

Thursday, 17 June 2021

(10.00)

**SIR BRIAN LANGSTAFF:** Yes.

**PRESENTATION RE LIVERPOOL HAEMOPHILIA CENTRE (continued)**

**MS RICHARDS:** Good morning, sir. I'm going to pick up matters with the Royal Liverpool Hospital, the Liverpool Haemophilia Centre, and look at the topic of knowledge of risk and any response to risk or evidence of response to risk.

In terms of hepatitis, the UKHCDO minutes show that Dr Black was a regular attendee on behalf of the Liverpool Centre at meetings in 1971, '74, and '75.

But hepatitis risks were discussed at those meetings. Dr Boulton was a regular attendee of UKHCDO meetings during his time at Liverpool in 1975 to 1980 and Dr McVerry a regular attendee at UKHCDO meetings during his period as Director, '80 to '85.

Dr Mackie, who appears to have taken on the de facto role of director at that interregnum period between Dr McVerry leaving and Dr Hay starting, attended some UKHCDO meetings '85, '86. Then Professor Hay was a regular attendee in his capacity as Director at Liverpool from 1987.

So it may reasonably be assumed that they would have been aware of the discussions taking place at

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on home dialysis and were excluded from the unit being treated in isolation if they had to return to hospital.

"In the speaker's view, it was unethical to expose young nursing staff to a known risk of infection and if preventative measures could not reduce this risk to an acceptable level, there was a case for reducing the extent to which dialysis should be carried out."

"He advocated:-

"1. Screening of new patients.

"2. Reduction of transfusion to a minimum and using only biologically safe blood ie from a donor whose blood had been used on at least five occasions without causing complications as well as being antigen tested before use;

"3. Reduction in the size of dialysis units;

"4. A strict code of practice designed to protect staff.

"It was thought that the virus could be non-toxic, liver damage being caused by antigen/antibody reaction. It seems logical therefore to give steroids early in the treatment of the disease."

So an early insight from a different

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those minutes, and would presumably have received -- those meetings -- and would have presumably have received copies of the minutes that were circulated subsequent to the meetings.

There are just a handful of additional documents in relation to hepatitis to refer to.

If we start with DHSC0103394\_095, please, Soumik.

This is not directly concerned with post-transfusion hepatitis, but it's "Notes of the Symposium on Hepatitis held by the Association for the Study of Infectious Disease on ... December 1970".

If we go to the bottom of page 4, and we go to the bottom of the page, we can see there there's a heading "Hepatitis in Dialysis Units", and there is a presentation by a Dr Finn from Liverpool:

"Haemodialysis associated hepatitis in Liverpool.

"A total of 57 cases were reported during the period 1966-70. 16 patients, 33 staff and 8 relatives were involved, no deaths had occurred.

"The bloods of infected renal failure patients tended to remain highly infective over long periods, one patient remained antigen positive 4 years after being infected. 7 antigen positive patients remained

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perspective, but in Liverpool, in relation to hepatitis in dialysis.

Returning then to direct evidence of --

**SIR BRIAN LANGSTAFF:** That must have been hepatitis B --

**MS RICHARDS:** Yes.

**SIR BRIAN LANGSTAFF:** -- given the reference to antigen and testing.

**MS RICHARDS:** Yes, it must have been. Yes. And given the date, which is 1970.

Turning then to materials which are relevant to bleeding disorder patients directly, if we go to HCDO0001093, please, Soumik.

We've got the annual return for 1976 here, but if we go to the third page we can see a letter from Dr Boulton to Ms Spooner at Oxford, 23rd September 1977, sending the annual returns. There's a reference in the first paragraph, saying -- well, Dr Boulton says this:

"All I can say is that the final compilation has not been quite so easy as some of our medical records have the annoying habit of going missing just when they are wanted."

Then he says:

"... this is the best I can offer you at this stage. As you will remember from a telephone call

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1 some months ago I feel that I am not able to take part  
2 in Dr Kirk's jaundice survey, and this is a bit  
3 regrettable as two of our patients have had some form  
4 of hepatitis during 1976/77."

5 Then he amplifies on the two cases. In relation  
6 to the first, it appears that the hepatitis is  
7 attributed to batches or a batch of Kryobulin. And at  
8 the bottom of the page, Dr Boulton says this:

9 "... Mr [X] had the misfortune to contract  
10 a very mild form of hepatitis whilst I was out of the  
11 country at the end of last year, and the fact that he  
12 had contracted jaundice did not come to my attention  
13 until I eventually located his notes about a month  
14 ago. I can only apologise for the extremely bad light  
15 in which this has put the whole system at the Royal  
16 Infirmary."

17 Then over the page he refers to a second patient  
18 contracting jaundice, it would seem as a result of  
19 treatment with cryoprecipitate, and Dr Boulton says:

20 "All the units of [cryo] which were involved  
21 have been identified, and ... the Transfusion Centre  
22 ... notified."

23 So there is an example of information about  
24 patients infected with hepatitis being provided to  
25 Oxford.

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1 cryoprecipitate from regional transfusion centres such  
2 as Liverpool."

3 Dr Boulton obviously gave evidence to the  
4 Penrose Inquiry, and although the focus of much of  
5 that evidence was his later period in the blood  
6 services in Scotland, he was asked about his knowledge  
7 of hepatitis in the 1970s and, if we go to  
8 PRSE0006024, we've got to the transcript of his oral  
9 evidence to the Penrose Inquiry.

10 If we go to page 8, please, Soumik.

11 He was asked if he recalled seeing the World in  
12 Action documentary, and at line 6 he says:

13 "I didn't see the programmes live but I was very  
14 shortly made aware of those programmes."

15 Then he refers to having a brother on the --  
16 working with Granada on the World in Action team at  
17 the time and saying that he remembered being:

18 "... slightly cross with him because at that  
19 time -- and in fact on reflection, I think my brother  
20 was right -- I felt that the World in Action programme  
21 had exaggerated the problems. But I was then quite  
22 a young and not very experienced doctor and not quite  
23 so aware of how things would work out."

24 But he says then, in relation to the World in  
25 Action programme, this is line 19:

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1 And there are -- there's another letter the  
2 following -- I think two years later, 1979, from  
3 Dr Boulton, saying there hadn't been any further cases  
4 in '78 or '79 of hepatitis or jaundice.

5 In terms of Dr Boulton's own understanding of  
6 hepatitis risks, in the statement he's provided so far  
7 to the Inquiry, he has said this -- in relation to the  
8 period as at 1980, he says:

9 "I was ... aware as any of my colleagues  
10 responsible for the care of people with bleeding  
11 disorders such as haemophilia ..."

12 **SIR BRIAN LANGSTAFF:** "As aware", is it?

13 **MS RICHARDS:** "As aware", yes, sorry.

14 **SIR BRIAN LANGSTAFF:** Because that alters the sense  
15 a little.

16 **MS RICHARDS:** It does, yes.

17 "... that transfusion of human-derived blood  
18 products carries a risk of transmitting viral  
19 hepatitis to any recipient although in early 1980 the  
20 degree of that risk was uncertain."

21 He says also:

22 "It was suspected that blood products obtained  
23 commercially carried a greater risk than products  
24 produced by the NHS laboratories, which in turn  
25 carried a greater risk of transmission by

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1 "... I certainly remember it very well and  
2 I remember conversations after it ..."

3 He says he wasn't actually yet in Liverpool at  
4 the time the programme came out. He was in the middle  
5 of moving.

6 Then if we go to the next page, bottom half of  
7 the page, he then sets out his recollection of  
8 hepatitis in a patient.

9 This was when he was working in London,  
10 Christmas Eve 1973. He says:

11 "... I ordered in ..."

12 This is line 23, bottom of the page:

13 "... a small amount of commercial Factor VIII,  
14 which was just becoming available at that time, and  
15 this mild haemophilic man in his 50s did receive some  
16 commercial Factor VIII, as a result of which he got  
17 both Hepatitis B and non-A, non-B. So that struck  
18 home to me very vividly."

19 This is before his move to Liverpool.

20 "So I had a rather rude awakening into the dangers  
21 of hepatitis from commercial -- in this case it was  
22 American -- Factor VIII.

23 "So one of the naive reactions that I had in  
24 Liverpool was when we bought commercial Factor VIII it  
25 was not American, it was European. It came from

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1 Austria. So clearly there had been a concern that  
2 American products were to be avoided. I think that  
3 was a legitimate, or at least an understandable  
4 reaction to my experience of treating and giving  
5 a patient -- and we didn't know at that time exactly  
6 the consequences of non-A, non-B. It is very likely,  
7 if that man is still alive, and I remember him well,  
8 he would be in his mid-eighties now. It is quite  
9 likely that he would have had quite a significant dose  
10 of hepatitis and liver disease."

11 Then this sets out his understanding --

12 **SIR BRIAN LANGSTAFF:** The next question --

13 **MS RICHARDS:** Yes, it is:

14 "Where did Immuno get their plasma?"

15 From his understanding, Austria.

16 **SIR BRIAN LANGSTAFF:** And it goes on, the exchange.

17 **MS RICHARDS:** Yes.

18 "So [he says] it was Austrian plasma?"

19 "Yes."

20 The question is:

21 "They didn't import --

22 And he says:

23 "Quite honestly, I did not at that time conduct  
24 a detailed enquiry into where all the donors came  
25 from ..."

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1 to what he then means. He says:

2 "It was something where I did not think that  
3 here was a risk from factor concentrates in relation  
4 to non-A, non-B hepatitis."

5 He sets out a general recollection that it was  
6 an unknown entity and thought to be of minor  
7 significance and then says this:

8 "Whilst I can no longer recall what was said, it  
9 may have been that I would have avoided causing  
10 potential anxiety and so not informed them [by which  
11 he means patients] about a condition that I thought  
12 was benign."

13 So that's some of the evidence we have in  
14 relation to Dr Boulton's and Dr McVerry's knowledge of  
15 hepatitis in that period, 1975 to 1985. I'm not going  
16 to repeat anything about Professor Hay's evidence,  
17 which we heard orally last year, and he came on the  
18 scene in terms of Liverpool a little later, in  
19 mid-1987.

20 In terms of the risk of AIDS, HTLV-III,  
21 Dr McVerry in his statement says that he had no  
22 awareness of AIDS before he attended the UKHCDO  
23 meeting at which it was first discussed, which was  
24 September of 1982.

25 He refers to Professor Bloom having said even up

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1 Top of the next page:

2 "... and it is indeed quite possible that some  
3 of the plasma they procured and fractionated came from  
4 America. I would not know that but at the time I was  
5 clearly under the impression and had been told by  
6 their own director, Norman Berry, that the material  
7 was Austrian in origin but clearly from paid donors."

8 So that's Dr Boulton's evidence or part of  
9 Dr Boulton's evidence to the Penrose Inquiry. I'm not  
10 going to go through what was discussed at the  
11 UKHCDO meetings he attended, but the presentations  
12 from Dr Craske, the reports of the Hepatitis Working  
13 Party and so on, which we have looked at in earlier  
14 hearings, came up on a regular basis in the second  
15 half of the 1970s, when Dr Boulton was attending these  
16 meetings as the consultant from Liverpool.

17 In terms of Dr McVerry's understanding of the  
18 risks of hepatitis, his statement says that he did  
19 not, in the late seventies and early eighties, realise  
20 that non-A, non-B hepatitis could be serious. He was  
21 asked about whether patients were informed about the  
22 risks of non-A, non-B hepatitis and he says:

23 "Non-A, non-B was something that we did not  
24 understand."

25 And then his statement is not entirely clear as

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1 to mid-1984 that there was no proven association  
2 between HIV and the use of blood products. He says it  
3 was reasonably clear that there was a real risk that  
4 AIDS was transmitted through blood and blood products  
5 at the end of '83 or beginning of 1984, but difficult  
6 to say with any certainty.

7 He believes he would have read that January 1983  
8 article by Dr Desforges in the New England article on  
9 AIDS because he had worked with her in the States in  
10 Boston. He says that the Royal Liverpool did not  
11 change its processes in response to the June '83  
12 letter from Professor Bloom and Dr Rizza with  
13 recommendations, but says it broadly followed the  
14 position set out in that letter.

15 He's not sure what would have been said and when  
16 to patients about the risk of being infected with AIDS  
17 from factor concentrates due to uncertainties around  
18 the issue. He doesn't recall any reversion to  
19 cryoprecipitate as a response to the risk of AIDS. He  
20 says patients didn't like cryo. There were practical  
21 concerns with its use. But he doesn't set out any  
22 positive contemplation of a return to cryoprecipitate  
23 or increased use of cryoprecipitate as a response to  
24 the risk of AIDS. And then he has a recollection of  
25 a move to heat-treated Factor VIII in 1985.

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One other document, although it doesn't involve Dr McVerry himself, but again, it does involve clinicians from Liverpool is RLIT0000567.

This is a letter published in The Lancet, 16 April 1983. If we go to the bottom of the page we can see there's a letter headed "Kaposi's sarcoma in patient with multiple myeloma, sideroblastic anaemia, and T-lymphocyte abnormalities."

If we go over to the second page, please, Soumik.

We can see, top left-hand, who this is from. So it includes Dr Bellingham, and it's from the Department of Haematology, Immunology and Dermatology, University of Liverpool and Royal Liverpool Hospital and, if we go back to the first page and look at the bottom right-hand corner, it's describing a particular patient -- not concerned actually with someone with bleeding disorders but a particular patient presenting with, well, possible Kaposi's sarcoma, and the last eight or so lines on the right-hand side say this:

"As yet we have no evidence of generalised Kaposi sarcoma in this patient", et cetera. Then it says this:

"He has received multiple blood transfusions, also thought to be associated with the development of

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informing them of their diagnosis. You may recall Professor Hay giving evidence that when he arrived in 1987 in Liverpool, he had a number of concerns about the way in which testing and communication of diagnoses had been undertaken.

If we start with a publication, another publication in The Lancet, this one co-authored by Dr McVerry. It is PRSE0001758. This is February 1985, 9 February 1985, The Lancet, and the letter is the letter on the top half of the page, left-hand side, "Seroconversion for HTLV-III since 1980 in British haemophiliacs". It's authored by Dr Machin and Dr McVerry, amongst others, and says this:

"... Three UK cases of acquired immunodeficiency syndrome ... in haemophilic patients and several reports of a pre-AIDS-like syndrome have been recorded."

Then there's a reference to a number of studies including one, at least, of which that we've looked at.

Then we can see in the next paragraph, it refers to:

"... studies to determine the source of infection we have been able to test sera from a cohort

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AIDS ..."

So that would suggest --

**SIR BRIAN LANGSTAFF:** He gives reference for that.

**MS RICHARDS:** He does. The reference is, if we go to the second page.

**SIR BRIAN LANGSTAFF:** It is at the foot of the page.

**MS RICHARDS:** Oh, it is, sorry, no, bottom of the first page. His reference is the MMWR from 1982.

**SIR BRIAN LANGSTAFF:** That's probably the July edition, is it, or not?

**MS RICHARDS:** I can't say without checking whether it's the July or possibly the December 1982 edition. It doesn't give a date but we can check. It gives a reference and we can check which edition he's referring to. But certainly this is, as at April 1983, clinicians in the department of haematology in the Royal Liverpool Hospital recognising that the receipt of multiple blood transfusions was thought to be associated with the development of AIDS.

**SIR BRIAN LANGSTAFF:** Yes.

**MS RICHARDS:** You can take that down, thank you.

One issue which is of particular significance in relation to the Liverpool Centre is the question of the arrangements for testing patients for HTLV-III and

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of 20 severe haemophiliacs with factor VIII:C levels below [a certain level]. Sera were collected in 1980-81 in September, 1982, and again in September, 1984. All these patients had received regular prophylactic home therapy with factor VIII concentrate, with an average annual treatment rate of 29,000 units. Between 1982 and 1984 60% (9/15) of these haemophiliacs seroconverted for HTLV-III antibody: only 1 was seropositive in 1980-81, 5 had antibody in 1982, and 14 were seropositive in 1984. These patients that received both NHS and commercial non-heat-treated factor VIII concentrates, and had 44-80% of their treatment requirements as commercial product."

If we look at the last paragraph:

"These results confirm the increasing seropositivity of British haemophiliacs exposed to regular infusions of factor VIII concentrate over the past four years. We do not know what proportion of seropositive patients will acquire AIDS or other HTLV-III related disease. All 16 who are seropositive are well including the 6 who were seropositive in 1982, and only 1 has thrombocytopenia and lymphopenia."

Now, this clearly involved Liverpool patients.

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One of the striking things about this is the date, this is a publication in February 1985.

So some testing, some HTLV-III testing, in relation to Liverpool patients had presumably been undertaken in order for this study to be published but the records we have looked at and some of the witness evidence we have received, appears to show testing at Liverpool being undertaken rather later than this. So we've looked at sample medical records which indicate that it's after Dr McVerry leaves and when Dr Mackie and, to some extent, Dr Davies, are dealing with the care of patients with haemophilia, we see HTLV-III tests being undertaken, roughly from mid-1985 onwards.

The evidence we have of the communication of the outcome of HTLV-III tests, again, places it more in the second half of 1985 and more into 1986 territory.

So it does raise the question as to why, if, as at early 1985, Dr McVerry was aware of this, as he must have been, given his co-authorship of this letter and his involvement in this study, more urgent steps were not being apparently taken to test all the patients in Liverpool and to inform them appropriately of the results of those tests.

**SIR BRIAN LANGSTAFF:** Well, this letter is co-authored by Cheinsong-Popov --

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sentence stands out to me, "We do not know what proportion of seropositive patients will acquire AIDS or other HTLV-III related disease", which would make it impossible for anyone reading this or taking that view, with that information, to say to a patient, "Oh, don't worry, because not very many people go on to get this disease, they're all well, the likelihood is they'll all stay well".

**MS RICHARDS:** Yes.

**SIR BRIAN LANGSTAFF:** Because we may hear evidence to that effect said somewhere else later on today.

**MS RICHARDS:** We may. Obviously, wherever precisely this cohort of patients was drawn from, there were -- clearly there had been samples of sera taken over previous years and stored.

**SIR BRIAN LANGSTAFF:** Yes, and for some reason starting in 1980.

**MS RICHARDS:** Yes. If we go to a later study, which is RLIT0000127, you'll see this a publication in the British Journal of Haematology in 1986, and Dr McVerry is the first named author on this occasion. Again, we see Dr Machin, Cheinsong-Popov, Dr Tedder, who were all named on the earlier letter, and then a range of others. We can see it was received June 1985 accepted for publication October 1985. The summary records:

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**MS RICHARDS:** It is.

**SIR BRIAN LANGSTAFF:** -- and it was her study reported in The Lancet in, I think, September --

**MS RICHARDS:** 1984.

**SIR BRIAN LANGSTAFF:** -- 1984, which reported on a series of tests conducted, presumably Middlesex, I think it was, by Tedder, and showed that at least a third were positive. In fact, that's Middlesex. So somewhere the cohort that they were talking about had been assembled and may have involved McVerry's patients from somewhere.

**MS RICHARDS:** It would certainly seem odd for Dr McVerry to be involved in the co-authorship of this if it didn't involve Liverpool patients, having been at Liverpool since 1980.

**SIR BRIAN LANGSTAFF:** It would be wrong to conclude from this that there were Liverpool patients necessarily involved in this study, wouldn't it?

**MS RICHARDS:** It's a matter of inference or possibility.

**SIR BRIAN LANGSTAFF:** It may have been the case?

**MS RICHARDS:** Yes.

**SIR BRIAN LANGSTAFF:** But the point that you're raising this with me for is to show that McVerry had a working knowledge at any rate of the likelihood of positive testing, if it were undertaken, and the second last

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"44% of 63 British patients with either haemophilia A or B were HTLV-III antibody positive ... HTLV-III was more frequent in high factor VIII concentrate users and 75% of severely affected haemophilia A patients were HTLV-III."

Now, we know that this did include a cohort of Liverpool patients because we can see that set out on the second page, under the heading "Patients and methods", second paragraph:

"A cohort of 21 Liverpool haemophiliacs (19 haemophilia A, two haemophilia B; all but two haemophilia A patients were severely affected) were studied retrospectively since 1980/81 for HTLV-III antibody and in 1984 for T4/T8 subset ratios."

It also refers to the investigation of the wives of 14 HTLV-III patients being investigated. If we look at the bottom of the next page, we see again reference to a cohort of haemophiliacs attending the Royal Liverpool Hospital Haemophilia Centre, and we have there the seroconversion or what's suggested to be rough seroconversion dates or dates when patients were found to be positive, 1980, 1981, 1982 and 1984.

It may increase the likelihood that the earlier letter did involve a Liverpool cohort but, on any view, this, which must have been work completed by

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1 June 1985, reveals HTLV-III testing and retrospective  
 2 testing on a cohort of Liverpool patients and their  
 3 partners, yet still there doesn't appear to have been  
 4 a programme of testing of all of the Liverpool  
 5 patients until after this time.  
 6 **SIR BRIAN LANGSTAFF:** Yes. The likelihood, given what is  
 7 said here, is that this is the same cohort. The  
 8 numbers broadly correspond.  
 9 **MS RICHARDS:** Yes, or that the first was a subset of this  
 10 cohort.  
 11 **SIR BRIAN LANGSTAFF:** Yes.  
 12 **MS RICHARDS:** It does, and, given the date ranges that are  
 13 being examined, it does seem likely.  
 14 Dr McVerry in his statement couldn't recall  
 15 stored sera being tested before 1984. He doesn't  
 16 recall the process for testing patients for HTLV-III.  
 17 He doesn't recall testing in Liverpool outside the  
 18 Machin studies and he accepts there was testing in  
 19 relation to the Machin study. He can't recall what  
 20 discussions took place with patients. He can't say  
 21 whether patients knew that samples of their sera were  
 22 being stored or understood the purpose of storage. He  
 23 does say that the hospital centre would have obtained  
 24 verbal permission to obtain the original samples for  
 25 tests performed at the time the test was taken.

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1 **MS RICHARDS:** December.  
 2 **SIR BRIAN LANGSTAFF:** That's the San Francisco baby?  
 3 **MS RICHARDS:** Yes, exactly and the other cases of  
 4 transfusion transmitted infection.  
 5 If we go to page 18, please. This was, we  
 6 assume, Professor Hay's understanding as at the time  
 7 this document was being prepared, so probably around  
 8 1989 or so, about the position in Liverpool. If we  
 9 pick it up where it says paragraph 92(bh), it says:  
 10 "Both in Liverpool and in Sheffield, samples  
 11 were sent to Dr Tedder, Middlesex Hospital for HIV  
 12 testing in early 1985. This was very incomplete in  
 13 Liverpool and Dr McVerry has left no record of his  
 14 results even though he published them. Many Liverpool  
 15 patients were not tested until late 1985 early 1986."  
 16 Professor Hay's recollection there is consistent  
 17 with what we've seen from individual patient records.  
 18 He goes on to say:  
 19 "Some of the patients were informed of their HIV  
 20 status by post. Parents of children were informed by  
 21 Alder Hey in a similar way [and we'll be looking at  
 22 Alder Hey later this morning]. Not all patients were  
 23 informed with results until later in 1986."  
 24 Then bottom of the page he says:  
 25 "I was not in post and can not tell you (neither

23

1 So that's the evidence we have in summary form  
 2 from Dr McVerry. You'll recall Professor Hay telling  
 3 the Inquiry that, when he arrived at the Liverpool  
 4 centre, he found the records to be poor and  
 5 uninformative. He was unable to obtain the results of  
 6 HTLV-III tests which had apparently been carried out.  
 7 He says he made enquiries with Dr McVerry about  
 8 apparent testing on stored samples but didn't get  
 9 an answer to his correspondence. Dr McVerry says he  
 10 can't recall receiving such correspondence from  
 11 Professor Hay.

12 Professor Hay also told the Inquiry he was told  
 13 by Liverpool patients they'd been told they were  
 14 HTLV-III positive by post. Dr McVerry can't recall  
 15 what the arrangements were, but says he would have  
 16 expected it to be asking the patient to make an  
 17 appointment and telling them in person.

18 Before we look at some of the material on that  
 19 particular topic that the Inquiry has received from  
 20 patients at the Liverpool Centre, if we could look  
 21 back at Professor Hay's HIV litigation document --  
 22 it's at NHB0085908, thank you -- Mr Booker's test and  
 23 the MMWR referred to in that footnote was the  
 24 December 1982 MMWR.

25 **SIR BRIAN LANGSTAFF:** December?

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1 can the notes) what pre-test counselling patients had.  
 2 The counselling, and in most cases, the first test  
 3 result is not documented.

4 "Most patients were not adequately counselled  
 5 until Dr Mackie took over the centre in 1986 ...

6 "Most untested individuals were summoned by  
 7 Dr Mackie in 1986 and most seen with their spouses.  
 8 He counselled them and generally documented the  
 9 counselling. This took place in his room or in OPD."

10 Yes, I think that's all we probably need to look  
 11 at from Professor Hay.

12 **SIR BRIAN LANGSTAFF:** Well, the bottom of the page --

13 **MS RICHARDS:** Yes, very bottom:

14 "Parents and guardians were the responsibility  
 15 of Dr John Martin, Alder Hey."

16 About whom we will be hearing more.

17 In terms, then, of the witness evidence that the  
 18 Inquiry has received, and this is really just to give  
 19 a flavour of it, it's not intended to be an exhaustive  
 20 summary, the widow of a haemophilia B patient infected  
 21 with HIV following treatment with Factor IX has  
 22 described her husband attending the Centre and himself  
 23 asking for a test. He had the test and she says:

24 "We received a letter in the post in the summer  
 25 of 1985 stating that he was positive. I remember the

24



letter."

