paragraph 130 and 133, relevant in so far as future legal support is concerned and what is being considered.

David Foley

Section 1

161. See above for comment on "engagement meetings and decision making".

162. The role of claims managers must be collaborative with the legal support provided by RLRs. As I have said above, what I understand they appear to be doing currently is to give an indication that separate or independent legal advice is not necessary. Whatever their training and/or ability this must be a question which is completely beyond them. Again, going back to the analogy with science programmes, the parallel would be the viewers sending their own uneducated and ill-informed views on nuclear fission. Whilst it is accepted that Robert Francis has legal experience, it is in all probability not at this ground floor level. The civil service officers have no legal experience, or certainly again none at this level.

163. Whilst the involvement of the Cabinet Office is virtually inevitable it nevertheless remains the case that this goes against all efforts to promote

transparency. This particular issue could again be solved by involving the RLR's which would at least provide some balance to the process.

Section 2 – IBCA independence

164. In this section which appears to deal specifically with independence the earlier themes are progressed. At paragraph 23 we have a specific role of the Cabinet Office, but again there is no question being raised either internally or externally. How any 'balance' can be created when you have professional (in most cases maybe) players on one side from the Treasury, the Cabinet Office and the Cabinet itself and a number of victims on the other. It is little wonder that they feel outnumbered and out played. Again, at paragraph 23, IBCA may be operating in line with Managing Public Money but at no point does this statement address the extent to which IBCA is falling in line with the Langstaff recommendations.

Section 3- Openness and Transparency

165. See above.

Section 4 – Procedural Issues

166. Again, the existence and involvement of RLR's is ignored completely . Even in so far as no RLR is involved in an individual case then it is accepted a case worker will be a human point of contact, but again that inexperience and for all practical purposes, largely untrained case worker should not be seen to provide advice or assistance as to whether legal representation is likely to benefit anyone making a claim. It is hardly surprising that if you do not have legal representation and are then told by someone who is effectively responsible for authorising a large payment to you, you do not question the accuracy of what is being said. In order to question that accuracy you would need legal advice, but you have already been told that this isn't necessary and in all probability will only slow the whole process up. I have outlined my concerns above in relation to likely under settlement of the claims already processed without independent legal advice.

167. At paragraph 30 we are told that *'claims managers are well trained'*, however, we have no indication as to what that training is. Our practical experience with the claims managers we have worked with is set out above.

Section 5 – funding of legal representation

168. Paragraph 37 – Funding – Access to Independent Legal and Financial Advice to support those making claims is not available when the claims are made. In fact, contrary to the Recommendations, claims are only made when the claimants receive an invitation. Again, in this paragraph we have reference to the use of support services will vary and may change over time, which may be indicative of things to come.

169. Paragraph 40 does not refer to those parts of the claim on which independent legal support has not been made available and provides no reason why this should be the case.

170. Paragraph 42 refers to support being reviewed.

Section 6 – Consent

171. Paragraph 45 says that the process of claim selection going forward is random. Identification of the different types of case which could provide learning.

Nick Thomas Symonds [WITN7753001]

172. This is not structured into sub-divisions save for Section 1, which is introduction and Section 2 which deals with the rest of it. There are various paragraphs and heavy typing which reflect the questions that have been put to him and following these questions you have his response.

173. Paragraph 26 – He is asked about the involvement of the community in decision making and then goes on to set out what they have done, but in no

way addresses the question of meaningful involvement in decision making and the fact that the entire process was kept under-wraps.

174. Paragraph 68 – he is asked about publicity but doesn't really address the question or precisely why the release of 12th December was issued and whether it was necessary.

175. Paragraph 58 and following he addresses the delay in the interim payments in December. He apologises for this but cannot really take the matter further.

176. Paragraph 72 starts to set out the steps he has taken with regard to support and assistance. This arrangement should be as the Minister *'considers appropriate'*. He does not explain why he considered the limited assistance which has been provided to be appropriate in the circumstances, save at paragraph 81 for using the Government mantra regarding proper use of public funds.

177. Also, at paragraph 82 he says that the first claimants under the Scheme were provided with legal and financial support but doesn't give any indication as to whether this is ongoing.