Her husband read it to her and passed it to her. She recalls it was a short letter of no more than two or three sentences. She says, unsurprisingly, her husband should have been told in person:

"... and we weren't given any information to help us to understand or manage the infection."

The widow of a haemophilia A patient describes her husband being told during a routine appointment that a stored sample of blood had tested positive for HIV, despite the patient not knowing that his blood would be stored or tested, and says:

"We were told by the doctor not to worry about anything, the hospital would look after us."

The widow of another haemophilia A patient describes, again, her husband receiving the information that he had HIV during a routine appointment, her account is this, perhaps worth just reading out:

"This consultant was flicking through my husband's medical records and came to a page which was marked with the words 'HIV'. The consultant just said the words HIV in a very matter of fact way and then continued to flick through the notes. My husband stopped and said 'HIV, what is that? I did not know

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information relating to the risks associated with the use of Factor VIII or any associated risks of infections, and neither was I.

"Whilst I have no specific dates or treatment batch information relating to [his] infection with HIV, it is clear [he] first, displayed clear indications of a suppressed immune system and a rapid decline in his health from 1984 onwards."

It refers to him undergoing surgery at the Royal Liverpool in 1984, after which his health started to deteriorate rapidly. They were told he had contracted a virus they suspected to be Salmonella and she was made to wear protective clothing when visiting him.

Next page, and I should say it's not clear whether the dates can be right, or entirely right, because they refer to Dr McVerry and Dr McVerry had left by this time. So either it's a different doctor or the dates may not be entirely right. But whatever it is, the thrust of the account is a remarkable one:

"The first discussion that we had with a doctor regarding the possibility of HIV infection was with a junior doctor at the Liverpool Royal Hospital in October 1985. This was long after I had suspected [he] had been infected and I had repeatedly asked medical professionals to test ... and offer him some

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anything about that'. The consultant basically said words to the effect of 'Yes, you have this'."

Another patient gives an account of being told in person that they were positive. The evidence about that patient suggests that that was later, that was 1987, might possibly have been told by Dr Hay.

Then I think it may be worth actually looking at a further account, which is at -- and I should say we don't yet have -- in relation to a number of these accounts, we don't have responses yet from Dr McVerry. Some of these do not necessarily involve Dr McVerry, they are talking about the later stage of HIV testing, which took place after he'd left, because not all patients had been tested while he was still there. Some of the accounts do involve Dr McVerry. The one I'm going to refer to next does. We haven't yet had a response from him, not I think through any fault of his own, so it may be he would have a different account to give.

But if we go to WITN1403001, please. This is a statement from a widow who it describes her husband's care at the Royal Liverpool Hospital. If we go to the second page, we can pick it up, paragraph 9, she says:

"[He] was not to my knowledge given any

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form of targeted treatment.

"The junior doctor confirmed that he believed [her husband] was suffering with AIDS ... this was never confirmed by [Dr] McVerry who was the consultant overseeing [his] care at the time. Dr McVerry simply dismissed my concerns.

"I had blood taken twice to be tested. I was never informed this was due to any risk of HIV but was told this was to test for Salmonella. I recall asking why our daughters were not being tested as we all ate the same food at home, but I was reassured this wasn't necessary as it was me who was in closest contact with [him]."

If we go down the page:

"The only information I was getting was from the media coverage. I read about symptoms of HIV/AIDS in the news and I thought they were very similar to the symptoms [he] was suffering from.

"When I raised my concerns with Dr McVerry that [he] was suffering from the symptoms of AIDS, he advised me that [my husband's] symptoms could be explained by numerous viruses or infections. He denied it was AIDS and told me not to be neurotic. In one such meeting with Dr McVerry, when I was frantically explaining how concerned I was for my

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1 husband's health, he was swinging around in a swivel  
2 chair whilst eating a KitKat. This shows the kind of  
3 treatment I received from Dr McVerry.

4 "Without confirmation of infection from the  
5 staff treating [my husband], I sought desperate  
6 measures for a firm diagnosis and treatment options."

7 She then describes in October 1985 travelling to  
8 Saint Mary's Hospital in an attempt to speak to  
9 Professor Pinching.

10 He was unavailable, she says, but staff at the  
11 hospital facilitated a telephone conversation during  
12 which Professor Pinching agreed that her husband's  
13 symptoms and history were likely to be associated with  
14 HIV and he agreed he would discuss her husband's case  
15 with Dr McVerry.

16 Then if we look at paragraph 21:

17 "After my consultation with Professor Pinching,  
18 Dr McVerry told me not to question his standing or  
19 undermine his opinions, as he was my husband's  
20 treating consultant; the clear implication was that he  
21 knew best."

22 Then she refers in paragraph 23 to her husband's  
23 records showing his sample bags sent for testing were  
24 labelled as "high risk", and we do have some  
25 documents, not I think relating to this individual

29

1 in the first half of the 1980s.

2 I should just say there's a document at  
3 HSOC0011245. This is a letter sent from the same  
4 widow. It looks as though it was sent to The  
5 Haemophilia Society. It's a Haemophilia Society  
6 originated document, in any event. We don't have  
7 a date for it but you will see she gives, essentially,  
8 the same or very similar account to the account  
9 that is set out in the witness statement that she has  
10 kindly provided to the Inquiry, and refers to the fact  
11 that she was tested. If we go towards the bottom of  
12 the page, we see it refers to her speaking to  
13 Dr Pinching. As I say, we don't have, I think, a date  
14 for that, but it is clearly an account given --  
15 an earlier account given of the same sequence of  
16 events.

17 Just again, to give an indication about dates of  
18 testing more generally in Liverpool, if we go to --  
19 actually, I'm going to come to that later. There's  
20 a handful of documents and medical records, sample  
21 medical records that we've looked at which confirm  
22 a testing process being undertaken for other patients,  
23 as I say, in the second half of 1985 or later.

24 Then in terms of the communication of results in  
25 the period after Dr McVerry had left, if we look at

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1 patient but we've got some documents we've looked at  
2 from Liverpool which have that "high risk" label:

3 "They also show he was first tested for HTLV III  
4 in January 1985. There were also tests sent in  
5 June 1985 to the hospital for tropical diseases in  
6 London where he was tested for pneumocystis ...  
7 Neither of us was warned that [he] may be suffering  
8 from HIV or any potentially infectious disease."

9 Her husband died, as you will see, not long  
10 after that.

11 Leaving aside the issue about dates, and the  
12 fact that we know Dr McVerry had left some time in the  
13 course of 1985, I don't think we know the precise  
14 date, however. The account that's given there is not  
15 inconsistent with her husband having been one of that  
16 cohort of patients.

17 **SIR BRIAN LANGSTAFF:** One thing which I just want to be  
18 clear about this witness statement, does it identify  
19 her husband as having suffered haemophilia, or was  
20 there some other reason that he had the surgery?

21 **MS RICHARDS:** Severe haemophilia A.

22 **SIR BRIAN LANGSTAFF:** Thank you.

23 **MS RICHARDS:** Sorry, I didn't go to that passage, but yes,  
24 and received most of his care from the Royal Liverpool  
25 Hospital, received intensive Factor VIII concentrates

30

1 WITN3381002. Sorry, actually, can we not put that up.  
2 I'm going to read out the letter. I'm not sure  
3 whether the name should have been redacted and hasn't  
4 been. I have an identical letter with a redacted  
5 form.

6 Yes. If we put up this version, Soumik. Yes,  
7 it's the same letter but with the full redactions.  
8 LBHT0000001\_009.

9 We can see it's a later dated 1 July 1986, it's  
10 from Dr Davies, consultant haematologist. Again, it's  
11 in this interregnum period after Dr McVerry leaves and  
12 before Dr Hay takes over:

13 "We now have your final HTLV 3 results from  
14 Manchester and unfortunately they are positive. They  
15 do add the rider that we should repeat this test when  
16 next we see you but I think you should now assume that  
17 you are HTLV positive and take the precautions which  
18 we discussed the last time we met. I am sorry this is  
19 not good news, if you do want to discuss this further  
20 then of course I will see you in the department any  
21 time."

22 Now, it's a letter that suggests there had been  
23 some prior discussion that testing was going to be  
24 undertaken but you'll see the communication of the  
25 result is undertaken by post in this short fashion,

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1 and not in person.

2 There are others, as we've seen, who have been  
3 described being informed of their results by letter  
4 and that was clearly Dr Hay's understanding,  
5 Professor Hay's understanding when he took over.

6 There's another witness, who recalls being  
7 phoned at work, although in their case the result was  
8 negative. But that witness also describes a period of  
9 testing, that it goes on through 1986. So, again, it  
10 suggests that the process of testing all patients or  
11 all patients who were -- might have been infected at  
12 the Liverpool hospital was taking place really over  
13 a rather prolonged period of time and much later than  
14 you might think it should have been.

15 If we go to HSOC0015592, please, and if we go to  
16 the second page and we just zoom in on the heading  
17 "Wife infected in test delay":

18 "A haemophilic who was found in hospital tests  
19 to be infected with the Aids virus was not told of the  
20 result for several months. He has now passed on the  
21 infection to his wife ...

22 "The couple, who come from Merseyside and have  
23 a young daughter, are furious that the wife's life was  
24 put needlessly at risk ...

25 "Their solicitor said that the husband, who is

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1 to Dr McVerry about when I was not in the room. He  
2 would not say. He always said it was about my leg and  
3 about my foot. He would not tell me any detail,  
4 although I would always ask him."

5 Then in paragraph 54:

6 "In 1985, my Dad went into hospital so he could  
7 no longer attend my appointments."

8 Then he refers to going to appointments with his  
9 foster sister:

10 "Dr McVerry would talk to whichever foster  
11 sister attended with me, but not for long. I would  
12 have blood tests and go home. [They] would never tell  
13 me what Dr McVerry said."

14 He describes at the bottom of that page how he  
15 only learnt he had HIV in October 1991 -- so a number  
16 of years after, when he was told by Dr Hay. He  
17 recounts Dr Hay having looked through the medical  
18 records and found out the witness's foster family knew  
19 he had HIV and the records indicating that Dr McVerry  
20 had told the foster father but the patient himself,  
21 although an adult, had not been told.

22 **SIR BRIAN LANGSTAFF:** At the time he describes the  
23 conversations taking place, he says he was 20.

24 **MS RICHARDS:** Yes. He was an adult.

25 **SIR BRIAN LANGSTAFF:** So there are two concerning aspects,

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1 30, had received treatment with Factor 8 blood  
2 [concentrate] through the Royal Liverpool Hospital."

3 So we don't know who that relates to but you'll  
4 see it being documented there.

5 There's then another account from a patient  
6 at -- I'm just going to read a handful of the relevant  
7 passages.

8 Sir, this is a patient who is deaf, with severe  
9 haemophilia A, treated both at Alder Hey as a child  
10 and would then, in the first half of the 1980s, see  
11 Dr McVerry at the Royal Liverpool Hospital.

12 Soumik, could we go to page 12 of WITN0375001,  
13 we pick it up at the bottom of the page:

14 "In 1981, when I was 20, I used to see  
15 Dr McVerry at the Royal Liverpool Hospital. Every six  
16 months, Dr McVerry, my foster father and I would be in  
17 a consultation. Dr McVerry would talk to my foster  
18 father, who would ask me to leave the room. A nurse  
19 would take me by the hand and place me in another  
20 room. I was always sent out. I wanted to stay. It  
21 seemed to me that Dr McVerry told my foster rather  
22 that I had to leave. He kept the nature of my illness  
23 between him and my foster father.

24 "After these appointments, I spoke to my father  
25 in the hospital café. I asked him what he was talking

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1 if one accepts the account. The first is that an  
2 adult was not told and, secondly, that he plainly,  
3 according to his account, questioned his foster father  
4 several times but never spoke, never asked McVerry.  
5 So presumably he felt that he couldn't or shouldn't  
6 ask the person who would give him the information.

7 **MS RICHARDS:** Yes. It's part of a much longer statement,  
8 sir, which merits reading in full, but it does appear  
9 to show a very concerning delay in this young man, as  
10 he then was, being informed of --

11 **SIR BRIAN LANGSTAFF:** It's not simply the delay; it's the  
12 quality of the communication which he expected --

13 **MS RICHARDS:** Yes.

14 **SIR BRIAN LANGSTAFF:** -- from the medical profession as he  
15 had experienced it.

16 **MS RICHARDS:** Yes. We can take that down, thank you,  
17 Soumik.

18 In terms of the numbers of patients infected,  
19 Dr Hay's information, as provided to the Inquiry, was  
20 43 patients at the Royal Liverpool Hospital infected  
21 with HIV, of whom four were under the age of 18. The  
22 evidence we have suggests that the transfer from Alder  
23 Hey to the Royal Liverpool took place at around 16.

24 The table that we've more recently received  
25 from -- sorry, the table that the Inquiry team has put

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1 together based upon data received from UKHCDO gives  
 2 a figure for the Royal Infirmary of 42. Whether it's  
 3 42 or 43, it's clearly a significant number of  
 4 patients infected with HIV.  
 5 Just in terms then of process of testing for  
 6 hepatitis C, if we consider, first, the undertaking of  
 7 liver function tests prior to the availability of  
 8 a hepatitis C test, Dr McVerry couldn't recall how  
 9 regularly liver function tests were performed but he  
 10 knew they did. He says:  
 11 "If a patient came in for a review then a liver  
 12 function test would be done as one of a range of tests  
 13 that were carried out at the patient review."  
 14 He can't recall what was said to patients about  
 15 the results. He says:  
 16 "We were unsure what caused these abnormal  
 17 results."  
 18 There are a couple of letters that I think it's  
 19 instructive to look at, in that regard.  
 20 Soumik, can we look at LBHT0000001\_005, please.  
 21 This is a letter from Dr McVerry, 17 January 1983, to  
 22 a GP about a particular patient.  
 23 "As you know, [the patient] had an episode of  
 24 acute hepatitis, which most likely was related to his  
 25 factor infusions."

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1 witnesses which paint a distressing picture of HIV  
 2 care at the Royal Liverpool Hospital.  
 3 If we look at ... I'll just check the reference  
 4 there. WITN2783001.  
 5 This is a statement from the widow of a patient  
 6 with haemophilia A. If we go to page 4 -- again, it  
 7 may, of course, be the case that Dr McVerry would say  
 8 this was not him or give a different account, and so  
 9 it's important to bear that in mind.  
 10 At the bottom of the page, she says:  
 11 "I recall that my husband and I attended  
 12 a couple of group meetings at the Royal Liverpool  
 13 University Hospital in the 1980s. This was some sort  
 14 of help group and I recall that one of the doctors  
 15 there, Dr McVerry, made the most derogatory comment to  
 16 those attending to seek 'some so called support' that  
 17 my husband never went back. The words used by  
 18 Dr McVerry were 'Homo Haemo you can all start wearing  
 19 handbags now'. This comment was so horrific and  
 20 sufficiently so for me to recall the doctor's name  
 21 after all this time.  
 22 "My husband was never offered any individual  
 23 counselling or psychological support", she says.  
 24 Then if we look at WITN1147001, this is  
 25 a statement from a witness describing his son's

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1 It says:  
 2 "He is now completely recovered and his liver  
 3 function tests are essentially normal."  
 4 If we then look at the same reference, Soumik,  
 5 but 006.  
 6 It's just interesting to note that the letter  
 7 from Dr McVerry to the patient on the same date uses  
 8 the term "inflammation on your liver", doesn't use the  
 9 term "hepatitis".  
 10 If we then -- in relation to the process for  
 11 testing for hepatitis C, once a hepatitis C test  
 12 became available, Professor Hay addressed that in his  
 13 oral evidence and written evidence so I wouldn't go  
 14 back over that, other than to remind you, sir,  
 15 although I know you're well aware of this, that there  
 16 are a number of patient accounts at Liverpool as at  
 17 elsewhere of there being delays between patients being  
 18 tested for hepatitis C and being informed of the  
 19 outcome of those test results.  
 20 We've referred in our written note to a number  
 21 of accounts in that regard.  
 22 If I then come to the question of the treatment  
 23 arrangements, first of all, for HIV. Dr McVerry  
 24 recalls little about treatment for HIV positive  
 25 patients, but there are some accounts from individual

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1 infection with HIV and hepatitis C. And if we just  
 2 pick this up at page 7, paragraph 31, the witness says  
 3 that:  
 4 "[His son] had numerous hospital admissions in  
 5 The Royal Liverpool Hospital where he was treated very  
 6 badly and received extremely poor standards of care.  
 7 It was horrendous. It was as if the nurses had  
 8 nothing but contempt for the patients. It was  
 9 necessary for me to visit him every day to ensure he  
 10 was eating properly, he was washed properly and that  
 11 he was receiving and taking his medication. They were  
 12 many times his medication was strewn all over the  
 13 floor and I would have to make arrangements to get it  
 14 replaced. I would shower him when he was too weak to  
 15 do it for himself and change his bed sheets after he  
 16 had soiled himself and was lying in the dirt for hours  
 17 at a time."  
 18 We don't, I think, know, sir, what particular  
 19 period of time that description refers to.  
 20 The statement that we looked at a little earlier  
 21 with the -- from the widow who spoke to  
 22 Professor Pinching in order to try and find  
 23 information about her husband's possible diagnosis  
 24 also describes poor treatment at the Royal Liverpool  
 25 Hospital, and this would have been in 1985, given when

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1 he became ill and died.

2 So if we just go back to WITN1403001, and we go  
3 to page 5. Paragraph 27. She recalls:

4 "[Her husband] was treated terribly whilst he  
5 was in the Royal Liverpool Hospital receiving  
6 treatment. It was largely left to me to change his  
7 clothing and bedding as the nurses appeared to not  
8 want to go in his room. On occasions when I was not  
9 present, food and drink was left on a trolley outside  
10 of his room and [he] was left unchanged lying in  
11 a dirty bed in his own faeces and body fluids with  
12 blood all over the floor."

13 Again, Dr Hay, Professor Hay told the Inquiry in  
14 his oral evidence and written evidence a little about  
15 the arrangements for treating HIV and HCV positive  
16 patients in his time as director at the Royal  
17 Liverpool Hospital, so in that period from 1987  
18 through to the early 1990s, and we've summarised it.  
19 But as the Inquiry has heard that evidence orally, I'm  
20 not proposing to go through it again.

21 So that, sir, is the Royal Liverpool Hospital  
22 and the Liverpool Royal Haemophilia Centre for adults.

23 I'm going to turn now to Alder Hey, the  
24 Children's Hospital.

25 **SIR BRIAN LANGSTAFF:** You're going to go to Walton, are

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1 Dr Martin ceased holding that position in 1989,  
2 Dr Lynne Ball took over as the Centre's director for  
3 about fourteen years, 1980 to 1993, and I'm going to  
4 refer to her statement at various stages.

5 And then Dr Paula Bolton-Maggs, who had  
6 previously, I think, spent a period of time,  
7 a relatively short period of time in a more junior  
8 capacity there, took over as director from 1993 to  
9 2003, and she has also provided a statement to the  
10 Inquiry.

11 The evidence suggests that children, certainly  
12 younger children, those under the age of being  
13 a mid-teen, were the responsibility of Alder Hey  
14 rather than the Centre at the Royal Liverpool  
15 Hospital. That reflects both the evidence of  
16 Dr Boulton and the evidence of Dr McVerry. And it's  
17 consistent with the evidence that we've seen, which  
18 suggests that treatment decisions were the  
19 responsibility of Dr Martin.

20 In terms of the mechanics for supplying  
21 products, Dr Ball's understanding is that products  
22 were ordered and supplied via the adult Haemophilia  
23 Centre. So it received concentrates -- her  
24 understanding is by the -- telephoning the on-call  
25 haematologist at the Royal Liverpool Hospital, who

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1 you?

## 2 **PRESENTATION RE ALDER HEY CHILDREN'S HOSPITAL**

3 **MS RICHARDS:** Alder Hey. Oh, I'll deal with Walton very  
4 briefly after I've dealt with Alder Hey, because  
5 there's comparatively little information. I'm just  
6 going to move files round.

7 So the Alder Hey Children's Hospital was the  
8 principal treatment site for treatment of children  
9 with bleeding disorders, at least from the late 1970s  
10 onwards probably earlier. From the mid-1970s until  
11 1989 the Centre Director was Dr John Martin, and we  
12 have a letter, I won't display it, but August 1975  
13 Dr Martin writes that he has now taken over care of  
14 haemophiliacs at this hospital.

15 Dr Martin, however, appears to have been  
16 essentially a paediatrician or paediatric oncologist  
17 rather than a haematologist, and he is generally  
18 described or referred to as such in communications.

19 We do have a recent statement in response to  
20 various criticisms which I'll describe over the next  
21 period of time of Alder Hey. We have a statement from  
22 the current Director of Corporate Affairs at Alder Hey  
23 who has said that Dr Martin established one of the  
24 early childhood cancer centres at Alder Hey but was  
25 not a specifically trained paediatric haematologist.

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1 would then organise the provision of the concentrates  
2 or other products to Alder Hey.

3 There's then an article -- again, I'm not  
4 proposing to put it on screen, but there's an article  
5 from 1990 in The Haemophilia Society Bulletin from  
6 Professor Hay, in which he says that haemophilia care  
7 in Liverpool was traditionally divided between Alder  
8 Hey and the Royal Liverpool, with patients graduating  
9 from one to the other in their mid-teens.

10 I referred yesterday, when we started looking at  
11 the Liverpool Centre, to the relationship with North  
12 Wales, and that was also the position in relation to  
13 children and Alder Hey. So Dr David Edwards, again  
14 who I referred to yesterday, consultant haematologist  
15 at Glan Clwyd Hospital from 1982 to 2006, has  
16 explained in his statement to the Inquiry that  
17 paediatric cases were essentially managed by  
18 paediatricians with outreach consultants from Alder  
19 Hey Hospital in Liverpool.

20 There is some evidence of cryoprecipitate being  
21 provided directly from the Regional Transfusion  
22 Centre, the Mersey Regional Transfusion Centre, to  
23 Alder Hey.

24 Then there is some evidence to suggest that,  
25 just as with the Liverpool Centre at the Royal

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Liverpool Hospital, the children's centre, the Alder Hey Centre, formed part of two regional groups: the Manchester supra-region and then a regional group of Mersey and North Wales haematologists. But it doesn't appear that Dr Martin played a significant part, or participated significantly in either of those groups, so we don't see, for example, in some of the meetings at the Manchester supra-region, we don't see Dr Martin attending, although it's right to say we don't have a full set of minutes in that regard. We do see Dr Martin attending at one meeting of the regional group, Mersey and North Wales haematologists, in November 1983.

Dr Bolton-Maggs's recollection as a senior registrar between '87 and '88 at Alder Hey was that there was no consultant haematologist, hence the care was undertaken by Dr Martin, and no specific facilities for patients with bleeding disorders. She says:

"Patients would have been seen for acute bleeding problems on the oncology ward and followed in general haematology outpatients."

And she says her understanding was that:

"Haemophilia child patients would have been under the care of Dr John Martin, consultant

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cell counter was out of date and on loan from Coulter and there was no onsite facility for monitoring anything other than basic coagulation screening. Pre-operative and therapeutic monitoring of Factor 8/9 levels had to be transported to the Royal Liverpool Hospital (a thirty-minute transport time) for analysis and any suspected inhibitors similarly analysed off site. Laboratory staff had no protective area to prepare contaminated samples prior to analysis and there were no facilities to monitor immunological parameters for affected children."

Then if we go over the page, I'm going to come back to what she says about the position of the HIV infected children at a later stage.

Third paragraph:

"There was no established treatment centre, no specialist nurse or social worker provision, no outpatient clinics, no immunological monitoring or screening and the majority of children had not received routine vaccination against Hepatitis B and there was a paucity of successful home treatment and self-administration programmes. This meant that for acute minor bleeds boys accessed the haematology-oncology ward (C3) and were treated with concentrate ordered and supplied ad hoc from the Royal

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oncologist, and additionally managed by rotating senior registrars in haematology, with advice as required from haematology consultants at the Royal Liverpool Hospital."

When Dr Ball took up her post as director in January 1989, she set out in her statement the critical observations of the position. If we just look at part of her statement, WITN4739001, and we go to page 13, she says:

"I started mid-January [1989] as Dr Martin took vacation commencing the first day of my tenure. I was not provided with any overview or patient summaries but was nonetheless required to take on all acute clinical inpatient and outpatient care for the whole unit as well as all diagnostic responsibility for the haematology laboratory including the on-call commitment single handed until his return to duties.

"In stark contrast to my experience at [Great Ormond Street] [where Dr Ball had previously worked] the provision of clinical and laboratory services offered to children with haemophilia especially those with HIV at the time of my appointment was severely compromised.

"There had been no investment in laboratory facilities or equipment for a decade. The automated

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Liverpool Hospital. As there was no batch reservation to reduce donor exposure it was difficult to determine what the individual usage per child had been prior to my appointment. A large proportion of the clinical notes of children affected by HIV were on close inspection missing essential treatment and decision-making details. As far as I could ascertain there were no protocols for the use of alternatives such as cryoprecipitate or DDAVP."

Then the next page -- sorry, I should say she wrote an extensive case for the need for a second consultant, which she submitted to the newly-appointed medical director of the hospital, who was, in fact, Dr John Martin. Then she describes, on the advice of Dr Hay, who had taken over at the adult Centre more recently, she was able to access a regional fund to provide some additional funding for the provision of care at the Children's Hospital and to make out a case for a nurse social worker, and to develop the services and build up clinics.

**SIR BRIAN LANGSTAFF:** The description she gives amounts to there being no expert doctor, no expert nurse, so nobody in the clinical staff who actually has any developed expertise in what they're doing.

**MS RICHARDS:** Yes. Alder Hey were invited to respond to

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Dr Ball's statement, and it's right to now note that they have done so. I have referred, I think, earlier to Erica Saunders, Director of Corporate Affairs at Alder Hey Children's Hospital, having responded, and perhaps if we look at WITN4194006, if we go to the third page, she says this at paragraph 9:

"Dr John Martin had established one of the early childhood cancer centres at Alder Hey. Due to the lack of specifically trained paediatric haematologists, much of the care of children with non-malignant haematological conditions defaulted to clinicians running the malignant service and was provided on the Oncology Ward. Very sadly, the information I have received is that this led to children with bleeding disorders being exposed to inappropriate treatment and delays in adopting improvements to their management."

She then says:

"The appointment of [and she's referring there to Dr Ball] was in recognition of the developing speciality of Paediatric Haematology but there was a lack of additional support for the non-malignant clinical elements and the laboratory service. The separation of clinical care of patients with inherited bleeding disorders with the Oncology service was

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We can see there reference to cryoprecipitate, 643 packs. And then in relation to NHS concentrate and commercial concentrates, it's said.

"All supplied by Dr FE Boulton Liverpool Royal Infirmary."

Then if we look to the comment, it's not entirely clear what it says, but it's "[Something] cryoprecipitate provided directly by" --

**SIR BRIAN LANGSTAFF:** "Only cryoprecipitate"?

**MS RICHARDS:** Yes.

"... by ..."

And then I'm not entirely sure what the last two letters are supposed to say. But may be a reference to the Transfusion Centre.

"All other preparations supplied via Liverpool Royal Infirmary."

So we don't have information directly from Alder Hey about the volume and type of products used.

If we go, however, to the next year, we can see the returns in a more standard form so HCDO0001274. We can see ten patients treated during the year. In terms of cryoprecipitate, 48,930 -- I'm not sure whether that's 20 or 30 units. But anyway, somewhere under 49,000 units of cryoprecipitate. And then it looks like just over 46,000 units of NHS factor

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partly precipitated by the need to care for a cohort of boys infected with HIV."

I'll come back to that issue, that's about how the children infected with HIV were actually treated at Alder Hey, about which Dr Ball has a lot to say, and to which Ms Saunders has responded.

Sir, I'll come back to that and I'll come back to Ms Saunders' response, and indeed the apology she offers, when we get to that stage in relation to Alder Hey.

I'm going to pick matters up with the annual returns from Alder Hey from 1977 onwards, so it might be a good moment to take a break.

**SIR BRIAN LANGSTAFF:** Yes. Yes. Thank you.

**MS RICHARDS:** What time do you wish to return, sir?

**SIR BRIAN LANGSTAFF:** Sorry, yes, of course. I was just thinking about this -- this last piece of evidence.

It's 25 to.

**MS RICHARDS:** Certainly.

**SIR BRIAN LANGSTAFF:** Twenty-five to 12.

(11.16 am)

(A short break)

(11.35 am)

**MS RICHARDS:** Sir, I'm going to look at the annual returns for Alder Hey starting in 1977. HCDO0001177.

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concentrate and then there's reference to a smaller amount of the Armour product, Factorate, being used, although I think there's -- no patients with von Willebrand's appear to have been treated during that year and I don't think we have details in relation to haemophilia B patients either.

1979 is HCDO0001343. We can see 13 haemophilic patients treated during that year, no haemophilia B patients treated. And then we can see, again, the volumes of cryoprecipitate: so 27,790 cryoprecipitate, what appears to be 37,500 units of NHS factor concentrate, and then 14,000 units of the Armour Factorate, used that year.

1980 is HCDO0001439. I think we see 16 patients with haemophilia A treated, no von Willebrand's and then we only have the packs or bottles rather than the units. So it's down as 114 packs of cryoprecipitate, 136 bottles of NHS concentrate, and 268 bottles of Armour Factorate. So we can see, in any event, the proportion of Armour being used increasing.

Then if we move to 1981, HCDO0001541. We're told 12 haemophilia A patients, no von Willebrand's. Again, we've got the information in terms of packs and bottles. So a greatly reduced volume of cryoprecipitate, four packs, an increased volume of

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1 NHS concentrate, 386 bottles. And a smaller volume of  
2 the Armour Factorate, 29 bottles.

3 Then handwritten across appears to be "NB All  
4 HT", which presumably --

5 **SIR BRIAN LANGSTAFF:** Home treatment.

6 **MS RICHARDS:** -- is home treatment, "supplied by [Royal  
7 Liverpool Hospital] mil, from Alder Hey". So the  
8 annual returns may not be giving a clear or  
9 comprehensive reflection of what products were  
10 actually used to treat the Alder Hey patients.

11 If we go to 1982, HCDO0001639, we see 19  
12 patients with haemophilia A treated, no  
13 von Willebrand's. Then we've got the figures in packs  
14 and bottles but with what appears to be units written  
15 in. So 16 packs of cryo, 1,120 units. 155 bottles of  
16 NHS concentrate, 38,750 units. And then this year by  
17 far and away the largest in terms of treatment is the  
18 Armour Factorate, 647 bottles, 161,750 units. So  
19 a marked change in the pattern of treatment in 1982.  
20 And we see over the page, one haemophilia B patient  
21 treated that year with NHS factor concentrate.

22 1983's return is at HCDO0001739. Again, it's  
23 a similar pattern. It's not, again, entirely easy to  
24 read. Eleven packs of cryo, so cryo in very modest  
25 use indeed. NHS concentrate, 218 bottles, which looks

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1 then a small amount of concentrate for home treatment.  
2 And we see DDAVP being used for von Willebrand's  
3 patients.

4 There are also some stock cards, which may  
5 reflect usage of Alder Hey. So we looked at a sample  
6 yesterday of those in relation to the Liverpool  
7 Centre.

8 If we go, for example, to LUHT0000024, we can  
9 see that this is the Royal Liverpool Hospital's stock  
10 cards, but there's reference, if we go down the page,  
11 to Alder Hey. So we can see there a supply, for  
12 example, of the Elstree, the NHS product, to Alder Hey  
13 as well as to Dr Korn, Bangor.

14 Again, there are a handful of other stock cards,  
15 so if we go just by way of example, LUHT0000031, we  
16 can see there the first entry for Armour. It records  
17 products being sent to Alder Hey, as well, again, as  
18 to Dr Korn at Bangor and the like.

19 That's the information --

20 **SIR BRIAN LANGSTAFF:** When it provides for both home  
21 therapy and Alder Hey, it doesn't say how many of the  
22 home therapy treatments might have been Alder Hey  
23 patients.

24 **MS RICHARDS:** It doesn't, no.

25 **SIR BRIAN LANGSTAFF:** So we've just no way of knowing?

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1 like it's identified as being 54,500 units. And then  
2 the largest volume of treatment being with  
3 Armour Factorate: 749 bottles, given as 187,250 units.  
4 It's not then easy to see what's written across,  
5 except it looks like something to similar effect as  
6 previously about the supplies for home treatment  
7 coming from the Royal Liverpool.

8 Then 1984, is HCDO0001831. 14 haemophilia A  
9 patients treated. No cryoprecipitate usage recorded  
10 at all. NHS concentrate, 339 bottles used in  
11 hospital. You'll see home treatment again is said to  
12 be supplied from the Royal Liverpool Hospital and then  
13 hospital treatment with Armour Factorate, 352 bottles.  
14 So the proportions are more evenly balanced in terms  
15 of home treatment there as between NHS and commercial  
16 concentrate.

17 Then we don't have a return for 1985.

18 If we look briefly at 1986, HCDO0002021. We can  
19 see 19 haemophilia A patients, two von Willebrand's  
20 patients treated. Again, we see no cryo. The figures  
21 in hospital show use of NHS concentrate and Armour.  
22 Presumably, in 1986, a heat-treated product.

23 We can see there's a reference "Other Human  
24 Factor VIII [Concentrate], 9,000 units", and someone  
25 has written "? which" and "Type not specified" and

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1 **MS RICHARDS:** We haven't, I'm afraid.

2 There are then two documents I want to refer to  
3 which are expert reports in relation to an individual  
4 patient but which throw some light, potentially, upon  
5 the approach to treatment at Alder Hey. The first is  
6 at DHSC0043164\_068.

7 This is a medical report, it's date March 1992,  
8 and it's from Dr Savidge, St Thomas' Hospital, and it  
9 is looking at an individual patient treated at  
10 Alder Hey. If we go a little further down the page,  
11 we'll see it was a patient with severe haemophilia A,  
12 diagnosed as such as a baby. Just so that you note,  
13 it is someone born in 1980. The significance from  
14 that appears from the second paragraph on screen:

15 "The young boy was first treated on  
16 01.03.82 ..."

17 So aged two.

18 "... with US commercial factor VIII  
19 concentrates. There is no documentation at that time  
20 to indicate that the treatment alternatives with  
21 single donor pool cryoprecipitate or NHS Factor VIII  
22 concentrates were ever entertained. During 1982, [he]  
23 was treated on 32 occasions with US concentrate  
24 (Armour) and on 5 occasions with NHS material  
25 (factor VIII concentrate). This year proved to be the

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1 12 months prior to 1985 that required the most  
 2 frequent hospital visits necessitating infusions with  
 3 factor VIII concentrates. During 1982 some 19,000  
 4 units of factor VIII were used ... 1983, 7 treatments  
 5 were administered with US commercial concentrates and  
 6 2 with NHS concentrates, totalling in all  
 7 approximately 5,500 units. In 1984, 4 treatments were  
 8 given with US commercial concentrates and 4 with  
 9 NHS concentrates giving a total of approximately  
 10 4,000 units for the year. The last treatment given  
 11 during 1984 was on 02.12.84 with Armour factor VIII  
 12 concentrate [and the batch number is given]. This  
 13 occasion was the only time this batch of unheated  
 14 material was used."

15 Then:

16 "In 1985, [he] was treated on 9 occasions with  
 17 heat treated US concentrates, on 2 occasions [this is  
 18 1985, and he's five] with the US unheated  
 19 concentrates, on 2 occasions with NHS unheated  
 20 concentrate and on 6 occasions with the earliest NHS  
 21 heated factor VIII material ..."

22 Then details are given about the use of the  
 23 unheated Armour product, reference to the batch.

24 "This unheated material was batch number Y 88908  
 25 which had not been administered to the patient before,

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1 case relating to possible negligence and causation  
 2 rest upon the choice of therapeutic products to use  
 3 treat haemorrhagic symptoms. The therapeutic policy  
 4 adopted to manage this child is evaluated in terms of  
 5 orthodox practice and knowledge of HTLV-III  
 6 transmission from blood products at the time, and to  
 7 the specific recommendations available in the medical  
 8 literature and proposed by [UKHCDO]."

9 So you'll see that Dr Savidge's approach is not  
 10 to look at things with the benefit of hindsight, but  
 11 to try to compare what was done at Alder Hey with what  
 12 would have been his view of the orthodox approach at  
 13 the time.

14 Over the page he says this, under the heading  
 15 "Use of Concentrates as opposed to Cryoprecipitate":

16 "There are two notable features of this case  
 17 with respect to the adopted therapeutic approach.  
 18 Firstly, there is no documentary evidence to suggest  
 19 that single donor pool cryoprecipitate was ever  
 20 contemplated in the management of this case, not even  
 21 when the patient was initially treated. Secondly,  
 22 there is evidence to indicate a defined preference to  
 23 use US commercial products (45 treatments) over NHS  
 24 factor VIII concentrate (9 treatments) during the  
 25 period 1982-1985 when initially only unheated, but

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1 and was not used subsequently. To my knowledge, at  
 2 other Centres, much of this unheated batch had been  
 3 returned to the manufacturer, who consequently heated  
 4 the product in one of their facilities in [West]  
 5 Germany."

6 Then bottom of that page, so where we are.

7 "Although the child was seen on several  
 8 occasions in 1985, the first documentation of blood  
 9 sampling for anti-body to HTLV-III was on 05.08.85,  
 10 and the result indicating HTLV-III seropositivity was  
 11 reported on 08.08.85. No previous negative results  
 12 were obtained in this case rendering a possible date  
 13 for the initial viral transmission difficult or  
 14 impossible."

15 And then if we go to Dr Savidge's or  
 16 Professor Savidge's opinion, bottom half of the page,  
 17 he says this:

18 "This case concerns a young child with severe  
 19 haemophilia who was treated from 1982 to 1985 with  
 20 unheated US commercial and NHS factor VIII  
 21 concentrates for haemorrhagic symptoms. On 08.08.85,  
 22 the patient was shown to have been infected with  
 23 HTLV-III with out a previous negative test result,  
 24 presumably by transmission of the virus through  
 25 contaminated blood products. The major issue in this

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1 subsequently heated products were available.

2 "In the late 1970s and early 1980s, the majority  
 3 of UK paediatricians treating infants and children  
 4 with severe haemophilia considered cryoprecipitate  
 5 obtained from single blood donations to be the  
 6 therapeutic product of choice, but if not available  
 7 NHS factor VIII concentrate should be used."

8 Then he refers to an '85 publication by  
 9 Dr Jones, and sets out the recommendation about  
 10 treating children under the age of four with cryo,  
 11 et cetera.

12 Then if we go to the bottom of the page,  
 13 Professor Savidge then continues:

14 "At that time, this practice was deemed to  
 15 confer a greater margin of safety from transfusion  
 16 related viral diseases such as hepatitis B and non-A,  
 17 non-B hepatitis, on the grounds that treatment with  
 18 a small (less than 50 individual single donations) of  
 19 cryoprecipitate preparations resulted in a reduced  
 20 incidence of clinical and laboratory indices of  
 21 hepatitis. In contrast, the donor pools of  
 22 factor VIII concentrates were derived from several  
 23 hundreds or thousands of plasma donations ..."

24 Then he gives an indication about pool sizes by  
 25 reference to a UKHCDO minute in 1980.

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1 "The increased morbidity in small children  
2 following infection with hepatitis B and non-A non-B  
3 hepatitis was an additional reason for choosing  
4 cryoprecipitate over concentrate.  
5 "Furthermore, sufficient amounts of factor VIII  
6 necessary to control haemorrhagic symptoms in such  
7 small children, were available in only a few single  
8 donor bags of cryoprecipitate, providing a safe and  
9 highly cost-effective approach to such cases. The  
10 somewhat larger infusion volumes with such treatments  
11 compared to the smaller reconstitution volumes of  
12 concentrates were not considered to disadvantage the  
13 increased safety aspects of this therapeutic approach.  
14 As small amounts of cryoprecipitate were usually  
15 required to manage such children, availability of the  
16 material from the local BTS was in general no  
17 particular problem, and orders could be placed in  
18 advance to ensure adequate supplies for individual  
19 patients. The side effects occasionally encountered  
20 with cryoprecipitate (rashes, asthma-like symptoms)  
21 were usually easily controllable with antihistamines,  
22 and did not impose a relative or absolute  
23 contraindication for its use. As the child required  
24 treatment in hospital for each bleed, often leading to  
25 subsequent inpatient management, any perceived

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1 set aside. A reflection of the orthodox management of  
2 children at that time is apparent from the minutes of  
3 the UK Haemophilia Centre Directors Meeting of  
4 May 1983 ..."  
5 That's that 13 May meeting we're familiar with.  
6 "... when particular emphasis was placed upon  
7 use of domestic plasma derivatives."  
8 Then there's a quote from that, and then  
9 Professor Savidge continues:  
10 "Although a slightly modified version of these  
11 minutes were circulated as recommendations to all UK  
12 Haemophilia Centre Directors dated 24.06.83, they were  
13 clearly not followed in this case."  
14 Top of the next page:  
15 "During 1983 and 1984, both the mass media and  
16 the medical press were inundated with reports of AIDS  
17 cases in haemophilia and the potential dangers of  
18 large donor pool concentrates and by June 1984 ... it  
19 was clear that the factor VIII concentrates in their  
20 then present form, transmitted HTLV-III."  
21 Then reference is made by Professor Savidge to  
22 reports in relation to the heat sensitivity of  
23 HTLV-III. He records that:  
24 "US heat treated factor VIII products had just  
25 become available on a named patient basis in the UK."

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1 additional convenience for using factor VIII  
2 concentrates cannot be considered a pertinent argument  
3 for their exclusive use over cryoprecipitate when the  
4 issues of safety and cost-effectiveness are also  
5 addressed.

6 "The lack of consideration and disregard of the  
7 then current therapeutic recommendations for the  
8 treatment of children under the age of 4 years  
9 regarding the use of cryoprecipitate in this case was  
10 negligent. Any argument that cryoprecipitate was in  
11 poor supply at the time is untenable since the  
12 material was being used in significant amounts for  
13 home therapy ... The overwhelming use of commercial US  
14 concentrates in preference to cryoprecipitate or NHS  
15 Factor VIII is remarkable, particularly in a large  
16 city such as Liverpool known to have an active [Blood  
17 Transfusion Service] with facilities for  
18 cryoprecipitate production and regularly supplying  
19 plasma to Elstree for fractionation. The lack of  
20 a well-defined therapeutic policy regarding  
21 preferential use of domestic plasma derivatives in  
22 children at this time was negligent, particularly  
23 since the factor VIII requirement in this case during  
24 1983 and 1984 was so minimal ... that special reserves  
25 of cryoprecipitate or NHS factor VIII could have been

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1 Refers then to recommendations published in 1984  
2 in the -- October 1984 in the US, and then says:  
3 "These were closely followed in December 1984 by  
4 the UKHCDO AIDS advisory document to all UK  
5 Haemophilia Centre Directors ..."  
6 And then there's a reference to the first  
7 meeting of the AIDS group of Haemophilia Centre  
8 Directors on the 11 January 1985.  
9 Then Professor Savidge says this:  
10 "Despite this information with which a competent  
11 practising paediatric haematologist could be expected  
12 to be conversant, and a further report by Bloom in  
13 January 1985 ... which stated that at least 2 batches  
14 of NHS concentrate had transmitted HIV and urged the  
15 use of heat treated concentrates, [the patient] was  
16 given two infusions of unheated US concentrate in  
17 January 1985 and two infusions of unheated NHS  
18 concentrates in March 1985."  
19 Just to remind you, the age of the patient at  
20 that point in time was around 5 years old.  
21 The infusion of these untreated therapeutic  
22 agents at this times when heat treated concentrates  
23 were commercially available was negligent, and from  
24 the available data these treatments could have been  
25 the likely causation whereby HTLV-III was transmitted

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1 to the patient which subsequently led to the  
2 development of AIDS in this child."

3 Professor Savidge, it's fair to say, pulling no  
4 punches in his analysis of the approach to treatment  
5 taken in relation to this child at Alder Hey Hospital.

6 There is a draft report on the same patient --  
7 and again, we're not identifying the patient -- from  
8 Dr Ludlam, April 1992. It's at DHSC0043164\_067.

9 We'll see the date, 6 April 1992, at the bottom  
10 of the page. You'll also see reference -- sorry, if  
11 we just go back up again, the patient as identified as  
12 JKP 37, and we'll look at some of the internal  
13 documents relating to the HIV litigation in that  
14 regard.

15 Dr Ludlam's report details the patient's  
16 treatment and symptoms over a period of years. I'm  
17 not going to go into the detail of that, but I just  
18 ask you to look at page 7, when you will see, from  
19 just over halfway down the page, this child patient at  
20 Alder Hey died in 1989. He died at the age of around  
21 9 years old, having been infected with HIV.

22 If we go over to page 9, it's right to say that  
23 Dr Ludlam is perhaps more circumspect in his  
24 observations, but nonetheless raises a number of  
25 questions, and we get some insight from this report

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1 Royal Liverpool hospital. Dr McVerry's evidence [and  
2 again we don't know what material was gathered from  
3 Dr McVerry in this regard] does not accord with this.  
4 Why was it decided to phase out cryoprecipitate in  
5 1980? Was there a policy about which patients should  
6 receive NHS and which commercial concentrate? Why was  
7 concentrate purchased from Armour rather than another  
8 supplier? The patient could have been treated  
9 effectively with cryoprecipitate in the first few  
10 years of life whilst receiving treatment as an  
11 out-patient. If cryoprecipitate was not available  
12 then NHS concentrate would be the most appropriate  
13 therapy. In the absence of both these products then  
14 commercial should have been used."

15 Then we're told in the next paragraph:

16 "Dr Martin has no recollection of receiving the  
17 letter of 24th June 1983 from Professor Bloom and  
18 Dr Rizza. This same letter was presumably received by  
19 the [Royal Liverpool Hospital] Haemophilia Centre and  
20 it would be useful to learn of any changes in  
21 treatment policy which resulted."

22 Then Dr Ludlam suggests that Dr Martin should  
23 comment on the letter sent in December 1984 from  
24 Professor Bloom and Dr Rizza recommending a change to  
25 heat-treated products.

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1 into what it was, apparently, that Dr Martin or -- and  
2 Dr McVerry had been saying about the availability of  
3 products. So under the heading "Opinion":

4 "[The patient] was first found to be  
5 anti-HTLV-III positive on a blood sample collected on  
6 8th August 1985. Prior to this he had received  
7 infusions of factor VIII concentrate predominantly of  
8 commercial origin. It is likely therefore that he  
9 obtained the HIV infection from the factor VIII  
10 concentrate infusions.

11 "His haemophilic bleeds clearly required  
12 treatment but it would be useful to know the policy  
13 for treating children with severe haemophilia. In  
14 Dr Martin's evidence ..."

15 And we don't know what that refers to, sir. It  
16 may be something we'll try and track down. But it  
17 would appear, for the purposes of defending the  
18 litigation, information had been sought by  
19 Dr Martin -- from Dr Martin.

20 "In Dr Martin's evidence it is stated that he  
21 was aware of the risks of hepatitis transmission by  
22 concentrates, that cryoprecipitate was effectively  
23 phased out in 1980, and that treatment was advised by  
24 the Royal Liverpool Hospital. It is therefore  
25 necessary to know what policy was operated by the

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1 "When did Alder Hey Hospital change over to the  
2 use of heat treated concentrate?"

3 And then Dr Ludlam says:

4 "It is impossible from the clinical history to  
5 identify when the patient seroconvert to HIV. He had  
6 recurrent sore throats from early life which were most  
7 likely to have been caused by ordinary respiratory  
8 viruses and not HIV."

9 He refers to seroconversion rising rapidly  
10 in 1981 to 1983, but says:

11 "Many haemophiliacs ... became infected after  
12 1983 from concentrate which was likely to contain an  
13 increasing amount of HIV.

14 "No mention is made in the case notes, or in  
15 Dr Martin's submission, about what was said either  
16 specifically, or in general, about the possibility of  
17 virus transmission by blood products. It would be  
18 useful to know what information was made available to  
19 patients or parents."

20 I should say we've seen no evidence of any  
21 information about the risks of AIDS being made  
22 available to patients or parents.

23 Again, expressed in different terms, but raising  
24 the same questions, essentially, as  
25 Professor Savidge's perhaps more forthrightly

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1 expressed conclusions but an indication that may give  
 2 rise to a number of concerns about the approach to  
 3 treatment of children in Alder Hey Children's Hospital  
 4 in the 1980s.

5 **SIR BRIAN LANGSTAFF:** Well, contrary to the general  
 6 practice, if Professor Savidge is right and, by  
 7 implication, Professor Ludlam, cryoprecipitate was  
 8 reduced --

9 **MS RICHARDS:** Yes.

10 **SIR BRIAN LANGSTAFF:** -- in the general supply. Children  
 11 were exposed, according to both doctors, to obviously  
 12 an increased risk of contracting hepatitis and HIV  
 13 infections. There was no recorded reason for  
 14 differing from the usual practice which he gives.  
 15 Both doctors, I think, identify exactly the same  
 16 point, there was no available treatment protocol, and  
 17 the letters which were later on, from the UKHCDO, do  
 18 not appear to have alerted Dr Martin to anything.

19 **MS RICHARDS:** No. We cannot, of course, ask Dr Martin  
 20 because he is dead.

21 **SIR BRIAN LANGSTAFF:** Yes.

22 **MS RICHARDS:** So we can't, I'm afraid, do anything other  
 23 than explore through documents these alarming matters.

24 **SIR BRIAN LANGSTAFF:** Well, it may be -- well, I shall  
 25 simply have to draw whatever inferences are proper

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1 beginning of 1985, but I cannot tell from the batch  
 2 numbers whether the material administered to the  
 3 Plaintiff in 1985 was exclusively heat treated; in any  
 4 event, the type of heat-treatment used by Armour  
 5 subsequently proved to be incompletely effective in  
 6 destroying HIV."

7 Then:

8 "The Statement of Claim gives the date of the  
 9 first HIV positive test as [21 February 1987] but the  
 10 notes contain no record of HIV test results before  
 11 1988. The note for [30 August 1985] states 'blood for  
 12 HTLV taken again' and a letter from Dr John Martin in  
 13 the notes of the Plaintiff's brother, dated  
 14 [31 December 1985], states that both brothers were  
 15 then HTLV3 ... positive, although the first mention of  
 16 HIV positivity in the Plaintiff's own notes is in  
 17 a letter dated [July 1987], it therefore appears that  
 18 seroconversion took place in 1985 or earlier.

19 "The risk of AIDS to haemophiliacs, and the  
 20 possibility of removing these risks by the  
 21 heat-treatment of concentrate, were already beginning  
 22 to be appreciated at the end of 1984 [that's obviously  
 23 the perspective of this particular author, rather than  
 24 necessarily a more widely accepted view], when the  
 25 plaintiff was first treated ..."

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1 from this material.

2 **MS RICHARDS:** There's then some further information we can  
 3 glean about the approach at Alder Hey from  
 4 DHSC0045373\_118.