178. Following paragraph 83, he says that targets will have to be set by IBCA and not by the Cabinet Office so gets out of this question.

Other matters

179. We have been contacted by a significant number of clients raising a myriad of concerns and an anonymised table of that correspondence is exhibited to this statement so that Sir Brian is aware of their individual views. [WITN7763030]

Statement of Truth

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

Signed GRO-C

Dated 4/4/25

Table of exhibits:

Date	Notes/ Description	Exhibit number
20/02/2024	Letter Collins Solicitors to Browne Jacobson	WITN7763002
28/03/2024	Letter Collins Solicitors to John Glen MP	WITN7763003
17/04/2024	Letter John Glen MP to MPs	WITN7763004
17/04/2024	Letter John Glen MP to campaign groups	WITN7763005
29/04/2024	Letter John Glen MP to Collins Solicitors	WITN7763006
14/05/2024	Letter Collins Solicitors to John Glen MP	WITN7763007
21/05/2024	Infected Blood Compensation Scheme Summary	WITN7752002
22/05/2024	Email Collins Solicitors to John Glen MP	WITN7763008
23/05/2024	Email to clients from Cabinet Office	WITN7763009
29/05/2024	Announcement from Sir Robert Francis	WITN7757009
07/06/2024	Email Collins Solicitors to Cabinet Office	WITN7763010
17/06/2024	A message from Sir Robert Francis, Chair of the Infected Blood Compensation Authority	WITN7760002

	Infected Blood Compensation Scheme - Engagement Explainer	WITN7752004
24/06/2024	Note of meeting between Cabinet Office, IBCA and RLR	WITN7759002
26/06/2024	Written submissions to Sir Robert Francis	WITN7763011
26/06/2024	Letter Cabinet Office to Collins Solicitors	WITN7763012
23/08/2024	The Infected Blood Compensation Scheme Regulations 2024	RLIT0002479
28/06/2024	Email update from Sir Robert Francis to IBCA general mailing list	WITN7763013
02/07/2024	Email from Cabinet Office to Engagement attendees attaching "high level summary"	WITN7763014
24/02/2025	Written statement of David Foley	WITN7757001
03/10/2024	Email from Collins Solicitors to clients	WITN7763015
15/11/2024	Letter David Foley to RLRs	WITN7759011
21/11/2024	Letter RLRs to David Foley	WITN7759012
20/12/2024	Letter David Foley to RLRs	WITN7763016
23/12/2024	Letter from RLRs to David Foley	WITN7763017
15/01/2025	Email from Collins Solicitors to clients	WITN7763018
17/01/2025	Letter David Foley to RLRs	WITN7763019
20/02/2025	Letter David Foley to Collins Solicitors	WITN7763020
29/01/2025	Letter Collins Solicitors to David Foley	WITN7763021
undated	Questions from claims manager to treating clinician	WITN7763022
20/03/2025	Letter Collins Solicitors to David Foley	WITN7763023

04/02/2025 – 05/02/2025	Email Danielle Holliday to Catherine Webster	WITN7763024
10/02/2025	IBCA 2025 February 10 Community update	RLIT0002482
various	Correspondence between claims manager and Mr X	WITN7763025
	IBCA factsheet on how the scheme will work	WITN7757007
10/02/2025	Press release - Infected blood compensation payments to be scaled up in 2025	RLIT0002484
02/04/2025	Written statement of Ben Harrison on behalf of Milners Solicitors	WITN7759001
24/03/2025	Debate in Committee on Infected Blood Compensation Regulations 2025	RLIT0002485
25/10/2024	Email from IBIEPS to Client	WITN7763026
25/10/2024	Email from IBIEPS on Legal fees written clarification for solicitor	WITN7763027
26/11/2024	Email from NHSBSA to Collins Solicitors	WITN7763028
04/12/2024	Email from Collins Solicitors to NHSBSA	WITN7763029
03/03/2025	Written statement of James Quinault	WITN7755001
28/01/2025	Written statement of Rt Hon Nick Thomas-Symonds	WITN7753001
various	Anonymised emails from clients re Inquiry newsletter	WITN7763030