5 Sir, this is the internal status report on  
 6 medical negligence cases, and there are, I think, four  
 7 Alder Hey cases. We looked at some of the Liverpool  
 8 adult hospital cases yesterday. So if we go to  
 9 page 10, the case of JKP 027, and there's a reference  
 10 to Dr Martin, which is how we understand this to be  
 11 an Alder Hey case. So:

12 "Severe haemophilia born [1984] (younger brother  
 13 of [another plaintiff]), diagnosed at the age of 2  
 14 months and treated from that time onwards exclusively  
 15 with Factor VIII concentrate."

16 So concentrates being given to a two-month old  
 17 baby in 1984:

18 "There is no record of the type of concentrate  
 19 given in August 1984, but he received commercial  
 20 (Armour) concentrate from February 1985 to  
 21 September 1986 (apart from a single dose of  
 22 heat-treated NHS concentrate (8Y) on [January 1986]).  
 23 He was switched to 8Y concentrate in November 1986 and  
 24 continued to receive this through 1987. Heat-treated  
 25 commercial concentrate became available at the

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1 Then the author says this:

2 "... I think it must be accepted that it was  
 3 negligent to treat him with concentrate at this time  
 4 rather than with cryoprecipitate. There appears to  
 5 have been no good clinical reason (eg major  
 6 haemorrhage, home treatment) for preferring  
 7 concentrate to cryoprecipitate, and it would certainly  
 8 be indefensible if any of the commercial concentrate  
 9 given in 1985 was unheat-treated. If cryoprecipitate  
 10 was unavailable at this time, then either heat-treated  
 11 commercial concentrate or unheated NHS concentrate  
 12 should have been used until such time as NHS  
 13 heat-treated concentrate became available.  
 14 Conclusion -- Negligence."

15 If we go over the page, we can see the case of  
 16 what's said to be the brother, diagnosed  
 17 November 1982, aged six months, treated exclusively  
 18 with Factor VIII concentrate from that time onwards,  
 19 so again another case of a baby being treated with  
 20 concentrate, two doses in 1982, 16 in 1983, 19 in 1984  
 21 and about 30 in 1985:

22 "Commercial material was given in March 1983,  
 23 but apart from this there is no record of source or  
 24 batch numbers until December 1984 when he received  
 25 a dose of NHS concentrate. From the 2nd to

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19th January 1985, he was treated with a total of 26 ampoules of commercial concentrate batch Y88908: this was probably unheat-treated [so a baby or toddler being given unheat-treated commercial concentrates in January 1985], since heat-treated commercial concentrate only became available sometime during that month. A single dose of NHS concentrate was given on 29.3.85, and subsequently more commercial concentrate (presumably heat-treated) during 1985 and 1986."

Then, again, we can see it's an Alder Hey case from the reference to Dr Martin in the next paragraph:

"The first mention in the notes that the Plaintiff was HIV positive occurs in a letter from Dr Martin dated 31.12.85, but a note dated 8.8.85 states 'blood taken for HTLV3 screening'. There are no actual laboratory results of HIV testing earlier than 1988."

Then, again, the view given here may not accord with the views of others but, in any event, this is what the person analysing this for the purposes of defending the litigation says:

"I do not believe that it can be held to have been negligent to treat a baby boy with commercial Factor VIII concentrate at the end of 1982, when the risks of AIDS were not well appreciated. During the

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**MS RICHARDS:** Yes.

Then if we turn to page 19, there's less information available about this case, referred to as JKP 60:

"This child haemophiliac severe, born in ... 1976 died in ... 1986. It is alleged that from 1979 onwards treated with concentrate but his mother says he was on cryo up to the age of 3 with no adverse reaction.

"Professor Hardisty comments that the Plaintiff was treated at Alder Hey Hospital Liverpool until May 1984 ..."

Then we can see transferred, it would appear to home treatment from North Wales:

"Treatment was evidently with concentrate from an early age but the Liverpool notes are currently not available. Treatment in Wales was almost exclusively with NHS concentrate with the occasional doses of commercial concentrate presumably because of insufficient NHS material being available. HIV positive in July 1985 with no previous negative results although a sample was taken on the 30th January 1985 but evidently not reported on.

"Currently Professor Hardisty can only make the general point here that the treatment of a severely

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following year however, and particularly after June 1983, when the Haemophilia Reference Centre Directors issued their first recommendations on treatment, the risk should have been recognised: a switch to cryoprecipitate at that time might still have protected the Plaintiff against HIV infection. In the light of the further recommendations of December 1984, it must have been held to have been negligent to treat the Plaintiff with unheat-treated commercial concentrate in January 1985 (if this was indeed the case). I do not think this case is defensible.

"Conclusion -- Negligence."

**SIR BRIAN LANGSTAFF:** Is this the same case as Professors Savidge and Ludlam were reporting on?

**MS RICHARDS:** No, because the date -- the year of birth doesn't match up.

**SIR BRIAN LANGSTAFF:** Right, the author of this takes a generous view of when risk was first appreciated -- generous that is, to the hospital --

**MS RICHARDS:** Yes.

**SIR BRIAN LANGSTAFF:** -- but, even on that basis, comes the conclusion that there is set out at the end.

**MS RICHARDS:** Yes.

**SIR BRIAN LANGSTAFF:** So these are two brothers?

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affected infant or young child with concentrate is not of itself negligent, cryoprecipitate is unsuitable for home treatment in many instances and has many disadvantages. NHS concentrate should have been preferred to commercial from about mid-1983 but supplies were inadequate to adhere entirely to this counsel of perfection, only heat-treated concentrates should have been used from early 1985 as was indeed the case here.

"Needs reconsideration once Liverpool notes are available, in the meantime no evidence of negligence."

Again, the purpose of referring to this is really, as with all this, about what it indicates more widely about the approach taken to treatment at Alder Hey. It would appear here, the case of a child switched at the age of three from cryoprecipitate, to which the child had had no adverse reactions, to concentrate, and treated at Alder Hey with concentrates from 1979 to May 1984.

You can see here again reference to not having the Liverpool notes, at least at that point in time.

**SIR BRIAN LANGSTAFF:** The note retention and taking system seems to have been a mess.

**MS RICHARDS:** Yes.

**SIR BRIAN LANGSTAFF:** It confirms what we heard from

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1 Professor Hay, I think.  
2 **MS RICHARDS:** Well, Professor Hay is dealing with the  
3 adult centre but Dr Ball says the same thing about the  
4 Alder Hey notes and I'll come back to her statement,  
5 shortly.

6 Then the last Alder Hey case in this document is  
7 at page 24. So JKP 105:

8 "... severe haemophiliac child born in ... 1976  
9 ... given no treatment other than concentrate save for  
10 one isolated treatment in 1982 with cryoprecipitate.

11 "Professor Hardisty [who has presumably been  
12 asked to give an opinion on these cases] states that  
13 in accordance with the policy at Liverpool Children's  
14 Hospital [Alder Hey] he was treated with concentrate  
15 from 1978 onwards."

16 So from the age of two, that would roughly place  
17 it:

18 "There are no records of the type or batch  
19 number until January 1983 when he received commercial  
20 concentrate, March 1983 NHS, and December 1983  
21 commercial. In June and August 1984 he received NHS  
22 concentrate, and thereafter heat-treated concentrate  
23 first commercial and then NHS. There is a record that  
24 blood was taken for HIV testing in August 1985 but the  
25 earliest positive laboratory result is dated

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1 **SIR BRIAN LANGSTAFF:** Well, it relies on the absence of  
2 records, essentially.

3 **MS RICHARDS:** Yes.

4 Then there's a further status report. So that  
5 status report on cases is July 1991. There's one from  
6 September 1991, which provides some further insight  
7 into the approach at Alder Hey, it's DHSC0045721\_051.

8 If we go to the second page, you'll see there's  
9 an update on the cases of JKP 27 and 28, the brothers  
10 whose cases were looked at in the previous note. Then  
11 if we look at the bottom of the page, we see a third  
12 case. This JKP 33, an Alder Hey case.

13 "Haemophiliac classified as mild/moderate. The  
14 notes are insufficiently detailed to identify whether  
15 all treatment given was NHS product but Dr Martin's  
16 statement confirms that no distinction was made at  
17 Alder Hey Hospital in terms of which product to prefer  
18 and the product he would have received would have been  
19 that which was available."

20 That would appear to give the clearest possible  
21 indication from Dr Martin that, whether it was NHS or  
22 commercial concentrate for the treatment of these  
23 young children, didn't seem to make any difference.

24 We then see a reference to the plaintiff having  
25 elective surgery for "bat ears" in 1983. If we go to

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1 December 1987 ..."

2 So again a very muddled picture in relation to  
3 the process for HIV testing of these children:

4 "... and there is no mention in the notes of his  
5 being HIV positive before this date.

6 "The Plaintiff was treated with Factor VIII  
7 concentrate from [I think that's 1979] onwards ie  
8 about four years before AIDS was described ... This  
9 was probably mainly commercial material since NHS  
10 concentrate was in very short supply in the early  
11 1980s. An attempt was made in 1983 to switch to NHS  
12 concentrate, although the extent to which this was  
13 achieved cannot be judged in the absence of complete  
14 records."

15 Then the assertion is made by the author, again,  
16 of this document, presumably from the perspective of  
17 defending litigation:

18 "HIV infection was probably derived from  
19 concentrate before the risks were appreciated.  
20 A switch to cryoprecipitate in 1983 would have  
21 deprived the Plaintiff of the great advantage of home  
22 treatment and would probably have been too late in any  
23 event."

24 Quite what the basis for saying that is, given  
25 the paucity of information, is wholly unclear.

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1 the top of the next page:

2 "Although Dr Martin says he did his best to  
3 discourage the operation, he did not do so in the  
4 specific context of the risk of viral infection or the  
5 risk of infection of AIDS and the parents were not  
6 warned in relation to these aspects."

7 Then it is suggested there needs to be a further  
8 review, and it's likely the case will need to be  
9 reclassified.

10 Towards the bottom of the page, you'll see  
11 JKP 37. That is, I think, the case that  
12 Professor Savidge and Dr Ludlam were discussing in  
13 their reports.

14 Then if we go over the page to page 4, please,  
15 Soumik. The case JKP 47:

16 "Mild haemophiliac child. Alder Hey Hospital  
17 case."

18 Second paragraph:

19 "After further investigations into the case with  
20 Dr Martin it would appear that the Plaintiff did  
21 receive commercial Factor VIII in December 1983 for  
22 a tooth extraction and this treatment would not seem  
23 to be justified. This appears to be a case for  
24 settlement."

25 So commercial concentrates, December 1983, child

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1 with mild haemophilia. Again, there doesn't appear to  
 2 have been any particular distinction drawn at  
 3 Alder Hey between the treatment of those with mild  
 4 haemophilia and the treatment of those with severe  
 5 haemophilia.  
 6 **SIR BRIAN LANGSTAFF:** Can we just go back to the very last  
 7 line of the previous page?  
 8 **MS RICHARDS:** Certainly.  
 9 **THE CHAIRMAN:** This is an adult, I see.  
 10 **MS RICHARDS:** It is. I should say it's a Liverpool case.  
 11 It's an adult Liverpool case. It might have been one  
 12 of the ones we looked at yesterday, I'm afraid I can't  
 13 remember the JKP number we looked at yesterday. That  
 14 was the case of a mild haemophilia adult treated at  
 15 Liverpool. If we go to the top of the next page, the  
 16 first long paragraph, four lines from the end:  
 17 "Dr McVerry comments that no specific priority  
 18 was given to mild haemophiliacs for treatment with NHS  
 19 product at the time."  
 20 **SIR BRIAN LANGSTAFF:** Yes.  
 21 **MS RICHARDS:** So it would appear, both in terms of adults  
 22 and children, in the Liverpool area, a similar  
 23 approach being adopted.  
 24 Then the last Alder Hey case in this document is  
 25 top of page 5, JKP 92:

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1 a couple of passages from it aloud.  
 2 So it's a statement from a mother whose three  
 3 children were treated at Alder Hey: two of them  
 4 infected with HIV, and both died; the third child  
 5 infected with hepatitis C. She describes incomplete  
 6 records. She was not given information about risks.  
 7 So she says this:  
 8 "We were not told anything about Factor VIII.  
 9 We received no advice whatsoever. I didn't know where  
 10 it was coming from. I thought it was something that  
 11 was going to help them and it appeared to be better  
 12 treatment than what my brother had received. He also  
 13 suffered from haemophilia."  
 14 Again, hers is a -- well, given what happened to  
 15 her family, an extraordinarily powerful statement to  
 16 read, sir. And I'll return to a little of what she  
 17 says about the process of learning about the HTLV-III  
 18 diagnosis shortly.  
 19 In terms of what was known about the risks of  
 20 hepatitis and HIV, or should have been known, at  
 21 Alder Hey, it is notable that Dr Martin is not  
 22 recorded as having attended UKHCDO meetings in the  
 23 1970s or 1980s, perhaps reflective of the fact that he  
 24 was a paediatric oncologist rather than  
 25 a haematologist or a specialist with bleeding

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1 "Severe haemophiliac child. Alder Hey. He was  
 2 regularly treated with concentrate at least some of it  
 3 commercial after mid-1983. This case is therefore  
 4 difficult to defend."  
 5 So that's the insights we get into the approach  
 6 to treatment at Alder Hey.  
 7 We can take that down, thank you, Soumik.  
 8 Dr Bolton-Maggs was the senior registrar  
 9 slightly later than this, 1987 to 1988, but her  
 10 recollection is that DDAVP was not used until a later  
 11 stage, the late 1980s.  
 12 Then, in relation to Dr Ball's evidence, we've  
 13 already looked at her observation that when she came  
 14 on the scene at Alder Hey in 1989 and looked at  
 15 records, she could find no batch reservation system  
 16 and she then also says in her statement:  
 17 "A large proportion of the clinical notes of  
 18 children affected by HIV were on close inspection  
 19 missing essential treatment and decision making  
 20 details."  
 21 She observes, and it's consistent with what  
 22 we've looked at here, that factor concentrates were  
 23 used in mild cases before her tenure.  
 24 Then we have a witness statement, I'm not going  
 25 to put it up on screen but I just want to read

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1 disorders, although there's no reason to think he  
 2 wouldn't have been sent the minutes of those meetings.  
 3 There are a handful of documents about  
 4 hepatitis. I'm not going to go to the individual  
 5 documents but there are the hepatitis survey forms  
 6 from time to time completed by Alder Hey. There's  
 7 a form completed by a registrar to Dr Martin in  
 8 March 1979 recording a patient treated with  
 9 Factor VIII and Koate and developing hepatitis, for  
 10 example.  
 11 But we don't have a clear idea of what  
 12 Dr Martin's own personal understanding of hepatitis  
 13 risks was, although you'll no doubt, sir, be able to  
 14 draw appropriate conclusions as to what should have  
 15 been known at the time.  
 16 Likewise, because he didn't attend UKHCDO  
 17 meetings, he doesn't appear to have been present at  
 18 the meetings at which AIDS was discussed and, as we've  
 19 seen from the document we just looked at, his account  
 20 apparently given within the context of the HIV  
 21 litigation was an account of not recalling receiving  
 22 the June 1983 letter from Professor Bloom and  
 23 Dr Rizza.  
 24 He doesn't appear to have been asked or there is  
 25 no reference to the receipt or otherwise of the

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1 March 1983 letter which contained Dr Craske's report,  
2 and the forms for reporting AIDS symptoms in patients.

3 In terms of the arrangements then for testing  
4 patients for HTLV-III and informing them of their  
5 diagnosis, as with the Liverpool Centre at the Royal  
6 Liverpool Hospital, this is a significant issue at  
7 Alder Hey as well. If we go to Dr Ball's evidence,  
8 she says -- I don't think I need to put it up on  
9 screen it's just a few lines -- she says:

10 "I am not directly aware of the circumstance  
11 whereby the process of testing was undertaken. But  
12 parents informed me that they were not counselled  
13 before testing and received a 'positive' outcome by  
14 means of a letter addressed to the parents."

15 She recalls also in her statement one mother  
16 thinking that a positive test was a good outcome,  
17 unsurprisingly; and one mother hearing that letters  
18 had been sent was so distressed that she was unable to  
19 open the letter for months.

20 Dr Ball, again, also describes in her statement  
21 in relation to the question of telling the children  
22 themselves of their HIV infection, that was something  
23 that she would, once she came on board in 1989,  
24 discuss with parents and as to how and when the  
25 children themselves would be informed.

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1 I drew your attention to part of what was in the  
2 report, wasn't it, in the journal in which Dr McVerry  
3 was writing. So at the same time as the Liverpool  
4 Hospital was saying "We just don't know", he is  
5 saying, or the author of this is saying --

6 **MS RICHARDS:** If we go to the bottom of the page we'll see  
7 it's Dr Martin.

8 **SIR BRIAN LANGSTAFF:** Dr Martin, who had no particular  
9 knowledge of haemophilia care or the risks, is saying  
10 something he you could not possibly say --

11 **MS RICHARDS:** Yes.

12 **SIR BRIAN LANGSTAFF:** -- on the state of knowledge at the  
13 time.

14 **MS RICHARDS:** Yes.

15 **SIR BRIAN LANGSTAFF:** Yes.

16 **MS RICHARDS:** There are statements from other witnesses  
17 who received the letter in similar or identical form.

18 Again, I won't put it up on screen but we've  
19 copies of effectively an identical letter. I'm sorry,  
20 if we just put that one back.

21 You'll see from the last paragraph:

22 "... we have arranged a short seminar on  
23 haemophilia and AIDS to endeavour to answer any  
24 questions you may have."

25 There's going to be a microbiologist, Dr Hart,

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1 She refers to how difficult that was for parents  
2 and the atmosphere of stigmatisation at the time.

3 There is other evidence which is consistent with  
4 Dr Ball's understanding that HTLV-III test results  
5 were communicated by letter and that appears, when we  
6 looked at Professor Hay's HIV litigation statement, to  
7 have been his understanding of the position at  
8 Alder Hey as well.

9 We've got an example of one such letter, at  
10 DHSC0039356 -- 536, sorry. Yes. So it's  
11 28 August 1985:

12 "We have now received the results of the special  
13 antibody test that we performed on your son as part of  
14 the screening programme for all children with  
15 haemophilia and related disorders. I have to tell you  
16 that [he] does show the presence of HTLVIII  
17 antibodies, ie he has evidence of antibodies against  
18 the virus that it has thought to cause AIDS. This  
19 does not mean that your son has AIDS but just that he  
20 has been exposed to the virus. Most people who are  
21 positive for HTLVIII antibody do indeed remain well  
22 and never develop features of AIDS. A small minority  
23 run a risk of developing this condition in the  
24 future."

25 **SIR BRIAN LANGSTAFF:** So this is not at all -- remember

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1 present, that's scheduled for 4 September 1985.

2 Again, there's a question as to why testing and  
3 provision of information about test results is taking  
4 place only in the late summer or early autumn of 1985.

5 There is an account from a witness of her  
6 attendance at that meeting, which I will just read  
7 out. Just check I've got the right one. Yes. So  
8 this is an account from a mother whose son was  
9 infected with HIV and hepatitis C. It says:

10 "The seminar took place in the C3 ward at  
11 Alder Hey on 4 September 1985. I attended the seminar  
12 with my husband and the room was full with between 60  
13 and 100 people. The seminar was for families of those  
14 who had been tested for HIV and we knew many of the  
15 families from meeting them at Alder Hey. Dr Martin  
16 led the seminar and then handed over to Dr Hart who  
17 was a consultant microbiologist. People were shouting  
18 and asking questions and the meeting ended up being  
19 very emotional and hostile. No explanation was  
20 provided during the meeting about why this had  
21 happened and no one apologised or took blame. I felt  
22 as though it was pushed under the carpet that people  
23 had been infected with HIV. People left feeling upset  
24 and angry about what was raised during the meeting.  
25 Dr Martin was very abrupt and I clearly remember him

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1 saying 'If you think you can take this to court, you  
2 haven't got a case'.  
3 Then just -- again, I'm not going to put it on  
4 the screen, but I'll just read very briefly from the  
5 statement of the mother of three boys, two of whom  
6 were infected with HIV and died.  
7 She confirms that they -- well, in terms of the  
8 testing and the communication of the diagnosis she  
9 says:  
10 "We were told that the boys needed to go for  
11 blood tests. I never even thought to ask what the  
12 tests were for as it was just the norm as they were  
13 haemophiliacs, they were always having blood taken.  
14 We later received a letter which said that they had  
15 been infected with HIV. My dad saw my extreme  
16 reaction to the letter and came over to ask what was  
17 wrong."  
18 She observes, you may think unsurprisingly:  
19 "I find it disgusting that I was informed of my  
20 sons' HIV status by a letter."  
21 She then talks about being asked to go to  
22 Alder Hey the following week, maybe a reference to the  
23 same meeting.  
24 "Dr Martin was standing there and he said  
25 'I don't want you all coming up here with coughs and

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1 positive haemophiliacs."  
2 **SIR BRIAN LANGSTAFF:** Well, it's over 90 per cent.  
3 **MS RICHARDS:** Yes. The statement I referred to a few  
4 minutes ago, the mother of two boys who died, also  
5 commented in her statement, she said:  
6 "At Alder Hey it was like a conveyor belt of  
7 children dying. We would constantly get phone calls  
8 from other parents and families telling us that  
9 another child had died."  
10 In relation to hepatitis C testing, sir, at  
11 Alder Hey, Dr Ball's recollection or understanding was  
12 that that began during Dr Bolton-Maggs' tenure, so  
13 after Dr Ball had left. She couldn't recall having  
14 direct involvement other than monitoring liver  
15 function. It may be because -- or she tells us in her  
16 statement she was absent but -- on maternity leave and  
17 then a period of illness from late 1991 for a period  
18 of time. So -- and during that period of time she  
19 says Dr Bolton-Maggs acted as locum. So the position,  
20 therefore, is not entirely clear as to when  
21 hepatitis C testing was undertaken at Alder Hey.  
22 Dr Bolton-Maggs's recollection is that once the  
23 testing became available, and she thinks it was in  
24 1992, patients would be screened and results would be  
25 passed to patients or parents as soon as possible.

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1 colds'. He basically told us that if they had  
2 symptoms he didn't want them to bring them to hospital  
3 as not all symptoms was a result of HIV."

4 She says:  
5 "I was not provided with any information about  
6 the virus itself. I was given no information as to  
7 the possible routes of transmission or risk of  
8 infection to others."

9 In terms of the numbers infected -- and sir,  
10 you'll have seen from the annual returns the kinds of  
11 numbers treated at Alder Hey Hospital over the years.  
12 So it ranges from ten patients in 1978 with  
13 haemophilia A to 19 patients in 1982, 16 patients with  
14 haemophilia A in 1983, 14 in 1984.

15 The provisional data supplied by the UKHCDO from  
16 the National Haemophilia Database to the Inquiry  
17 suggests that 13 patients at Alder Hey were infected  
18 with HIV, having tested positive in the course of  
19 1985.

20 That's pretty consistent with Dr Ball's  
21 recollection that there were approximately 12 boys  
22 with haemophilia who were HIV positive. Her  
23 recollection was that as a proportion of children  
24 registered per Centre in the UK, this was one of the  
25 highest, if not the highest, proportion of HIV

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1 Again, there is evidence of delays, as we've  
2 heard, in relation to many of the centres.

3 And then the last topic, I think, in relation to  
4 Alder Hey, is how children infected with HIV were  
5 treated for their HIV at Alder Hey. And again,  
6 I think I can probably best take this from the  
7 statement of Dr Ball.

8 If we put it back up on the screen, please,  
9 Soumik, it's WITN4739001. If we start at the bottom  
10 of page 13, very bottom of the page, she says:

11 "Unlike the boys in [Great Ormond Street],  
12 a number of children at the beginning of 1989 were  
13 already beginning to show evidence/signs of severe  
14 immune dysfunction as a result of the virus  
15 manifesting in the development of opportunistic  
16 infections."

17 Then if we go to page 16, she describes, in the  
18 bottom of the page, that:

19 "... it became evident that a significant  
20 proportion of the HIV affected boys were severely  
21 immune compromised, which at the time was not the  
22 experience of many paediatric haematology colleagues I  
23 consulted."

24 Then there's reference to starting the children  
25 on treatment.

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1 And then top of the next page:  
 2 "Around this time the situation with the  
 3 hospital management deteriorated. This resulted from  
 4 one of the boys being acutely admitted to C3 [one of  
 5 the individual wards] with severe pneumonia as a  
 6 result of 'full-blown AIDS'. He was 8 years old.  
 7 After his mother made it known to another parent that  
 8 her son was HIV positive there was a distressing  
 9 moment for all the parents who were very frightened  
 10 and concerned about the infectivity risk and welfare  
 11 of their children with cancer. Together with the ward  
 12 senior sister, Doris Hackel, who had nursed these  
 13 children from diagnosis to adulthood, we met the  
 14 parents individually and felt that we had reassured  
 15 them not only to safety issues, but also to the  
 16 necessity of the child with a highly immune  
 17 compromised state being cared for in a ward with  
 18 expertise and surrounded by staff that he knew and  
 19 trusted."

20 And then Dr Ball recounts this:

21 "I found that without consultation the child  
 22 under my care [the eight-year-old child with severe  
 23 pneumonia and AIDS] was moved to a general paediatric  
 24 medical ward the following morning under the  
 25 instructions of the acting senior ward consultant and

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1 subsequently agreed to the provision of a dedicated  
 2 unit. And that was how the paediatric Haemophilia  
 3 Centre, she says, was finally established at  
 4 Alder Hey.

5 If we go to page 21 -- sorry, I don't think  
 6 I need to go to that.

7 Yes, if we just go to page 29.

8 **SIR BRIAN LANGSTAFF:** As a matter of interest, who was the  
 9 medical director?

10 **MS RICHARDS:** It was Dr John Martin. He had by that time  
 11 become medical director of the hospital.

12 **SIR BRIAN LANGSTAFF:** Yes.

13 **MS RICHARDS:** And there's a letter from a solicitor  
 14 representing the parents of patients with has some  
 15 observations to make, which I'll come to in a moment.

16 Before I do that, we're just looking at  
 17 Dr Ball's statement. She just says this, this is some  
 18 general reflections:

19 "My positions both at GOSH and Alder Hey were  
 20 ones of caring for the consequences of previous  
 21 treatments and trying to improve services directed at  
 22 the care for children and families with haemophilia  
 23 and life-threatening infection. This also required  
 24 not only direct medical care but psychosocial support  
 25 in a time when nationwide fear and stigmatisation were

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1 Medical Director. No appeal by myself or the nursing  
 2 staff could assuage him to change his decision. In  
 3 fact, I was accused of deliberately influencing the  
 4 nursing staff to be openly hostile to his decision. I  
 5 have never understood why his animosity towards me  
 6 manifested itself in such a way, but the nursing staff  
 7 independently opposed this decision as one might  
 8 expect from professionals who had for years provided  
 9 care for this sub-group of children. I appealed  
 10 directly to the Hospital Manager who refused to be  
 11 involved in what he determined was a purely clinical  
 12 matter.

13 "The edict didn't stop there as from that moment  
 14 all children with haemophilia were no longer to be  
 15 treated or admitted to ward C3 but would instead be  
 16 seen on a general paediatric ward, with nurses who had  
 17 no experience in the management of immune compromised  
 18 children or bleeding disorders. The dismay and  
 19 distress caused the parents of these boys was in my  
 20 mind then as it is now as being cruel and unnecessary.  
 21 The parents asked me to mediate but I was unable to  
 22 convince my colleague to reverse this decision, but  
 23 the hospital manager agreed to meet with the  
 24 parents ..."

25 She thinks that was around February 1990, and he

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1 rampant and supportive care requirements were sadly  
 2 lacking."

3 Then she talks about HIV being new and  
 4 relatively unknown. She talks about the work that was  
 5 undertaken at Great Ormond Street. Then she says this  
 6 about Alder Hey:

7 "Alder Hey failed because there most  
 8 insufficient staffing and attention to detail by those  
 9 charged with the care of these patients. My  
 10 appointment was in part to correct some of these  
 11 deficiencies but lack of adequate funding and a  
 12 hospital management team including the Medical  
 13 Director were unwilling to assist in prioritising the  
 14 care of these children, even though the government at  
 15 the time was promising families and patients with  
 16 haemophilia that they would as 'compensation' receive  
 17 the highest quality of care the NHS offer. No amount  
 18 of reasoning, cajoling or adversarial tactics or any  
 19 other means I could muster affected a change in this  
 20 institutional attitude."

21 And then if we look at DHSC002459\_012, a letter  
 22 from J Keith Park solicitors, Graham Ross representing  
 23 a number of parents of haemophiliac children at  
 24 Alder Hey. And he says in the second paragraph:

25 "I have been asked by parents of haemophiliac

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children at Alder Hey Hospital to advise regarding the standard of care current at the hospital and to write to the General Manager at the hospital, which I have done as attached.

"Your clients will be aware of an ongoing dispute that has led to a number of meetings between the parents and the General Manager. The general nature of the complaints are that the children, when requiring in-patient care, are being placed in a general ward together with children with infectious diseases, and no longer, unlike in the past, are being given the support of nursing staff with experience in haemophilia and HIV. Further, they are often passed around 'from pillar to post' at times of bed shortage, with no sense of priority. Finally, and unlike in the past, there is no reserved area to which parents can bring their children for day treatment.

"The above situation is prejudicial to the health of the children in that, whilst immunosuppressed, they are being closely exposed to all manner of infections and in an environment where the nursing staff are untrained and inexperienced to sufficiently identify early signs of damage. My clients are having to suffer the added strain of a constant fear that the lives of their children will

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led to the HIV infection. It seems extraordinary that the hospital, seen by the parents as responsible, at least in general terms, for infecting their children, can be so inept at handling the patient relations as to bring about the present situation. It is perhaps significant that at no time has Dr Martin offered any personal sympathy or sense of regret to any of the parents."

I should, I think, make reference to the response -- again, of Ms Saunders, the -- from Alder Hey, responding to the issues raised in Dr Ball's statement.

So if we go back to WITN4194006. I read from parts of her statement previously. I can pick it up at the third page. So, paragraph 11, she's referring to the issues that we have just been discussing by reference to Dr Ball's statement, and the way in which the children with HIV were going to be cared for at the hospital. She says:

"The information provided to me I am afraid, is that this process appears to have happened without appropriate consultation with the families affected or a plan to educate the staff on the General Paediatric ward to which their care was transferred. Members of the Haematology Team welcomed this separation as they

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be shortened even further than they can already expect specifically because of the failure at the hospital to take sufficient steps for their protection. Further, the children and the parents alike desperately need to feel some continuity of staff and location and, generally, to know there is a place where they can come to, whether to collect supplies, or generally for help and counselling in their more difficult times, where they will feel known and welcomed."

The second paragraph, on the next page, refers to the parents' request for change being fully supported by Dr Ball, which is consistent with what Dr Ball has said in her statement.

If we can then pick it up in the fourth paragraph:

"I have to say that I am extremely concerned at the conduct, as reported to me, not only of Mr Butler, but of Dr Martin, the paediatric consultant, who formerly cared for these children and whose position, as Head of Medical Directorships, appears to have drawn him into administrative decisions that have led directly to these complaints. This is particularly distressing for the parents when, of course, it was the clinical decisions of Dr Martin that, in many cases, according to the allegations in the pleadings,

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felt that care of children with malignant conditions took precedence on the Oncology Unit.

"12. I very much regret that I cannot now explain these apparent failings."

Over the page, top of the page, Ms Saunders says that:

"... Alder Hey had not had the benefit of anyone with [Dr Ball's] knowledge and experience prior to her appointment."

Then this:

"Nor am I able to explain, looking back many years later, why having appointed someone with the degree of knowledge and specialism of this witness, her advice was not initially acted upon. Alder Hey prides itself upon being a learning organisation and we will reflect upon these matters and the lessons they provide even after so many years."

And then paragraph 15:

"Funding in the NHS is often an issue. There is never enough money to provide all of the care and treatments that are possible and that we would wish for our patients. If funding priorities at that time were wrong or lacked insight, I am very sorry and apologise on behalf of the Trust to all those who suffered as a result of those decisions."

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1 She apologises in the next paragraph to Dr Ball.  
 2 And then, paragraph 18, says this:  
 3 "Most of all, I would like to apologise on  
 4 behalf of the Trust for the distress these  
 5 shortcomings must have caused to patients and their  
 6 families who have suffered such trauma and tragedy and  
 7 deserved better. I am truly and deeply sorry."

8 So that's the response that we've had from the  
 9 current -- those in charge at the current Alder Hey  
 10 Trust.

11 I should say we have, and I'm not going to refer  
 12 to it now, but we have, again, statements from parents  
 13 about the way in which the children were cared for at  
 14 Alder Hey at that period of time, and it describes --  
 15 well, it describes their experiences in a way which is  
 16 very consistent with what we've seen related by  
 17 Dr Ball and what we saw related by Mr Ross on their  
 18 behalf in his solicitor's letter.

19 Sir, those are the key parts of the material  
 20 relating to Alder Hey that I wanted to refer to.

21 I note the time. I wonder if we could take  
 22 lunch now and then we can start with the remaining  
 23 centres after lunch. I'm not going to rush any of  
 24 them.

25 **SIR BRIAN LANGSTAFF:** No.

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1 described and, to identify the essential differences,  
 2 what are they? Are they that the treatment in  
 3 Sheffield was led by the most up-to-date scientific  
 4 knowledge at the time, by somebody expert in the  
 5 field, that that led to a focus upon cryoprecipitate  
 6 as the treatment of choice, and very great care to  
 7 avoid, where possible, treatment with concentrates,  
 8 certainly commercial, in facilities which had the  
 9 additional support staff that you identified in  
 10 a dedicated centre, in part, I think in Sheffield. Am  
 11 I right about that?

12 **MS RICHARDS:** I can't remember the timings in terms of  
 13 when the facilities were developed, but certainly  
 14 there was a dedicated paediatric haematologist.

15 **SIR BRIAN LANGSTAFF:** And with access to, again, a team,  
 16 in Sheffield generally, which had shown itself well  
 17 aware of the particular risks of hepatitis  
 18 non-A, non-B from an early stage. And plainly having  
 19 the support of the hospital management at the time,  
 20 and the region.

21 Are there any other significant differences that  
 22 you would identify? Because the result couldn't be  
 23 more different, could it? It's 90 per cent, over  
 24 90 per cent of children, some brothers from the same  
 25 family, dying of infection with HIV in Liverpool, and

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1 **MS RICHARDS:** It is right to say, however, that most of  
 2 the rest of the centres that I'm proposing or hoping  
 3 still to cover today have far fewer documents to look  
 4 at, simply because there are far fewer revelatory or  
 5 informative documents than there were in relation to  
 6 these two centres we've been looking at this morning.

7 So I should still be able to cover a lot this  
 8 afternoon but we'll see how we get on. If there isn't  
 9 enough time to cover all of those, then we will cover  
 10 them on another occasion rather than compress or rush  
 11 any of them.

12 **SIR BRIAN LANGSTAFF:** Yes.

13 Can I just recap a little of what we have heard  
 14 this morning? You've been absolutely right to take  
 15 Alder Hey and, for that matter, to some extent,  
 16 Liverpool, the Royal Liverpool Hospital, at the length  
 17 that you have.

18 As Ms Saunders says, it may be an abject or an  
 19 object lesson to be learned from the comparison in  
 20 particular between the accounts you have given through  
 21 your presentation in respect of Alder Hey, and what we  
 22 heard yesterday from you about the Sheffield  
 23 Children's Hospital.

24 They may be separated only by a few miles in the  
 25 Pennines, but they're worlds apart in what you have

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1 probably one only being -- seroconverting in  
 2 Sheffield.

3 **MS RICHARDS:** Yes. There may be some similarities in the  
 4 sense of, in terms of the provision of information to  
 5 parents about risks, there's no particular evidence in  
 6 relation to Sheffield -- in common with, I think, what  
 7 we've learnt about the majority of places -- there  
 8 doesn't appear to be evidence of a proactive approach  
 9 to warning parents or patients about risks. But  
 10 certainly what we see from Sheffield appears to have  
 11 been a relationship between the Children's Hospital  
 12 and the adult Centre, absolutely as we have in  
 13 Liverpool, so mirrored in that sense, but in Sheffield  
 14 it's underpinned by, perhaps no doubt the work of  
 15 Professor Preston, the particular awareness of the  
 16 risks of hepatitis, which led to a focus upon  
 17 cryoprecipitate for children, not exclusively, but at  
 18 least being a main form of treatment, in marked  
 19 contrast to the position in Liverpool, where  
 20 cryoprecipitate appears to have played little or no  
 21 part in treatment, even for those of a very, very  
 22 young age.

23 It is almost entirely commercial concentrates or  
 24 very substantially commercial concentrates, with no  
 25 apparent thought being given to the risk, no

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1 differentiation between mild, moderate and severe, and  
 2 no alternatives being contemplated, is the picture  
 3 which emerges from the documents we've seen.  
 4 **SIR BRIAN LANGSTAFF:** Well, there may be -- and if there  
 5 are, I can hear about them in submissions in due  
 6 course -- other underlying reasons, other than the  
 7 particular personalities or views of those who were  
 8 running the centres, which resulted in such  
 9 differences in outcome and for, as far as I can see,  
 10 from the witness statements, the degree of parental  
 11 satisfaction.

12 **MS RICHARDS:** Yes.

13 **SIR BRIAN LANGSTAFF:** Yes. Well, thank you for that. If  
 14 you've any more to say about those brief reflections,  
 15 I couldn't let the Alder Hey presentation go without  
 16 making some reflections on it. I shall have to think  
 17 more carefully about quite where it fits into the  
 18 overall picture.

19 **MS RICHARDS:** Yes, sir.

20 **SIR BRIAN LANGSTAFF:** But two o'clock.

21 **MS RICHARDS:** Thank you.

22 (1.00 pm)

(The luncheon adjournment)

24 (2.00 pm)

(Proceedings Delayed)

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1 some blood or blood products, or at least  
 2 cryoprecipitate, in the seventies to the Walton.  
 3 Dr Stevenson does appear to have attended some  
 4 of the regional meetings of the Mersey and North Wales  
 5 haematologists in the course of the 1980s, and there  
 6 is reference to Dr Stevenson raising an issue in  
 7 November 1985 about difficulties in obtaining supplies  
 8 of fresh frozen plasma.

9 In terms of treatment, the numbers treated at  
 10 the Walton from 1976 onwards were as follows: five  
 11 patients in 1976, five in 1977, four with  
 12 haemophilia A, one von Willebrand's, four  
 13 haemophilia A patients in '78, three patients in '79,  
 14 three patients in 1980, two with haemophilia, one  
 15 a carrier, two patients with haemophilia A in 1981.  
 16 1982, it's not entirely clear but may have been  
 17 a single haemophilia A carrier patient. No patients  
 18 treated in 1983 and one patient treated in 1984. But  
 19 someone who was probably a visitor from Edinburgh  
 20 rather than a registered patient at Walton.

21 But there are documents that suggest that there  
 22 was a slightly larger number of patients, around nine  
 23 or so, registered at the Walton in the early part of  
 24 the 1980s, but the number treated, as I say, rather  
 25 smaller.

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1 (2.03 pm)

2 **SIR BRIAN LANGSTAFF:** Yes?

3 **PRESENTATION RE WALTON COMMUNITY HOSPITAL**

4 **MS RICHARDS:** Sir, I'm going to deal briefly now with the  
 5 centre at the Walton Hospital.

6 It was a recognised Haemophilia Centre in the  
 7 sense that they had a UKHCDO number, number 66. It  
 8 was a very small Centre, which we'll see from the  
 9 numbers treated. The director in the 1970s was  
 10 a Dr Patricia Rob, and then, from 1980, Dr PA  
 11 Stevenson.

12 Dr McVerry, whose time in Liverpool was 1980 to  
 13 1985, says he had no involvement himself with the  
 14 Walton Hospital and he wasn't even aware that there  
 15 was such a centre there.

16 And it does appear that over the course of the  
 17 early eighties there were very few patients treated at  
 18 the Walton and such patients as had been treated there  
 19 may have transferred to the Centre in Liverpool.  
 20 There are no returns after 1985, and by 1990 it's been  
 21 recorded that there is no longer a Haemophilia Centre  
 22 at the Walton.

23 There is comparatively little information about  
 24 what the source of products would have been. We know  
 25 that Regional Transfusion Centre in Liverpool provided

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1 In terms of the annual returns, what they show,  
 2 essentially is 1976, treatment with cryoprecipitate,  
 3 in 1977, treatment with cryoprecipitate, and a small  
 4 amount of NHS factor concentrate. And it would appear  
 5 that there was home treatment with cryoprecipitate in  
 6 1977. That's what the return seems to suggest.

7 Again, 1978, mostly cryoprecipitate with some  
 8 NHS concentrate and a small amount of fresh frozen  
 9 plasma.

10 The first year in which there's any commercial  
 11 concentrate recorded is 1979. It's still  
 12 predominantly cryoprecipitate so it's 55,000-odd  
 13 units, but 6,000-odd units of commercial concentrate  
 14 Factor VIII.

15 In 1980 it's cryoprecipitate.

16 1981, cryoprecipitate.

17 1982, it's unclear, but it appears to be NHS  
 18 factor concentrate only.

19 As I said, no patients in 1983, and then a tiny  
 20 amount of cryoprecipitate in 1984.

21 So the picture that emerges, therefore, is  
 22 predominantly the use of cryoprecipitate with one year  
 23 of a small amount of commercial concentrate.

24 There's little information to reveal what, as  
 25 a matter of fact, either Dr Rob or Dr Stevenson's

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1 knowledge of the risks of hepatitis or HIV might have  
2 been.  
3 Dr Rob doesn't appear to have attended many  
4 UKHCDO meetings. The second half of the seventies has  
5 Dr Rob attending the meeting in 1977 only.  
6 Dr Stevenson is not recorded as attending UKHCDO  
7 meetings in the 1980s.

8 And there is no information to suggest patients  
9 were infected with HIV at the Walton Centre.

10 In relation to hepatitis, the evidence the  
11 Inquiry has received is in relation to patients  
12 infected with hepatitis C following a blood  
13 transfusion.

14 So that, sir, is the position in relation to  
15 Walton.

**PRESENTATION RE INVERNESS, SCOTLAND**

16 **MS RICHARDS:** Can we move then to Scotland and to  
17 Inverness.

18 So the Haemophilia Centre in Scotland described  
19 by its director in the late seventies as the smallest  
20 centre in the UK was located at the Raigmore Hospital  
21 in Inverness.

22 Dr Cook was the director through the seventies  
23 until his death in 1982, and he is minuted as having  
24 attended UKHCDO meetings from 1968 onwards.  
25

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1 figures seemed to be between 14 and 18 patients on an  
2 annual basis. And the returns indicate that the  
3 treatment provided was almost exclusively Edinburgh  
4 Factor VIII and IX and that commercial products were  
5 not used.

6 I'll just look at a couple of returns by way of  
7 example.

8 So if we go to HCDO00002503, please, Soumik.

9 I've given you too many zeroes --

10 **SIR BRIAN LANGSTAFF:** There are three zeroes, it must  
11 be --

12 **MS RICHARDS:** HCDO00002503, my apologies.

13 So we can see here the annual return for 1976,  
14 the director Iain Cook, 20 patients treated during the  
15 year, and then we can see, in terms of usage: 10,720  
16 units of cryoprecipitate, but the bulk of the  
17 treatment is with Scottish NHS concentrate, 182,950.

18 That's pretty much the pattern we see if we then  
19 look at the 1977 return, HCDO00002504. We can see  
20 19 patients treated, presumably haemophilia A patients  
21 treated, and one Christmas Disease patient treated.

22 If we look towards the bottom of the entry, so  
23 no cryoprecipitate usage recorded, "Other Materials"  
24 identified as "Factor VIII Edinburgh", 144,780 units.

25 If we look over the page, please, we can see

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1 Then, following Dr Cook's death, Dr Taylor  
2 became the director in 1982, 1983.

3 Dr William Murray is a consultant haematologist,  
4 involved with the care of patients from '87 until  
5 2010, and the haemophilia service was then taken over  
6 by Dr Craig.

7 In terms of facilities, we have a description  
8 from a witness treated at the Centre in the early  
9 1980s describing a lack of facilities, children dealt  
10 together with adults, as the Haematology Centre was  
11 essentially a tiny room.

12 As was common in Scotland, there were close  
13 links between the Blood Transfusion Service and the  
14 provision of haemophilia care, and Dr Cook, as  
15 Director of the Centre, was also the regional director  
16 of the north of Scotland Blood Transfusion Service,  
17 from 1960 to 1982.

18 We've put a little bit of information in our  
19 written note about the Transfusion Service but we're  
20 going to be looking in more detail at hearings later  
21 in the year in relation to the blood services across  
22 the United Kingdom so we'll no doubt come back to  
23 those issues.

24 In terms of the numbers of patients registered  
25 or treated at the Centre, in the seventies, the

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1 a separate form in relation to home treatment, and the  
2 figure there given is 35,270 units of  
3 Edinburgh Factor VIII for home treatment and, if we  
4 look at the comment below, we can see it said:

5 "It is our intention to increase the number of  
6 patients on home treatment in the next five-year  
7 period in view of the difficult problems occurring  
8 [from] long distances to this Centre in a scattered  
9 community."

10 Then it's really a similar pattern as we go  
11 through the years.

12 So HCDO0000205. So 18 haemophilic patients  
13 treated. No haemophilia B patients treated that year.  
14 There's one patient with Factor VIII antibodies.

15 If we go to the bottom, we'll see the sole  
16 product identified there is the Edinburgh Factor VIII,  
17 165,690 units.

18 There are, in relation to that year, identified  
19 on the various forms that are attached, I think two  
20 patients on regular home therapy.

21 If we go to the return for 1979, HCDO00002506, we  
22 can see 20 patients, haemophilic patients, treated  
23 during the year. One haemophilia B patient treated.  
24 And then we can see, again, it's Edinburgh  
25 concentrates being you'd for Factor VIII, 151,210, and

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then Factor IX, 5,100 units approximately.

And that's really the pattern that continues so I won't go through all the rest of the returns, but, again, 1980, it's 15 patients with haemophilia A treated, one haemophilia B. Only Edinburgh factor concentrates recorded.

The same is true for 1981, when there's 12 haemophilia A patients, one haemophilia B patient. Again. Only Edinburgh Factor VIII concentrates recorded.

If we go then, in relation to 1982, to HCDO002509, we see a letter from Dr Discombe, a local consultant haematologist, to Ms Spooner at Oxford, and it records that he's having a certain amount of trouble in compiling the data requested because Dr Cook died in August.

"... I arrived (so that's 1982) in late November and there has been considerable difficulty with some of our out-stations, which appear to be unable to maintain the desired records."

Dr Discombe refers to trying to get the information in a reasonable pattern. He says in the next paragraph:

"Preliminary studies suggest that 5 haemophilia A patients were treated under the control

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13 haemophilia A patients, one von Willebrand's. Then we have the figures, NHS Factor VIII concentrate -- no reason to think that's anything other than Edinburgh concentrate -- and the figures given for inpatient and home therapy, so 183,360 hospital treatment, 176,580 home treatment, and then some cryoprecipitate and some NHS concentrate used for the treatment of patients with von Willebrand's.

And the same pattern, 1984 and 1985: 16 haemophilia A patients, two haemophilia B for 1984, only Edinburgh factor concentrates recorded. 1985 records the treatment of ten haemophilia A and one haemophilia B patient. Again, only the NHS Edinburgh factor concentrates recorded.

We see, when we look at 1986, which is HCDO0002513, the recording of -- at the bottom of the page, sorry -- the recording of DDAVP the first time.

But again, the main product used is the Edinburgh concentrates.

Then if we just look at a handful of bits and pieces of correspondence, we can see that there is correspondence between Dr Cook and John Watt at the PFC. And indeed correspondence with Dr Cook and others.

If we look at SBTS0000309\_040, it's a response

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of the Laboratory, and that all these 5 were on home treatment, and a total of 1357 bottles of Factor 8 concentrate, all from Edinburgh, were used.

"So far I have founding no evidence that Factor 9 Concentrate has been used for haemophilia B, and as yet we have not verified. The data enquired about a presence of inhibitors, but as far as I can see none of the patients have acquired one.

"We are doing our best to acquire the appropriate information ..."

That would probably appear to be something, probably, of an underestimate in terms of the number of patients treated, but that represents a snapshot at the time.

If we go to the second page of this document, it's a follow-up letter in July 1983 from the Transfusion Service, to Ms Spooner. And if we look at the last paragraph, it says:

"I regret the records are far from complete or guaranteed but when we get ourselves sorted out with a proper filing system in respect of the Haemophilia Centre the statistics will again be accurate."

Then if we just look at 1983, which is HCDO0002510, and we go to page 4, we can see there Dr Taylor now identified as the director,

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to an enquiry about Factor VIII concentrate, June 1973 and Dr Cook writes to Dr Watt saying:

"Although I'm in charge of the 'Haemophilia Centre' here, the number of Haemophiliacs I have is only 16. It's just not possible to undertake any research into a new product as these people are so scattered and one cannot obtain the required specimens or the follow-up needed. The main decisions about this material will obviously [need] to be taken in Glasgow and Edinburgh and I'll be interested to hear what is decided in due course."

So it sounds like an invitation to participate in some form of trial or study in relation to a new SNBTS PFC product.

Then if we look at SBTS0000309\_159, we'll see again a letter from Dr Cook to Dr Watt. This is 23 September 1975, and it gives an indication of what Dr Cook's approach to treatment may have been.

If we go further down the page, we can see halfway down that paragraph beginning "This is not a quibble", he says this:

"It did seem from last week's meeting that the really severe haemophiliacs might well need a dose twice weekly which would mean that [then two patients identified] could well use up the 12 ampoules between

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1 them. This is no doubt being very greedy at the start  
2 and I feel they are extremely fortunate to be given  
3 even one dose on a regular basis but I would like to  
4 hear whether it is possible that the amount to  
5 Inverness might be increased from twelve to eighteen  
6 and if so at what future date. No doubt my plan is  
7 too ambitious at this stage but you will, I am sure,  
8 appreciate that these demanding patients and their  
9 relatives do like to know where they stand ..."

10 It appears that Dr Cook was keen on being able  
11 to provide a greater amount and more regular treatment  
12 to some, at least, of the more severely affected  
13 patients.

14 There are then various letters -- I'm not  
15 proposing to go through them in any detail -- in 1975  
16 showing a degree of fluctuating availability of  
17 product. So in October 1975 Dr Cook wrote saying:

18 "We've got a shortfall of Factor VIII, we've had  
19 to return to making more cryoprecipitate."

20 However, by the end of that year he says:

21 "Well, we're getting the lion's share of  
22 Factor VIII over the last three months, this is  
23 unfair, we're going to return to using cryoprecipitate  
24 and restrict our Factor VIII to a couple of severe  
25 haemophiliacs to restore the balance of fair play", as

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1 of patient.

2 There's also little information about either  
3 Dr Cook's or Dr Taylor's knowledge of non-A, non-B  
4 hepatitis. They did, however, attend a number of  
5 UKHCDO meetings, and also local meetings, meetings of  
6 Scottish directors, at which there were discussions  
7 about the hepatitis risks.

8 Of course, Dr Cook in his role within the  
9 Transfusion Service was part of decision making in  
10 Scotland about the screening of blood donors for  
11 hepatitis in the early 1970s and, again, we'll no  
12 doubt come back to this when we look at the blood  
13 services later in the year, but we've identified in  
14 our note some correspondence from Dr Cook in relation  
15 to the introduction of hepatitis screening in the  
16 early 1970s. He is said, by 1975, to be testing every  
17 specimen for hepatitis B and there's, again, an  
18 interesting exchange of letters between Dr Cook and  
19 Dr Cash that we may want to look at in more detail  
20 when we examine the role of the blood services.

21 In terms of knowledge of risk of AIDS and  
22 response to risk, as we've heard, Dr Cook died in,  
23 I think, August 1982. The first meeting I have  
24 identified Dr Taylor attending, where issues relating  
25 to AIDS were discussed, was a meeting in January 1983.

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1 he puts it, between the smaller centres.

2 He raised concerns about supply of Factor VIII  
3 in 1977 and talked about having to rely again on  
4 cryoprecipitate.

5 By June 1979 there's correspondence suggesting  
6 that there were three haemophiliacs at that stage at  
7 the centre on home treatment. Dr Cook is there now  
8 saying he's got an excess of Factor VIII stock. In  
9 1981 he offered to reduce his Factor VIII allocation,  
10 and says:

11 "I'll be the first to shout if I think my  
12 16 haemophiliac patients are being inadequately  
13 treated in the long term."

14 The conclusions of the Penrose Inquiry, in terms  
15 of the factual position in relation to this centre,  
16 was that between 1981 and 1985 almost no  
17 cryoprecipitate was used, that appears to be broadly  
18 consistent with the returns, and that only SNBTS  
19 products were used at the centre from 1974 onwards,  
20 and that heat-treated products were supplied to the  
21 Centre in December 1984.

22 That's the position in relation to what products  
23 were used as a matter of fact. There's no particular  
24 documentation casting any light on the policies or  
25 approaches towards treatment of different categories

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1 That is at PRSE001736, we can see it's a meeting of  
2 the directors of the Scottish National Blood  
3 Transfusion Service and Haemophilia Directors held in  
4 St Andrew's House, Friday, 21 January 1983 and we can  
5 see present, towards the bottom of the list of  
6 attendees, Dr Taylor.

7 Then if we go to the last page, no, the seventh  
8 page, please Soumik, we can see item 6, about halfway  
9 down the page, is headed "Acquired Immune Deficiency  
10 Syndrome (AIDS)":

11 "Dr Cash drew members attention to recent  
12 articles in the United States and also in the Observer  
13 and the Lancet, about this problem. An MMWR extract  
14 ... had been circulated with his paper."

15 It seemed likely, given the timing, to be the  
16 December 1982 MMWR:

17 "Dr Ludlam informed members that in the UK  
18 a letter and questionnaire had been sent to  
19 haemophilia directors."

20 In fact, I think the position is there was  
21 a plan to send that letter out and it was actually  
22 sent out in March 1983 but, in any event, there is  
23 Dr Taylor receiving, in January 1983 what appears to  
24 be an update of the factual position in terms of those  
25 infected.

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1 **SIR BRIAN LANGSTAFF:** Do we actually have a date for the  
2 time in January?

3 **MS RICHARDS:** The meeting is 21 January.

4 **SIR BRIAN LANGSTAFF:** Thank you.

5 **MS RICHARDS:** Of course, we have present, amongst others,  
6 Dr Forbes and Dr Ludlam. We've explored with  
7 Dr Ludlam obviously directly his knowledge and  
8 involvement in matters at the time. We've got the  
9 Immuno meeting taking place at London Airport in the  
10 same month, and so on. We know there were Reference  
11 Centre Director meetings going on in February 1983, so  
12 no reason to think that kind of information wouldn't  
13 be communicated to the directors of the smaller  
14 centres and this seems to be precisely what this  
15 minute of the meeting was doing.

16 We can see that Dr Taylor also attended a later  
17 meeting in February 1984 of the same group.  
18 PRSE0001556. So 2 February 1984, Dr Taylor is in the  
19 list of attendees. If we go to the second page,  
20 I think this is a document we looked at with  
21 Professor Ludlam, but just a little further down, so  
22 the paragraph (ii):

23 "Members discussed the suggestion that the  
24 production of cryoprecipitate could now be reduced.  
25 Dr Ludlam said that cryoprecipitate was preferred in

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1 throughout the country, about the subject of AIDS and  
2 we have had several enquiries from patients. Reports  
3 in the Press and on Television are often biased and  
4 may be misleading. For this reason I am enclosing  
5 some notes which we have compiled in the hope that we  
6 can answer the questions most commonly asked. It is  
7 simply a Summary of what we know at present about this  
8 disorder, together with a few points of advice on how  
9 to minimise risk and brief details of the steps we are  
10 taking to combat the disorder.

11 "Obviously, some people will have questions  
12 which are not covered in this short Document and if  
13 you have any queries, we would be very happy to talk  
14 to you about them, either over the telephone or by  
15 appointment.

16 "With the large amount of research being done at  
17 present, our state of knowledge changes rapidly, and  
18 we will try to keep you updated. In the meantime  
19 I hope the enclosed Document is of some help."

20 We haven't, I think, got the document but it may  
21 be it's in the same or similar form to the document  
22 that we looked at, again during Professor Ludlam's  
23 evidence, that was being produced for circulation to  
24 patients.

25 Then, in terms of inviting patients to be

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1 the treatment of children at present, because of the  
2 new danger of AIDS. Dr Hann concurred. A policy  
3 seemed to be emerging however to use less cryo for  
4 haemophilia A patients. It was agreed that a certain  
5 minimal amount of cryo was required and Dr Cash  
6 pointed out that TDs could produce it in emergencies."

7 Then there's a reference to the phasing in of  
8 heat-treated Factor VIII.

9 Again, Dr Taylor present at that meeting and for  
10 that discussion.

11 In terms, then, of the arrangements for patients  
12 to be tested for HTLV-III and informed of their  
13 diagnosis, Professor Ludlam told us he sent out  
14 invitations to a range of centres, or patients at  
15 centres, in respect of that group meeting that was  
16 held in Edinburgh in December 1984. There's no  
17 evidence, we've detected, of Inverness patients  
18 attending that.

19 However, we then have a template letter signed  
20 by Dr Taylor in February 1985, which is at  
21 HIGH0000011. So we can see it's a draft dated  
22 12 February 1985, "Dear" and then it presumably  
23 intended to be sent to the patients of the Centre:

24 "As you are no doubt aware, there is  
25 considerable disquiet among people with Haemophilia

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1 tested, there's a second template draft letter of the  
2 same date, 12 February 1985, at HIGH0000012:

3 "Dear [blank]

4 "Because of the recent problems with AIDS, we  
5 are now producing new types of Coagulation Factors.

6 "Before this can be issued, we need to do  
7 a blood test on each of our patients. Could you  
8 please telephone us here ... to discuss the most  
9 convenient [I don't know whether that's meant to be  
10 time or way] for you to have this done."

11 Whether that was the only invitation that was  
12 issued or whether more information was given, we're  
13 not currently clear. But, obviously, if that is the  
14 only communication, it doesn't explain what the blood  
15 test is for, if that's intended to be an invitation to  
16 be tested for HTLV-III.

17 If we then just look at some information we have  
18 about patients being told of their test results, we  
19 can look at a letter from Dr Pettigrew,  
20 GMCO0001690\_055. This is a letter from Dr Pettigrew  
21 to Dr Taylor in Inverness about a patient who was  
22 formerly a patient at the Royal Hospital for Sick  
23 Children and Dr Pettigrew is seemingly informing  
24 Dr Taylor that this patient presumably is someone who  
25 may now be coming under Dr Taylor's care and had

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received mainly commercial Factor VIII concentrate, had been tested, or their stored samples had been tested by Dr Follett and found to be HTLV-III positive, and Dr Pettigrew says:

"... I thought you ought to be informed so that you can arrange for appropriate measures to be taken."

Now, the Inquiry has evidence from the patient who is the subject of the letter, whose recollection is of their parents being told of the HIV infection in around 1987, 1988 so two, possibly three years on from this, being told by Dr Taylor.

That witness's account is when his parents asked why they'd not been told earlier, but doctors said that it was not hospital policy to tell patients.

That issue appears to have triggered a letter from The Haemophilia Society, which is at LOTH0000006\_028.

It's a letter from Mr Watters and it's to Dr Rizza, 22 May 1989, but it concerns patients at Inverness and Aberdeen:

"I have learnt recently that patients with haemophilia attending Raigmore Hospital in Inverness and Aberdeen Royal Infirmary are not necessarily being advised of their HIV status. This came to light recently when a boy of 14 was suddenly told of his HIV

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have received the above document from the General Medical Council. Sufficient concern has been expressed by individual members of the profession in Ayrshire and Arran to warrant discussion by the Area Medical Committee.

"Following this discussion, I have been asked to write to you to express our unanimous view that, while we will of course abide by the advice given, we disagree with the requirements imposed on the medical profession.

"We object to the advice on two grounds. Firstly, we do not feel that AIDS should not be treated differently to any other disease, and we would hope that we would extend the same standard of care and compassion to a patient with AIDS as to a patient with any other potentially fatal disease. We have all taken blood for Wassermann reaction, for example, on antenatal patients, and never have sought patient consent or explained the catastrophic social consequences if a test were to prove to be positive.

"Secondly, your stress on confidentiality towards patients is irrational when, in the same paper, you insist that a doctor counselling a colleague who is HIV positive must 'inform' on that colleague should he or she not accept the advice on

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antibody status -- his parents having assumed, and the lack of any information to the contrary, that he was negative. I also understand that there were two patients at Aberdeen Royal Infirmary where there was a long delay in giving the information to the patients or their families."

Mr Watters is asking Dr Rizza if UKHCDO has some policy on this which could be circulated.

Certainly, the evidence that the Inquiry has received from some witnesses is to the effect that patients were seen from their medical records that they were being tested for HTLV-III but they were not told at the time that they were being tested.

There's another letter from Dr Taylor in October 1988 which may cast some further light upon that. It's at HIGH -- let me just find it -- 0000020. It starts with a letter dated 6 September 1988 addressed to the registrar of the General Medical Council and it's from a Dr McClure, described as the honorary secretary of the Area Medical Committee of the Ayrshire & Arran Health Board, and it refers to a publication from the GMC entitled HIV Infection and AIDS: The Ethical Considerations, which I think we looked at in a presentation a few weeks ago:

"Doctors in this Area, as doctors elsewhere,

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changing practice offered.

"We would respectfully suggest that the General Medical Council reconsiders the advice to the profession. It is our view that, if the legal advice used by the GMC is valid in law, then the law requires amendment."

So that's the view being expressed by the Area Medical Committee. If we go over the page, we see then a supporting letter from Dr Taylor at Inverness:

"Thank you for forwarding the correspondence on this subject. Our department would give the strongest possible support to the views expressed by Dr McClure in his letter to Dr Paterson ..."

Now whether that is referring to the same letter or not is unclear but we've received these documents together, but the issue, is clear from the remainder of the sentence:

"... ie we feel it inappropriate, unethical and illogical that we have to seek patient consent before testing for HIV."

That would appear to be a pretty clear expression of Dr Taylor's views as at 1988, that it was positively inappropriate, unethical and illogical to seek patient consent before undertaking HIV testing.

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In terms of the numbers infected with HIV in Inverness, the conclusion, as we understand it, of the Penrose Inquiry, although it was told by the director of the Centre in 2011 that there were no haemophilia patients considered to have been infected with HIV as a result of treatment in Inverness, the Penrose Inquiry's conclusion was that there were two patients, and that's consistent with the provisional data that we have received from the UKHCDO.

So if we go to INQY0000250, and we go to the last page. This is the table the Inquiry has put together from the data it has received from UKHCDO. Inverness is the last hospital, last Centre identified, and it records there, according, as we understand it, to the information held on the National Haemophilia Database, two patients testing positive in 1985.

In terms of the arrangements in relation to hepatitis C, we've little by way of documentary evidence. There's evidence the Inquiry has received from patients about being informed about hepatitis C diagnosis at routine appointments, which is a not unfamiliar story.

The Penrose Inquiry's conclusion, again in relation to patients with hepatitis C, was that, as at

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a nurse at the Aberdeen Royal Infirmary and working there in relation to the care of patients with bleeding disorders from 1985 to 1987. She has provided us with a description of the facilities in terms of haematology beds, based in ward 41 in the Royal Infirmary about nine beds and then it split off to ward 16 in around 1987 and then ward 112.

As with Inverness, there's a close relationship between the Blood Transfusion Service and the Haemophilia Centre, so the Aberdeen and North East of Scotland Blood Transfusion Service was also based at the Aberdeen Royal Infirmary. The director of that service was Dr Brodie Lewis in the 1970s, and then Dr Stan Urbaniak became the regional director in 1982.

Again, their role and policies and decision making will be explored in more detail in later hearings.

Dr Dawson in her statement to the Inquiry talks about the relationship between the Haemophilia Centre and the Blood Transfusion Service, explaining that the Haemophilia Centre received concentrates from the blood bank in the local Blood Transfusion Service, mostly SNBTS concentrates. She describes the blood bank staff keeping details of the amount of products used issued to each patient throughout the year.

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2011, there were 26 living patients infected with hepatitis C at Inverness.

Sir, that's the position in relation to Inverness.

Just forgive me for a moment while I rearrange bundles, I'm going to turn to Aberdeen.

#### PRESENTATION RE ABERDEEN HAEMOPHILIA CENTRE

**MS RICHARDS:** So Aberdeen, Aberdeen Haemophilia Centre, located at the Aberdeen Royal Infirmary. Director was Dr Audrey Dawson from 1967 to 1996. She has provided a statement to the Inquiry which says she shared responsibilities as a team with Dr King, who was a paediatric haematologist, and Dr Bennett, who was a consultant haematologist.

Dr Dawson says that she spent much of her time developing the service for leukaemia and lymphoma and other malignant haematology services and that Dr Bennett was effectively the person with expertise in bleeding conditions, but she was officially the haemophilia director from that period, 1967 to 1996.

Dr King has also provided a statement to the Inquiry about his role at the Royal Aberdeen Children's Hospital and his role as a paediatric haematologist.

We've also a statement from Gina Andrew, who was

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She says there was a good relationship with the Blood Transfusion Service, that the Transfusion Service played a key role in maintaining records of treatment use. She says there were many discussions between the Scottish National Blood Transfusion Service and the Regional Transfusion Service about risk of infection from blood and blood products. She says:

"These weren't informal meetings but we tried to make the best decisions that we could based on what was known at the time."

If we go to STHB0000568, we can see a letter Dr Dawson wrote to the -- or wrote around the time of the Penrose Inquiry. If we just pick it up where she says, "We would like to make the following comments", paragraph 1. I should say she explains that this is following discussions she'd had with Dr Bennett. She says:

"We had several patients whose exposure to commercial concentrates before arrival was not accurately known to us. Aberdeen and North-East Scotland in the 1970s-80s were experiencing an economic boom related to North Sea oil, and we had many incomers, often transient. One man I remember treating was French, working off-shore on a Total rig,

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1 having not admitted to his French employers that he  
2 had haemophilia ... There were also other  
3 haemophiliacs, who were transient in Grampian, either  
4 working or on holiday. Also, our 'native' patients,  
5 even though treated probably exclusively with NEBTS  
6 material in Aberdeen, would have been exposed to  
7 commercial products when away from North-East  
8 Scotland."

9 Then she says in paragraph 2:

10 "With regard to the records of material which  
11 were used in treatment, the North-East Blood  
12 Transfusion Service actually obtained the material for  
13 us, and kept detailed records of batch numbers, etc;  
14 while we (ie Haemophilia Centre) kept only minimal  
15 records of this in the clinic/ward, and this mainly  
16 related to the amount of and type of material. Even  
17 these latter records would have fallen victim to the  
18 Grampian clinical records system, where material which  
19 was considered transitory was culled in the 1980s, in  
20 order to try to contain the bulk of the clinical  
21 notes."

22 So that was her recollection as set out in  
23 a letter to the Penrose Inquiry.

24 If we then look at the annual returns, we can  
25 pick it up with 1976, HCDO0002429. We can see

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1 NHS factor products. We don't see Hemofil or any  
2 other commercial concentrate recorded after 1979.  
3 If we then pick matters up in 1983, HCDO0002436.  
4 We can see the directors identified as Dr Bennett and  
5 Dr Dawson jointly.

6 Twelve haemophilia A patients, one carrier,  
7 eight von Willebrand's patients treated.

8 We can see the bulk of the treatment for home  
9 treatment, in fact exclusively, is the NHS Factor VIII  
10 concentrates -- again, presumably, Edinburgh  
11 concentrate -- 255,908 units. 87,000-odd units being  
12 used in hospital. Cryoprecipitate being used only for  
13 the treatment of von Willebrand's patients, and  
14 a small amount of NHS concentrate being used for the  
15 same purpose, and then we can see, bottom of the page,  
16 a small amount of porcine Factor VIII concentrate and  
17 then a much larger quantity, 246,000 units, of FEIBA.

18 And then I don't think we have the return in  
19 terms of haemophilia B but the pattern, as far as we  
20 can see, is Edinburgh concentrates only.

21 Then 1984 is a similar picture, HCDO0002437.

22 We can see 16 haemophilia A patients, two  
23 carriers, nine von Willebrand's patients.

24 A very small amount of cryoprecipitate being  
25 used for the treatment of haemophilia A patients, but

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1 Dr Dawson there identified as director, haemophilic  
2 patients treated during the year, nine. Then, in  
3 terms of the products used, 49,630 units of  
4 cryoprecipitate, 818,450, it looks like, units of  
5 Edinburgh Factor VIII concentrate.

6 Then really it's a similar position in 1977,  
7 I won't go to that return, 14 haemophilia A, five  
8 von Willebrand's patients treated, treatment is  
9 cryoprecipitate and Edinburgh NHS Factor VIII.

10 If we go to the return for 1978, HCDO0002431, we  
11 can see 16 patients, haemophilic patients treated  
12 during the year, one with antibodies, and then, in  
13 terms of the treatment, 77,760 units of cryo, 96,370  
14 units of Edinburgh Factor VIII, but then a small  
15 amount of commercial product, so Hemofil, being  
16 used -- it looks like 4,590 -- for the first time in  
17 the returns that we have.

18 There's a similar picture, again I won't go  
19 through each of the documents on the screen, but  
20 there's a similar picture for 1979: cryoprecipitate,  
21 Edinburgh factor concentrates, and then a similar  
22 amount of Hemofil being used, also FEIBA for the first  
23 time recorded for 1979.

24 Then we see FEIBA being recorded in 1980 and  
25 1981 and 1982, as well as cryoprecipitate in Edinburgh

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1 the bulk of the treatment is with the NHS concentrate.  
2 Again, presumably, I think, Edinburgh concentrate.  
3 And there's a reference there to material sent to the  
4 islands.

5 And then a small amount of cryoprecipitate used  
6 for carriers of haemophilia A and von Willebrand's,  
7 and reference there to Factor IX being used again in  
8 a small quantity.

9 Then it's a similar picture in relation to 1985,  
10 I wouldn't go to the return itself. We have  
11 18 haemophilia A, two von Willebrand's patients  
12 treated that year, one haemophilia B patient. Cryo,  
13 Edinburgh NHS products, FEIBA and plasma recorded.

14 In terms of paediatric patients, Dr King has  
15 indicated in his statement to the Inquiry, in terms of  
16 figures of patients, that as at 1985 he thinks there  
17 were three severe haemophilia A patients, four  
18 haemophilia A patients who were mild or moderate, no  
19 haemophilia B patients and five with von Willebrand's  
20 disease.

21 Dr Dawson in her statement has said that, due to  
22 the passage of time, she has little or no recall of  
23 the processes in place for ordering factor  
24 concentrates. Her recollection is that they were  
25 sourced from the PFC -- or the blood products were

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1 sourced from the PFC in Edinburgh, and she says:  
 2 "When we didn't have enough of a product we  
 3 would have used commercial factor, although I think in  
 4 Aberdeen that was rarely the case."  
 5 And that appears to be borne out by the returns.  
 6 There is one additional document which indicates  
 7 the purchase of Hemofil in 1979. That is at  
 8 SBTS0000233\_008 -- I think I said it wrong,  
 9 SBTS0000223\_008.  
 10 It's headed "Purchase of commercial blood  
 11 products as reported by transfusion directors". For  
 12 Aberdeen Royal Infirmary, we see there recorded  
 13 Hemofil. It's a larger number of units than appears  
 14 on the annual return: 9,780 units the year to  
 15 31 August '79, FEIBA, and then Buminat, which I think  
 16 is albumin, there recorded.  
 17 **SIR BRIAN LANGSTAFF:** Can we just go back to 2432?  
 18 HCDO0002432. Scroll down a bit, please.  
 19 Yes, that's what I thought. The number of units  
 20 there is 4,860.  
 21 **MS RICHARDS:** Yes.  
 22 **SIR BRIAN LANGSTAFF:** If we go back to what we've just  
 23 been looking at, SBTS000223\_008.  
 24 **MS RICHARDS:** It's 9,000, I think, yes.  
 25 **SIR BRIAN LANGSTAFF:** Yes, double, almost.

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1 "Most of the boys and men that we treated that  
 2 severe haemophilia and so had no alternative to factor  
 3 concentrates."  
 4 So that was her perspective.  
 5 Her view was that home therapy with  
 6 cryoprecipitate wasn't much of an option.  
 7 Gina Andrew, the nurse, recalls Dr Dawson and  
 8 Dr Bennett as being keen to get as many patients as  
 9 possible onto home treatment, and she describes --  
 10 this is the nurse -- describes how once most of the  
 11 patients were on home treatment the numbers coming  
 12 into the ward decreased dramatically as they no longer  
 13 required admission.  
 14 Dr Dawson's recollection is that for mild  
 15 haemophiliacs DDAVP would have been used. We don't  
 16 see it recorded on the annual returns, but then that's  
 17 been quite a common feature in different parts of the  
 18 United Kingdom.  
 19 In terms of knowledge of risk, of hepatitis,  
 20 Dr Dawson has told the Inquiry that she was aware in  
 21 the early 1970s that hepatitis B could be transmitted  
 22 by blood. She has told the Inquiry that in the 1970s  
 23 she became aware of non-A, non-B hepatitis. In  
 24 common, again, with other centres, we see data being  
 25 provided to Oxford which recorded cases of jaundice,

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1 **MS RICHARDS:** Yes. We don't know whether that relates to  
 2 a longer time period or -- we don't know what the  
 3 explanation for that is.  
 4 **SIR BRIAN LANGSTAFF:** Because, well, if it's the two added  
 5 together, because there's no Hemofil after 1979, the  
 6 first bit of tiny Hemofil was in '78 -- 2431. That's  
 7 0002431, HCDO.  
 8 **MS RICHARDS:** It's not far off the amounts recorded  
 9 for -- (overspeaking) --  
 10 **SIR BRIAN LANGSTAFF:** Well, it's exactly the same, pretty  
 11 much --  
 12 **MS RICHARDS:** It's about 30 units out, I think, on my  
 13 quick mental arithmetic.  
 14 **SIR BRIAN LANGSTAFF:** So it doesn't add up, not exactly.  
 15 **MS RICHARDS:** No --  
 16 **SIR BRIAN LANGSTAFF:** And yet the figures are quite  
 17 specific.  
 18 **MS RICHARDS:** Yes. That's the data that we have.  
 19 The conclusion of the Penrose Inquiry in terms  
 20 of what was being done at Aberdeen was that the use of  
 21 imported commercial concentrates was very infrequent  
 22 throughout the material time. That at least appears  
 23 to be borne out by the returns that we have.  
 24 In terms of the approach to treatment, Dr Dawson  
 25 has said in her statement to the Inquiry that:

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1 and Dr Dawson, along with other directors,  
 2 participating in the UKHCDO's hepatitis survey.  
 3 Dr Dawson attended a number of UKHCDO meetings  
 4 in the 1970s, so she was there in 1971 where Dr Biggs  
 5 summarised her report on the incidence of jaundice and  
 6 inhibitors.  
 7 Dr Dawson and Dr Bennett both attended the 1972  
 8 UKHCDO meeting. Again, there was a discussion about  
 9 jaundice. Dr Dawson was there in November 1974, when  
 10 not only was there a further update from Dr Biggs  
 11 about the jaundice survey but Dr Craske discussed the  
 12 epidemic or outbreak of hepatitis in Bournemouth from  
 13 commercial products.  
 14 She attended in 1975, where there was again  
 15 a discussion about hepatitis and, in 1979, when  
 16 Dr Craske presented material about non-A, non-B  
 17 hepatitis.  
 18 What she said to the Inquiry was that when she  
 19 became aware of non-A, non-B hepatitis in the  
 20 seventies:  
 21 "It did not change treatment much, as it did not  
 22 appear to be a progressive condition, and none of the  
 23 patients were dying of liver disease but would have  
 24 suffered seriously if we'd stopped their Factor VIII  
 25 treatment."

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1 In terms of knowledge of AIDS, again, Dr Dawson,  
2 as a Centre Director, would have had access to the  
3 minutes of the UKHCDO meetings or such meetings as she  
4 was herself unable to attend.

5 She has said in her statement that the risk of  
6 AIDS was highlighted in meetings of the Scottish  
7 Haemophilia Centre Directors. She wasn't at that  
8 January 1983 meeting that we looked at a few minutes  
9 ago. But she was -- I think Dr Bennett -- I'll double  
10 check, I think Dr Bennett was in attendance at that  
11 meeting.

12 There are various Scottish meetings, 1985, 1986,  
13 and UKHCDO meetings where either Dr Dawson or  
14 Dr Bennett attend. So while there were no particular  
15 documents to refer you to, no reason to think that  
16 they would have been any less equipped to follow  
17 reports in the medical press and what was being  
18 discussed at meetings than anyone else.

19 In terms of the process of testing, we have  
20 relatively little information about the process  
21 itself, but in terms of patients being told of their  
22 diagnosis, Dr Dawson says patients would not have been  
23 told as a group, but in individual appointments.

24 There is one patient who has told the Inquiry  
25 that he was informed of his HIV infection face-to-face

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1 what he's saying.

2 We looked a few minutes ago, in the context of  
3 Inverness, at that letter from David Watters of The  
4 Haemophilia Society May 1989 to Dr Rizza. I wouldn't  
5 go back to it, but you'll recall from it that, as well  
6 as referring to an Inverness patient not being advised  
7 of HIV status, the letter referred to two patients at  
8 Aberdeen where there was a long delay in the diagnosis  
9 being provided to the patient or families.

10 In terms of numbers affected with HIV,  
11 Dr Dawson's recollection was that there were three  
12 patients at the centre infected with HIV, all of whom  
13 had severe haemophilia A. The evidence provided by  
14 the subsequent director, Dr Henry Watson, to the  
15 Penrose Inquiry, again was of three patients. That  
16 evidence suggested two had severe haemophilia A, one  
17 had moderate haemophilia A. The Penrose Inquiry then  
18 received information from UKHCDO to suggest that there  
19 were seven patients associated with Aberdeen who  
20 tested positive for HIV, and that's consistent, again,  
21 with the date the UKHCDO has supplied to the Inquiry  
22 at INQY0000250.

23 Then if we go to the last page, we can see  
24 Aberdeen is Centre 160, and there is identified  
25 a total of seven HIV cases to 1988.

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1 by Dr Bennett in a side room, recalls no real  
2 information being provided.

3 Dr Dawson doesn't think the testing of family  
4 members was offered as a matter of routine but said it  
5 would have been available if the request was made. In  
6 terms of the treatment of patients with HIV, she said  
7 there would have been referral to colleagues in the  
8 infection unit locally.

9 Then if we look at -- I think I've got the right  
10 note here, SBTS0000652\_083. This is a 1990 letter  
11 from Dr Dawson to Professor Cash, referring to a  
12 letter she has received from a lawyer representing  
13 a haemophiliac with inhibitors who'd -- well, who was  
14 known to be HIV positive in October 1985. That is the  
15 first test which was performed that we have records  
16 of, and there's no blood stored before that time, so  
17 that might assist in giving some indication about the  
18 timings for the undertaking of HTLV-III tests in  
19 relation to Aberdeen patients.

20 Dr Cash's response is at SBTS0000635\_069,  
21 11 January 1991. He refers to how Dr Urbaniak will  
22 provide the details he requires but his observations:

23 "It should be a fascinating investigation. My  
24 money would be on the FEIBA!"

25 Presumably as the source of the infection, is

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1 The data there would suggest that UKHCDO holds  
2 some records that would indicate tests being carried  
3 out on broad samples, because we have one test  
4 attributed to 1982 -- or one result, I should say,  
5 attributed to 1982, one 1984, four 1985, and one in  
6 1986, giving a total of seven HIV cases.

7 **SIR BRIAN LANGSTAFF:** Seems a strange discrepancy, the  
8 three as against the seven.

9 **MS RICHARDS:** Yes. And it may be a matter we'll need to  
10 try to investigate more. But as I say, it did come up  
11 following -- the Penrose Inquiry report set out its  
12 analysis of those three cases, and then there was  
13 later information received by the Penrose Inquiry to  
14 suggest seven. So what the difference is between, on  
15 the one hand, Dr Dawson's recollection, which may, for  
16 all we know, be not an independent recollection but  
17 based upon what she understands was said to be the  
18 Penrose Inquiry, or may indeed be her own independent  
19 recollection, what explains that on the one hand as  
20 against the UKHCDO data that it then supplied to  
21 Penrose and has supplied to us, we don't know.

22 In terms of testing for hepatitis C, Dr Dawson's  
23 evidence to the Inquiry says that, upon the advent of  
24 hepatitis C testing, the Centre tested some of the  
25 patients but she says:

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"We didn't know what to tell the patients because we were not sure how the virus behaved and whether having it meant that the patients would go on to have liver disease or be able to transmit it or not."

She said in the statement there was a policy of offering hepatitis C testing to all patients who came to attention, and who'd had treatment with factor concentrates in the seventies and eighties.

It's not entirely clear what's meant by "came to attention". It may be that that's patients as and when they presented to the Centre on a routine appointment were tested, rather than a proactive reaching out to patients.

Again, not dissimilar to accounts we've heard in relation to other centres across the United Kingdom. The Inquiry's received statements from individuals or their families critical about how the information about hepatitis C was provided to them.

There's one witness, for example, who describes following -- finding out about her infection when Dr Dawson walked into the room, and said, "Make sure you put the tissues in the red bin, we don't want to catch anything from you". And it was only when the patient asked about it that, she says, "The

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complete Dundee and Bristol, possibly also Truro, and we'll have to see where we get to with Southampton as to whether we're able to do that appropriately or not.

**SIR BRIAN LANGSTAFF:** East Anglia will have to wait.

**MS RICHARDS:** It might have to wait, and I apologise to those who had any particular interest in hearing that evidence.

(3.09 pm)

(A short break)

(3.30 pm)

#### PRESENTATION RE DUNDEE

**MS RICHARDS:** Sir, the third Scottish centre or source of provision of haemophilia care is relating to Dundee.

It wasn't a formal Haemophilia Centre in the 1970s. From 1972, however, adult haemophiliacs in Dundee were under the care of Dr Tudhope. He was based, from 1975, in ward 5 and 6 at Ninewells Hospital in Dundee.

In terms of paediatric provision from the 1970s or late 1970s, Dr Sydney Wilson was in charge of paediatric patients based at ward 30 in Ninewells Hospital. There's evidence to suggest that Dr Wilson and Dr Tudhope held joint clinics during parts of the 1980s.

Dr Tudhope retired around 1986. Dr Heppleston,

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doctor said I had hepatitis C."

Similarly, there are concerns expressed by witnesses that they were not given clear information about what hepatitis C was or how they should understand its implications.

Dr King has indicated that one paediatric patient was infected with hepatitis C. In terms of treatment for hepatitis C, Dr Dawson has referred to the use of interferon. She recalls telling patients that the most common side effect was feeling as if you had flu. Again, others have recorded doctors giving that as the indication but the real experience being very different.

Sir, that's the picture in relation to Aberdeen.

The third Scottish Centre I'm going to turn to is Dundee. It might be sensible if we could take a short break now because, although it's relatively short, I won't complete it in five minutes.

**SIR BRIAN LANGSTAFF:** Yes, well, we will take a break for just over 20 minutes, and come back at half past.

**MS RICHARDS:** Yes, sir, I should say it's apparent that I'm not going to get through all of the rest of the centres today without doing an injustice to the individual centres. So I'm certainly not going to get to Cambridge or Norfolk and Norwich. I'll be able to

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who was a consultant haematologist, was given effectively the title of Haemophilia Director and was in charge of the care of adult patients until 1991, but his successor, who was Dr Philip Cachia, who took over in 1992, has said that Dr Heppleston wasn't a haemophilia specialist and had a very heavy clinical load looking after patients with haematological malignancies.

Then Dr Cachia was --

**SIR BRIAN LANGSTAFF:** Dr Heppleston, you mean?

**MS RICHARDS:** No, sorry, so that was Dr Heppleston until 1991 --

**SIR BRIAN LANGSTAFF:** Dr Cachia?

**MS RICHARDS:** Dr Cachia took over in 1992 until 2004, formally established the Tayside Haemophilia Centre in 1992. We've a statement from him to the Inquiry. Then Dr Ron Kerr, who took over effectively as a locum and then as the consultant haematologist and director in around 2004, has also provided a statement to the Inquiry, although obviously his evidence is focused very much more on the modern position.

At the time that the Tayside Centre was formally established in 1992 by Dr Cachia there were around 25 patients with severe haemophilia.

We've got a description from Dr Cachia of the

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picture he identified when he arrived in around 1992:  
no specific centre or dedicated location for  
haemophilia care, patients seen on the general  
haematology ward or day unit. He says:

"It was essentially a crisis intervention  
service. There was no managed or organised system of  
routine or prospective review of patients with  
clotting disorders, in terms of their general health,  
joint disease, or any of the complications of  
haemophilia or its treatment. Adults on home therapy  
obtained supplies by contacting a technician from the  
SNBTS laboratory and were issued with the required  
product without regular medical supervision or formal  
review of their treatment."

He says there were no formal liaisons between  
the haematology department and key specialist services  
essential for the provision of comprehensive  
haemophilia care, including the HIV service and  
hepatology.

He has also told the Inquiry that when he  
arrived in 1992:

"The haematology department did not keep records  
of factor concentrate stocks, batch numbers, issues to  
patients or home treatment use. Details of factor  
concentrates given in Ninewells Hospital were

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doubt, we will explore later in the year, when we look  
at the blood services in detail, more about the Blood  
Service.

I will just note, however, in light of those  
close working relationships, there's an interesting  
exchange of correspondence which, as I say, we will no  
doubt look at later in the year, between Dr Brookes  
and Dr Cash and others where Dr Brookes is raising  
concerns about the collection of blood in prisons and  
borstals in Scotland, and she provided a witness  
statement to the Penrose Inquiry when she explained  
that her concerns about the use of blood in prisons  
was based on her experience in the seventies working  
in London.

Again, that's in issue we'll clearly want to  
pick up on, but it's relevant, obviously, to the  
question of local products, Scottish product, and the  
potential risk of transmission of viral infection.

If we then look at numbers of patients treated,  
we won't look at all the returns, but a sample of  
them. We can pick it up in 1976 at HCDO003224.

Sir, this is the 1976 return. It's described  
here as the "East of Scotland Haemophilia Centre".  
It's Dr Tudhope identified as director. 12 treated  
during the year, one with Factor VIII antibodies, six

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inconsistently recorded in the relevant patients'  
medical records."

And he says this:

"The situation was in part due to the  
underdeveloped haemophilia service and in part due to  
the unusual circumstance of a regional SNBTS service  
situated in the main hospital and providing services  
of both a regional transfusion centre and the local  
hospital transfusion and cross matching services."

So, as alluded to by Dr Cachia, there were close  
links in the years before that between the haemophilia  
service and the local transfusion service.

Dr Charles Cameron was the director of the East  
of Scotland Blood Transfusion Service until 1981, and  
he was then succeeded by Dr Brookes in 1981, and there  
are close links between the two.

So we see, for example, Dr Brookes representing  
Dr Tudhope at a Haemophilia Centre Directors meeting  
in October '83.

That's the meeting at which the issue of  
reversion to cryoprecipitate and AIDS was discussed.

And Dr Cachia himself says there was a close  
working relationship with the director and staff of  
the regional Scottish National Blood Transfusion  
Service based in Ninewells Hospital and, again, no

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Christmas disease patients.

Then we can see, in terms of the units,  
cryoprecipitate looks like 9,860 units, NHS  
concentrate, it looks like there's -- it's, I think,  
a combination of 61,000 and 51,000 used, although it's  
not entirely clear. Then there's a reference to  
Factor IX concentrate further down.

Again, no reason to think that's anything other  
than local, as in from Edinburgh rather than from BPL.

We can see that from the 1977 return,  
HCDO0002445, where Edinburgh is specified as the  
source of the concentrate. So that year we have ten  
patients treated, identified as haemophilic patients,  
six haemophilia B patients. We can see  
cryoprecipitate still being used to a significant  
extent, 77,360 units, and then Edinburgh Factor VIII  
concentrate, 89,400 units. And Edinburgh Factor IX  
concentrate, 38,100 units.

And that's the pattern that follows over the  
years. If we go briefly to 1978, HCDO0002446, we can  
see the amount of concentrate in relative terms  
reducing, and more treatments being by reference to  
the Edinburgh concentrate. So it's 46,960 cryo and  
86,000 Edinburgh Factor VIII concentrate and then,  
again, Factor IX concentrate, 61,800.

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1 If we then look at 1980, HCDO0002448.  
 2 It's not entirely easy to read. We can see it's  
 3 nine haemophilia A patients, three von Willebrand's,  
 4 and the reason for going to this is that we can see  
 5 it's broken down into hospital and home treatment, the  
 6 forms now. Again, cryoprecipitate in use, 35,120, but  
 7 solely hospital, not for home treatment.  
 8 And then two figures given. The main figure is  
 9 188,940. That's described as "Total used for all  
 10 patients". And then we have a rather more indistinct  
 11 breakdown between hospital and home treatment,  
 12 I think.  
 13 If we go to 1981, HCDO0002449, we can see -- we  
 14 don't have clear records of the number of patients  
 15 treated but if we look at the products used, again,  
 16 we've got cryoprecipitate in hospital, looks like  
 17 45,440, and then factor concentrate, a much larger  
 18 amount now being used: 300,000 odd -- or 308,000,  
 19 rather, concentrate for hospital, and 204,100 units  
 20 for home treatment. We can see the return expressly  
 21 says in relation to the commercial concentrates and  
 22 other materials, "None purchased or used".  
 23 And that's the pattern over the following years.  
 24 So that we get, I think, to 1982 before we see  
 25 anything else. That is at HCDO0002450.

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1 specifically to a patient who had developed an  
 2 inhibitor. The Penrose Inquiry also found, and again  
 3 it's borne out by the returns, that although  
 4 cryoprecipitate was a feature of treatment, it  
 5 accounted for a relatively small proportion of total  
 6 therapy, which was based predominantly on the use of  
 7 the Edinburgh Factor VIII.  
 8 In terms of home treatment it's not clear  
 9 precisely how many patients were on home treatment.  
 10 There's a letter in January 1983 from Dr Brookes to  
 11 Dr Watt saying that there had been, over the previous  
 12 two years, several patients established on home  
 13 treatment. So some at least receiving home therapy  
 14 but the precise number is unclear.  
 15 Other than that, we've no particular indication  
 16 as to the approach to treatment, or particular  
 17 approaches in relation to patients, for example, with  
 18 mild haemophilia as opposed to severe haemophilia.  
 19 In terms of knowledge of risk, there's no  
 20 specific documentary evidence which casts any light on  
 21 Dr Tudhope's knowledge of or response to the risk of  
 22 hepatitis. He did attend a number of UKHCDO meetings  
 23 at which there were discussions or presentations about  
 24 hepatitis. So he attended the meeting in April '71,  
 25 in September '75, in January '77 and October '81, in

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1 Again, we see it's cryoprecipitate, and NHS  
 2 concentrate. And then the only other product is  
 3 Hyate:C, purchased from Speywood, 22,750 units.  
 4 Then the remaining returns, for '83, '84, show  
 5 only the use of Scottish concentrates and  
 6 cryoprecipitate.  
 7 From '85 shows only Scottish concentrates, no  
 8 cryoprecipitate.  
 9 And the number of patients treated ranges  
 10 from: 14 haemophilia A, six haemophilia B, two  
 11 von Willebrand's in 1983; ten haemophilia A, four with  
 12 haemophilia B, in 1984; twelve haemophilia A, seven  
 13 haemophilia B in 1985. So that gives a flavour of the  
 14 kind of numbers of patients treated.  
 15 Dr Cachia told the Penrose Inquiry that only  
 16 SNBTS products were used at Ninewells, and with that  
 17 limited exception of the purchase of Hyate:C from  
 18 Speywood, that's borne out by the UKHCDO annual  
 19 returns.  
 20 The Penrose Inquiry's conclusion is that, in  
 21 relation to Dundee, the picture was clearly one of  
 22 a preference for NHS products, and the use of imported  
 23 commercial concentrates was very infrequent throughout  
 24 the material time.  
 25 And the Hyate:C appears to be in relation

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1 which there were presentations on hepatitis.  
 2 He didn't attend the '72 meeting, but he was  
 3 represented by a Dr Todd in 1974 and 1979, and it may  
 4 not be unreasonable to assume that he would have  
 5 received the minutes of the UKHCDO meetings that he  
 6 didn't attend. Likewise, there's nothing specific  
 7 that casts any light on his developing knowledge or  
 8 understanding of the risk of AIDS.  
 9 He was not in attendance at that January 1983  
 10 meeting that we looked at in relation to Inverness,  
 11 where Dr Cash drew attention to recent articles in the  
 12 US and in The Observer and in The Lancet.  
 13 However, again, it may be reasonable to assume  
 14 that Dr Tudhope would have received the communications  
 15 sent to directors from UKHCDO as well as copies of  
 16 minutes, so, one would expect, perhaps, him to have  
 17 received the March and June 1983 letters in relation  
 18 to the risk of AIDS.  
 19 The Penrose report references to Dr Peter Foster  
 20 of the PFC, giving presentations in March 1983 to  
 21 clinicians and haematologists in Edinburgh and Dundee  
 22 on the issue of AIDS, and you may be able to hear  
 23 about that at later hearings firsthand from Dr Foster.  
 24 In terms of the process for undertaking tests  
 25 for HTLV-III, again, there's not very much, I'm

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1 afraid, documentary information that we have.

2 The medical records of one patient refer to him  
3 attending a special clinic for haemophiliacs on  
4 11 January 1985, arranged along with Dr Tudhope, so  
5 that the problem of AIDS could be explained, with  
6 blood being taken for testing and the samples sent to  
7 Edinburgh along with others obtained at the same time  
8 from other haemophiliacs.

9 That was a witness who was a child at the time.

10 The witness's evidence to the Inquiry is that  
11 his parents have no recollection of either attending  
12 that clinic or receiving the results of that test.

13 The evidence given to the Penrose Inquiry was to  
14 the effect that no patients with bleeding disorders  
15 appear to have been infected with HIV as a result of  
16 treatment at Dundee. That reflects also the material  
17 which UKHCDO has provided to us. So if we go back to  
18 INQY0000250, and go to the last page, we can see five  
19 lines up from the bottom, centre 161: Dundee. And the  
20 figure that UKHCDO have provided to the Inquiry is  
21 zero cases.

22 Dr Cachia in his statement has explained that  
23 during his time as director the Centre did care for  
24 one haemophilia patient with HIV. That was a patient  
25 who'd been treated and diagnosed with -- treated for

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1 review and to counsel for blood-borne virus  
2 infections."

3 He says that for each of the patients who had  
4 been tested for HCV, he explained to them what had  
5 happened and requested their consent to repeat the  
6 hepatitis C testing on a fresh blood sample and then,  
7 if there was a confirmatory HCV test, he met the  
8 patients' partners if appropriate to explain the  
9 diagnosis and implications.

10 It's not entirely clear, I think, when that  
11 process or how long that process took. Again, there  
12 are accounts given by individuals to the Inquiry about  
13 there being delays between what their records showed  
14 was the date of them being tested and the date upon  
15 which they were informed and that may, at least in  
16 part indeed, entirely be explained about what  
17 Dr Cachia has explained in his statement was the  
18 position he inherited.

19 So by way of example, we have a witness whose  
20 records show first testing positive in November 1992,  
21 being told of the infection in January of 1995.  
22 Another being told of their infection in 1998.  
23 Another describing her father being given a diagnosis  
24 around 1995 when attending a routine haemophilia  
25 appointment and having been unaware that they'd been

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1 haemophilia and diagnosed with HIV at a different  
2 Centre before transferring to Dundee.

3 Dr Cachia's provided the Inquiry, however, with  
4 information about the process for testing for  
5 hepatitis C. So he has said that when he arrived at  
6 Ninewells Hospital in 1992, Dr Heppleston:

7 "... provided me with a box of file cards  
8 containing the name and details of all patients with  
9 inherited bleeding disorders who had attended or been  
10 registered with the department. Dr Heppleston also  
11 had a list of around 30 of these patients whose stored  
12 serum had been tested for HCV antigen when the first  
13 test was introduced in 1991. From memory, around 25  
14 of these patients had tested positive."

15 So the evidence would suggest that there were  
16 stored samples, that those stored samples have then  
17 been tested in 1991. It doesn't appear that that was  
18 something known to the patients.

19 Dr Cachia's own conclusion following discussions  
20 internally within the hospital was that the samples  
21 had been analysed without any patients' consent. He  
22 did not know whether the patients had consented to  
23 having their serum samples stored in the first place.  
24 He then says in his statement that:

25 "Appointments were arranged to undertake a full

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1 tested.

2 In terms of numbers, Dr Cachia's understanding,  
3 as told to us, is that around 25 patients were  
4 infected with hepatitis C at Ninewells.

5 The data gathered by the Penrose Inquiry as at  
6 2011 recorded 21 living patients and nine patients who  
7 had died as at 2011. So there's a slight difference  
8 between those figures, or a not insignificant  
9 difference, I should say, between those two figures.

10 Dr Cachia, and then, in terms of the current  
11 position, Dr Kerr, have provided information in their  
12 statements about the process of treatment for  
13 hepatitis C, treatment with interferon and ribavirin  
14 in the early years, and then Dr Kerr has talked about  
15 how the Centre has more recently been able to treat  
16 patients with the modern hepatitis C treatments.

17 Sir, that's the position, then, in relation to  
18 Dundee.

#### 19 PRESENTATION RE BRISTOL HAEMOPHILIA CENTRE

20 **MS RICHARDS:** I'm going to move next to Bristol. In light  
21 of the time, I think it's reasonable to complete  
22 Bristol, but to continue then to look at Truro and  
23 Southampton will result either in sitting very late or  
24 compressing both of those centres into a speedier  
25 presentation than they merit. So it might be wise,

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1 sir, to finish at Bristol today and then, I'm  
2 afraid -- and again apologies to anyone listening with  
3 a particular interest in those centres -- that Truro,  
4 and Southampton, along with Cambridge, Norfolk and  
5 Norwich, may have to await a later hearing.

6 **SIR BRIAN LANGSTAFF:** I think it is only right that we  
7 should hear about them in appropriate detail, and we  
8 don't want to rush that. That would be far greater  
9 an insult to those who have been waiting to hear today  
10 than it would be for them to have to wait, in my  
11 judgment. So that's what we'll do.

12 **MS RICHARDS:** Sir, certainly the presentation notes  
13 themselves have been disclosed to at least the Core  
14 Participants and legal representatives, so that the  
15 information in them is already available.

16 **SIR BRIAN LANGSTAFF:** Yes.

17 **MS RICHARDS:** So Bristol, then. So the Bristol  
18 Haemophilia Centre effectively covers straddles two  
19 hospitals, two haemophilia departments the Bristol  
20 Children's Hospital and Bristol Royal Infirmary,  
21 sometimes they're collectively referred to as the  
22 Bristol Centre, sometimes they're talked about as the  
23 Children's Hospital being an associate centre of the  
24 Royal Infirmary.

25 In terms of directors, the Royal Infirmary,

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1 day unit, and inpatients cared for in a ward shared,  
2 within what she describes as the professorial unit.  
3 She has given information about the haematology  
4 staff, so as well as Dr Scott as consultant, there  
5 were two senior registrars, of which she was one, one  
6 registrar, rotating senior house officers, and various  
7 nurses. But again, those do not appear to have been  
8 dedicated to haemophilia but to haematology services  
9 more generally.

10 In terms of decisions about treatment policies,  
11 Dr Daly's recollection was that Dr Scott was  
12 responsible for product selection both at the Royal  
13 Infirmary and effectively at the Children's Hospital.  
14 If we go to WITN4685002, we can see it's a letter from  
15 Dr Scott to Dr Daly, who was going to be giving  
16 evidence to the Lindsay Tribunal. If we go over the  
17 page, we can see Dr Scott setting out his recollection  
18 there. He says:

19 "I confirm that I was the Director of the  
20 Bristol Haemophilia Centre based at the Bristol Royal  
21 Infirmary and Bristol Children's Hospital in 1984 and  
22 I remain in this post at the present time. I was not  
23 and never have been a Director of the Blood  
24 Transfusion Service at Bristol. It was always my  
25 policy to use plasma-derived products from English and

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1 Dr Raper was director from 1968 to 1976, and he was  
2 then succeeded by Dr Scott, who held that position  
3 until 2000. At the Children's Hospital, Dr David  
4 Berman was in post from 1978 until 1987, and both Dr  
5 Scott and Dr Berman were invited to UKHCDO meetings,  
6 although looking at the minutes it appears in practice  
7 it was usually one or the other who would attend  
8 rather than both.

9 Then Dr Helena Daly was senior registrar in the  
10 haematology department at the Bristol Royal Infirmary  
11 from 1979 to 1985, and we have couple of witness  
12 statements from Dr Daly, whose evidence will also be  
13 relevant when we look at the later hearing at Truro.

14 So Bristol sat within the Oxford Haemophilia  
15 Centre supra-region, and there are minutes of the  
16 supra-region Haemophilia Centre Directors and Blood  
17 Transfusion Centre directors meeting, for example, in  
18 June 1978 when both Dr Berman and Dr Scott attended.

19 We have a description from Dr Daly of the  
20 facilities at the haematology department at the Royal  
21 Infirmary during her time there from 1979 to 1985.  
22 She describes a comprehensive clinical and laboratory  
23 haematology service, so that's overall haematology not  
24 uniquely haemophilia service. She says there was  
25 a well-equipped laboratory, a designated haematology

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1 Welsh donors which were fractionated at the  
2 NHS-managed blood products laboratory at Elstree, in  
3 preference to commercial products. (Scotland had its  
4 own blood transfusion and blood products service). My  
5 belief was that the NHS products carried less risk of  
6 infection, particularly hepatitis and HIV than  
7 commercially derived products from the USA.  
8 Allocation of these products was determined by the  
9 amount of plasma which was collected by each regional  
10 blood transfusion centre, and as the Bristol centre  
11 serving the South West Regional Health Authority had  
12 a very good record for plasma collection our  
13 allocation was above average. Nevertheless it was not  
14 sufficient to cover our needs and therefore commercial  
15 blood products had to be purchased to make up the  
16 deficit. Priority for NHS products was given to  
17 children and adults who had previously received little  
18 treatment and were known to be hepatitis and HIV  
19 negative. I think that my decision was justified by  
20 the fact that the incidence of HIV infection amongst  
21 haemophiliacs in Bristol was lower than in many other  
22 parts of the country.

23 "In late 1984 heat treated commercial products  
24 became available but not in sufficient supply to  
25 provide our needs. The first heat treated products

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1 were received in the Bristol Haemophilia Centre in  
2 December 1984. There was discussion amongst  
3 haemophilia centre directors and also by the  
4 Haemophilia Society although I do not have documentary  
5 proof available about whether heat treated commercial  
6 products were preferable to NHS products. The  
7 efficacy of heat treatment had not been fully  
8 established and it was believed by many physicians  
9 dealing with haemophilia that NHS concentrates  
10 although not heated were preferable.

11 "Heat treated NHS Factor VIII became available  
12 in March 1985 although our quota was not sufficient to  
13 meet our needs. It was the policy to give heat  
14 treated NHS concentrates to children and mildly  
15 affected adults who had not received much treatment  
16 previously. We continued to use non heat treated NHS  
17 product and also heat treated commercial product.

18 "In August 1985 all the NHS product was heat  
19 treated. We were asked to return all non heat treated  
20 product. We did not keep a large stock nor did any  
21 patients but all the patients were asked to return  
22 their non heat treated product and it was replaced.  
23 The non heat treated product was returned to Elstree.  
24 Our allocation was still not enough to meet our needs  
25 and therefore commercial heat treated product was used

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1 "As I told you during our telephone conversation  
2 the other morning, we are encountering difficulties  
3 over supply of Factor VIII material for the treatment  
4 offer our patients with haemophilia. There are  
5 fifteen patients with severe haemophilia registered at  
6 this Centre and a number of others who attend  
7 infrequently for treatment."

8 Then, if we go towards the bottom of the page,  
9 he says about ten lines up from the bottom:

10 "I have reviewed the treatment of each patient,  
11 and I am sure that the current usage of Factor VIII is  
12 justified, and that if it was to be reduced, then the  
13 standard of patient care would be seriously affected."

14 Then if we go over the page, he says:

15 "Our current usage of Cryoprecipitate is running  
16 at approximately 1,000 units (ie material obtained  
17 from single donations) per month, and this is being  
18 provided by the Regional Blood Transfusion Centre at  
19 Southmead. In addition, we have been purchasing  
20 between 6 and 7 thousand units of Factor VIII in the  
21 form of concentrates from commercial sources, namely  
22 Hyland, and Immuno Products, and this has been used  
23 for home treatment programmes and to cover minor  
24 surgery. The current cost of this is in the region of  
25 7 to 8 hundred pounds monthly, which is going to mean

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1 as well. In October 1985 the new NHS intermediate  
2 purity heat treated product VIIIY was introduced and  
3 from that time it became our major treatment product  
4 and commercial Factor VIII was gradually withdrawn."

5 Top of the next page:

6 "NHS Factor IX has always been used in the  
7 Centre and the supply has always been adequate so that  
8 there has been no necessity to purchase commercial  
9 product. At the ending of October 1985 heat treated  
10 Factor IX became available from Elstree, all non heat  
11 treated was withdrawn and patients were asked to  
12 return their non heat treated material."

13 So that's Dr Scott's account as at June 2000.  
14 Dr Daly, who was involved in discussions about product  
15 choices with Dr Scott in the first half of the 1980s  
16 recalls similarly that selection was based on  
17 a preference for UK donor plasma, single donor  
18 products for mild/moderately affected individuals or  
19 with no previous exposure, and heat-treated  
20 concentrates from 1984.

21 Going back a little further in time, we can see  
22 Dr Scott voicing concerns about the supply of products  
23 in 1975. That's CBLA0005695, please. Sir, this is  
24 a letter from Dr Scott to Dr Maycock at BPL,  
25 2 July 1975:

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1 an increase in the drug bill to the District of  
2 between 8 and 9 thousand pounds in the current year."

3 Then he says:

4 "I have been able to maintain a high standard of  
5 patient care, only to the efforts of the Regional  
6 Blood Transfusion Centre in meeting our demands for  
7 cryoprecipitate and to the understanding of the  
8 District Administrators who have allowed me so far to  
9 purchase commercial Factor VIII without question."

10 Then he goes on in the next paragraph to explain  
11 that the Regional Blood Transfusion Centre can't  
12 guarantee more than 800 units of cryoprecipitate each  
13 month:

14 "... they are faced with the dilemma of  
15 processing increased amounts of plasma to produce  
16 Cryoprecipitate or supplying more plasma for  
17 fractionation by your Department."

18 He refers also to there having been depletion of  
19 the stock of cryoprecipitate previously held for  
20 emergency demands and he asks as to whether it is  
21 possible to have a regular supply of Elstree  
22 Factor VIII concentrate.

23 In terms of a response, I'm not sure that we  
24 traced one. But we can see if we then look at  
25 CBLA0009063, later that same month, Dr Tovey of the

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1 Regional Transfusion Centre wrote to Dr Maycock  
2 referring to a letter from Dr Maycock and says:  
3 "Dr Scott has undertaken to restrict the amount  
4 of cryoprecipitate being transfused to haemophiliacs  
5 at the Bristol Royal Infirmary to a lower figure and  
6 to use more Hemofil in an emergency. As a result of  
7 this we are planning to step up the amount of fresh  
8 frozen plasma we send you to about 100-120 packs per  
9 quarter."

10 So it doesn't appear as though Dr Scott's  
11 request resulted in his desired answer. It seems to  
12 have resulted in less use of cryoprecipitate and then  
13 the plasma was going to be used, then, to try to  
14 provide -- well, to enable the Transfusion Centre to  
15 send more plasma to BPL but, in terms of treatment for  
16 those with haemophilia, the gap was going to be filled  
17 with Hemofil.

18 In late 1976, Dr Maycock wrote to Dr Scott  
19 saying "BPL concentrate, can you now please obtain it  
20 from the Regional Transfusion Centre?" and that  
21 appears to have been the practice thereafter, and  
22 that's Dr Daly's recollection too, that commercial  
23 concentrates would be purchased by the Bristol Royal  
24 Infirmary's hospital pharmacy, but that the BPL  
25 products would be distributed via the Regional

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1 concentrate featuring significantly.

2 If we just look at page 2, we can see in the  
3 forms that we're no doubt now familiar with, patients  
4 receiving more than one type of commercial  
5 concentrate, or receiving Elstree and one or more  
6 types of commercial concentrate. So there's no  
7 obvious indication, at this stage at least, of any  
8 adherence to a policy of restricting patients to one  
9 type of product.

10 In 1978, if we go to BPLL0009270\_006, Dr Scott  
11 wrote to Dr Tovey in February 1978 at the Regional  
12 Transfusion Centre complaining about the solubility or  
13 effectiveness of the Elstree Factor VIII product and,  
14 picking it up about halfway down that paragraph, he  
15 says:

16 "Because of its insolubility ..."

17 Sorry, two-thirds of the way down:

18 "... I feel that I cannot use this material for  
19 home treatment any longer and this will mean  
20 a considerable increase in the amount of commercial  
21 Factor VIII which has to be purchased. I thought  
22 I ought to let you know so that you could perhaps pass  
23 on my comments to Elstree. Talking to other  
24 Haemophilia Centre Directors I do not think that I am  
25 alone in finding the Elstree concentrate

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1 Transfusion Centre.

2 Dr Daly also recalls there being a close  
3 relationship between the Bristol Royal Infirmary and  
4 the Blood Transfusion Service.

5 If we then look at annual returns, and we pick  
6 the picture up in 1976, at HCDO0000023\_002, we can see  
7 number of patients treated, 39 haemophilic, seven  
8 Christmas Disease. Then we can see substantial usage  
9 of cryoprecipitate, 442,680 units; NHS concentrate,  
10 132,500 it looks like that might be, but then a range  
11 of different commercial products being used,  
12 Profilate, Factorate, Koate, Hemofil and Kryobulin all  
13 being purchased in the quantities there set out.

14 That's the picture which, to some extent,  
15 continues. So if we look at the return for 1978,  
16 HCDO0001238, I think. I may have misread my  
17 handwriting there, Soumik, so I apologise.

18 If we go to page 6, we can see there annual  
19 return for 1978, 36 haemophilic patients, six  
20 Christmas Disease patients. The usage of  
21 cryoprecipitate is now 158,480. There's 269,000 units  
22 of NHS concentrate; and then a much larger figure for  
23 the Armour product, 462,800; 110,520 units of Koate;  
24 74,600 units of Hemofil. So again, commercial  
25 concentrates and more than one type of commercial

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1 unsatisfactory."

2 If we then go to 1979, we see an increase in  
3 that year of cryoprecipitate usage.

4 HCDO0001307.

5 Sir, we can see cryoprecipitate, 258,970 units,  
6 NHS concentrate, 171,720. And again, we see a range  
7 of commercial concentrates being used, Profilate,  
8 Factor VIII, Koate and Hemofil, in relatively large  
9 quantities, in particular the Koate, 247,870.

10 Then again, I think if we look at page 7 we can  
11 see there an indication that there are some patients,  
12 and it's not true by any stretch of the imagination,  
13 for all the patients receiving a range of more than  
14 one type of concentrate. In fact we've got one  
15 patient there we can see being treated with  
16 cryoprecipitate Elstree Factor VIII, Profilate,  
17 Factorate, Koate and Hemofil in the course of one  
18 year.

19 Around this time, and according to Dr Daly, home  
20 therapy was being commenced at the children's hospital  
21 by Dr Berman for children with severe haemophilia and  
22 regular bleeds, from about the age of four. The  
23 indication is that that was using BPL products.  
24 Cryoprecipitate, Dr Daly says, was considered  
25 impractical for home therapy.

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1 If we then go to the return for 1980, which is  
2 at HCDO0001402, of the numbers of patients treated, 31  
3 haemophilia A, four von Willebrand's, and then if we  
4 zoom in a little closer to the figures we can see  
5 cryoprecipitate still in usage in hospital, 250,400.  
6 And NHS concentrate, an increase, and so a significant  
7 amount being used for home treatment, 227,550. But  
8 then again, a range of commercial concentrates in use  
9 for home treatment. So Profilate, 179,000 plus.  
10 Factor VIII, just under 60,000. Koate, 66,990.  
11 Kryobulin, just under 50,000. And 72,000 units of  
12 Speywood's Humanate.

13 Then in relation to 1981, which is HCDO0001500,  
14 again we can see, number of patients: 35  
15 haemophilia A, six von Willebrand's, and in terms of  
16 the figures we again see a range of different  
17 commercial products, not perhaps as many as the  
18 previous year. So there's still significant usage of  
19 cryoprecipitate in hospital and a small amount for  
20 home treatment, you'll note.

21 A significant amount or larger amount of NHS  
22 concentrate used for home treatment, so 452,647. But  
23 also significant amounts of Profilate, Koate being  
24 used for home treatment, and then Kryobulin and  
25 Humanate also being used for home treatment.

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1 if we go to the third page, he reports a conversation  
2 with Dr Daly, and says:

3 "Dr Daly ... was representing Dr Scott. She  
4 stated that special arrangements had been made to  
5 supply cryo to three patients who particularly  
6 requested it, but that it might not be possible to  
7 continue the arrangement indefinitely."

8 We don't get any further insight into that from  
9 the document, unfortunately.

10 Then if we look at 1983, HCDO0001795.

11 We can see cryoprecipitate used in hospital, and  
12 an amount being used for home treatment. So 21,800  
13 units used in home treatment, 160,000 plus units in  
14 hospital. The bulk of home treatment is with NHS  
15 concentrate, over 500,000, but also a significant  
16 volume of Koate being used, 173,980 units for home  
17 treatment, as well as some usage of Koate and Hemofil  
18 in hospital.

19 So that's 1984. Then if we just finally look  
20 at 1985, HCDO --

21 **SIR BRIAN LANGSTAFF:** Sorry, have we missed one? We've  
22 done '83, so we now want to look at '84.

23 **MS RICHARDS:** I'm so sorry, I think I've gone ahead of  
24 myself in my own --

25 **SIR BRIAN LANGSTAFF:** In fact, we just were looking at '84

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1 And then if we go to 1982, HCDO0001603, we can  
2 see that figures in terms of usage there set out. So,  
3 again, there's an increase in the amount of  
4 NHS concentrate being used: 562,956 for home  
5 treatment. But still reasonably significant amounts  
6 of commercial concentrate, particularly Koate, being  
7 used. So 246,590 units of Koate. And then a smaller  
8 amount of Kryobulin, and 65,000 plus units of  
9 Profilate being used.

10 We don't see any reference there to DDAVP, and  
11 Dr Daly's recollection is that DDAVP became available  
12 in 1983, and that cryoprecipitate was used for the  
13 treatment of patients with mild and moderate  
14 haemophilia as well as the treatment of patients with  
15 von Willebrand's disease.

16 You'll recall, sir, the evidence of Mr and  
17 Mrs Turton about the treatment of their son, Lee,  
18 being switched from cryoprecipitate to NHS factor  
19 concentrate in 1982, apparently because  
20 cryoprecipitate was not available, but it is apparent  
21 that there were substantial quantities of  
22 cryoprecipitate available to the Centre.

23 If we look at DHSC0001313, these are notes made  
24 by Mr Milne of The Haemophilia Society 1982 following  
25 the meeting of UKHCDO directors in September 1982, and

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1 there, on the screen.

2 **MS RICHARDS:** We were. Let me just find the reference to  
3 1983. Can we try HCDO0001603.

4 **SIR BRIAN LANGSTAFF:** No, that's '82.

5 **MS RICHARDS:** Is it? Let me try 1699 then. Here we are.

6 Thank you, sir.

7 48 haemophilia A patients. So we can see this  
8 is representing both the Royal Infirmary and the  
9 Children's Hospital, 48 haemophilia A patients, nine  
10 von Willebrand's. And there we have cryoprecipitate,  
11 NHS and Koate as the three products used in that year.

12 Now that records a significant amount of  
13 cryoprecipitate use for home treatment, so nearly  
14 119,000 units, as well as usage of cryo in hospital.

15 The main product for home treatment is the NHS  
16 concentrate, nearly 438,000, but also significant  
17 usage in hospital, and then also a substantial volume  
18 of Koate, 155,000 used for home treatment.

19 And then I should say the picture in relation to  
20 von Willebrand's is fairly consistent across the  
21 years. It's cryo and/or NHS concentrate.

22 I haven't looked at the haemophilia B figures  
23 but, again, it's NHS Factor IX concentrate that we see  
24 being used.

25 So, sorry, that's 1984.

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1 **SIR BRIAN LANGSTAFF:** No, that's 1983.  
 2 **MS RICHARDS:** 1983.  
 3 **SIR BRIAN LANGSTAFF:** Then we had 1984.  
 4 **MS RICHARDS:** Then if we just go, to complete the picture,  
 5 to 1985, HCDO0001887. And of course we know that  
 6 heat-treated products became available at various  
 7 stages in the course of the year. We've got there the  
 8 numbers treated: 47 haemophilia A, six  
 9 von Willebrand's.  
 10 Then we can see limited use of cryoprecipitate  
 11 for home treatment, still used in hospital. And then  
 12 the main sources of product for home treatment are  
 13 NHS concentrate and Koate, but also Profilate and  
 14 Factor VIII to some extent. And then there's a small  
 15 amount of Scottish product referred to as being used.  
 16 And there's evidence also of use there, in that  
 17 year, of Koate to treat patients with  
 18 von Willebrand's.  
 19 We'll look at the articles that were authored by  
 20 Dr Daly and Dr Scott in a moment, but in one of -- in  
 21 a 1985-article authored by Dr Daly and Dr Scott, they  
 22 refer to a growing reluctance by patients in 1983 to  
 23 use commercial concentrate. And of course, that may  
 24 be tied in with what we know about the Bristol  
 25 patient, which I'll come on to shortly.

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1 **MS RICHARDS:** We will.  
 2 I should, sir, just say, in relation to use of  
 3 DDAVP, there is some contemporaneous documentary  
 4 evidence to support Dr Daly's recollection of DDAVP  
 5 being used from 1983, because there's -- she wrote to  
 6 Dr Bloom about DDAVP and received a response in  
 7 July of 1983 encouraging its usage.  
 8 There's also some evidence in relation to  
 9 heat-treated products to show that Dr Scott entered  
 10 the trial of heat-treated Factor VIII in the spring of  
 11 1984.  
 12 If we then turn to the issue of knowledge of  
 13 risk, Dr Scott was a regular attender of UKHCDO  
 14 meetings, not every meeting, but attended a number of  
 15 them in the 1970s and in the 1980s, and indeed into  
 16 the 1990s. So -- and would presumably also have  
 17 received the minutes, so would have been aware of the  
 18 discussions taking place.  
 19 There is also evidence, unsurprisingly, of  
 20 Dr Scott participating in the hepatitis survey,  
 21 reporting cases of jaundice to Oxford. And there is,  
 22 for example, communications in the 1970s between  
 23 Dr Scott and Dr Maycock about haemophiliacs developing  
 24 serum hepatitis. And indeed, communications between  
 25 Dr Tovey of the Transfusion Service and Dr Maycock

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1 **SIR BRIAN LANGSTAFF:** Well, as you've been setting out the  
 2 figures, I've been drawing up a very rough, and it may  
 3 not be entirely accurate because it's been done pretty  
 4 quickly, idea of the proportion of the -- when  
 5 Factor VIII concentrate has been used, the proportion  
 6 which is NHS and the proportion which is commercial.  
 7 And it has been pretty well throughout, until 1981,  
 8 three times as much commercial as NHS. And then the  
 9 NHS starts off to be a slightly higher proportion, two  
 10 parts to three. And then, 1982, the NHS is in greater  
 11 quantity than the commercial. Which may fit with what  
 12 you've just described from the literature. 1983, the  
 13 high point I think, roughly three times as much NHS as  
 14 commercial. '84, I make it about five to two in  
 15 favour of NHS. '85 dropping off a bit.  
 16 But that's the rough proportions. If someone  
 17 can check those, because they may not be accurate --  
 18 **MS RICHARDS:** We will, sir.  
 19 **SIR BRIAN LANGSTAFF:** They're very broad, to get an idea  
 20 of the proportion which was used, which may be an  
 21 easier way of looking at it at the moment than simply  
 22 trying to remember figures.  
 23 **MS RICHARDS:** Yes.  
 24 **SIR BRIAN LANGSTAFF:** In due course, as you've said,  
 25 you're going to provide this graphically.

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1 referring to reports from Dr Scott about the  
 2 development of serum hepatitis.  
 3 So a fairly familiar picture that emerges from  
 4 the contemporaneous documents. There's no particular  
 5 evidence one way or another in terms of documents  
 6 about the provision of information about risks but the  
 7 picture that emerges from the evidence given by  
 8 witnesses who were patients or their family members to  
 9 the Inquiry is to the effect that they were not  
 10 informed about the risks associated with the blood  
 11 products that they were given.  
 12 In terms of the knowledge of risk of AIDS,  
 13 again, it would be the expectation of Dr Scott and,  
 14 indeed, Dr Berman being familiar with what was being  
 15 discussed at UKHCDO meetings, either through  
 16 attendance or through the receipt of minutes, and what  
 17 was being reported in the medical literature. But  
 18 there's then a particular issue in relation to the  
 19 knowledge of the risks from AIDS associated with  
 20 Bristol, because one of the first patients to die from  
 21 AIDS in the United Kingdom was a Bristol patient, who  
 22 died in August of 1983.  
 23 If we just pick matters up in Dr Daly's witness  
 24 statement, WITN4685001, and if we go to page 32,  
 25 Dr Daly says:

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"I first heard of AIDS in the ... (MMWR) reports in late 1982. I followed the USA and UK literature over the following years.

"32.2. Following the death from AIDS of one of our haemophilia patients in August 1983, 18 months after intensive treatment with commercial concentrate of US origin, I believed that there was a definite risk that this was in some way due to factor concentrate."

Then she tells us a little more about that patient.

"At the time of his acute illness in [January] 1981, having excluded other causes, I thought it was an 'acute viral infection ? related to factor concentrate'. In May 1983 we suspected AIDS. My consultant identified a histopathologist who was immune to hepatitis B and who kindly agreed to do a post mortem which confirmed the diagnosis. Subsequently my consultant had to insist on the report being published in the Lancet after it was initially rejected."

And:

"By the end of 1984 we had results of HIV tests on patients at the BRI and learned that many of our patients, mainly those who had been heavily treated,

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suspected".

And then we can see below the table an account of the patient's illness and deterioration in the course of August of 1983, resulting in the patient's death.

If we look then towards the bottom of the page, last paragraph:

"Our patient became unwell (and remained so until his death 18 months later) a few weeks after receiving treatment with a large volume of commercial FVIII concentrate of North American origin over a short period of time. This was his first exposure to a commercial product. It seems highly probable that the development of AIDS (and hepatitis B and non-A, non-B hepatitis) was related to this treatment. This case provides further evidence for a link between exposure to blood products and AIDS."

And that was authored by Dr Daly and by Dr Scott.

**SIR BRIAN LANGSTAFF:** If you go back to her witness statement, she suggests the patient began treatment in '81.

**MS RICHARDS:** It looks like it should have been January '82.

**SIR BRIAN LANGSTAFF:** But the 18 months doesn't make sense

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were HIV positive."

And there were two publications to look at. If we look, first of all, at an application(?) relating to that specific patient, it is at PRSE0004509. It's the top left -- thank you.

So we've looked at this before.

"Fatal AIDS in a haemophiliac in the UK."

And we can see it being reported in the last sentence of the first paragraph:

"We report here a fatal case of AIDS in the haemophiliac who received intensive treatment with factor VIII ... concentrate of US origin."

And there is then documented the development of that patient's condition, so admission to hospital in January 1982, in the third paragraph.

February 1982, he was still unwell, lethargic and irritable. Reference to a diagnosis being made of non-A, non-B hepatitis in the last sentence of that paragraph. If we then go back to the main text of the letter, we can see March 1982 and July 1982, up to August -- October 1982, updates being provided. February 1982, admitted again. And May 1982 records various opportunistic infections.

If we go back to the full page, we can see, top of the page, they say, "At this time AIDS was

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because it is plainly the same patient.

**MS RICHARDS:** Yes.

**SIR BRIAN LANGSTAFF:** And so it must be January '82.

**MS RICHARDS:** Yes, I think so.

And then we can see, if we look at a second publication, later in time, but it tells us about what was happening in Bristol in the course of '83, it's at GLEW0000677.

Sir, it's a 1985 publication, "AIDS surveillance in haemophilia", by Dr Daly, Dr Palmer, Dr Scott and Dr Lee. We can see from the date it was a publication received 2 April 1984.

And it refers in the summary:

"We suspected a patient attending our Haemophilia Centre had developed ... (AIDS) and therefore immunological evaluation was performed on 43 patients with haemophilia and von Willebrand's disease attending the Centre."

If we look further down the page, under the heading "Patients" it says:

"Forty-three patients (35 male and eight female) aged 13-78 ... attending the Bristol Haemophilia Centre were studied between May and October 1983."

Then there's an analysis that was undertaken as to the treatment that had been received by the

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patients, which continues over the page. In fact, actually we should pick it up -- I don't want to skate over that too quickly. Bottom of the previous page, sorry, Soumik.

So if we go to the analysis for severe and moderate haemophilia A and von Willebrand's disease, which accounted for 28 of these 43 patients, was receipt of cryo, NHS concentrate and Factor VIII concentrates, an average amount of treatment of 48,000 per patient per year.

It says the patient who died of AIDS was in this group but was unusual in that his average amount of treatment was 5,000 units per year. So that's the first category analysed.

The second was of those with mild haemophilia A and moderate von Willebrand's, ten patients had received cryoprecipitate only, many treated on one occasion only. And then, haemophilia B, five patients who were treated exclusively with NHS Factor IX concentrate.

So it would appear that their experience with this individual patient led to the particular study of these 43 patients.

If we look to the third page, we can see that there were analyses undertaken of hepatitis status and

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"The first death from AIDS of a haemophiliac in this country caused considerable anxiety among patients attending the Centre. The total amount of treatment used at this Centre decreased in 1983. This is due to a growing reluctance by patients to use commercial concentrate."

So those were the findings of the study of the 43 patients in those categories at the Bristol Centre undertaken in 1983.

There's also a letter sent by Dr Scott in October 1983 to a patient and his wife, HSOC0003486. It's dated 3 October. It's not clear whether this was simply sent to these recipients because of concerns they'd expressed or whether it was a wider communication, but it says:

"As I am sure you know one of the patients attending the Bristol Haemophilia Centre has recently died of AIDS. The cause of this condition is still unknown but there is evidence to suggest that it is due to an infection which can be transmitted by blood or blood products. There is reason to believe that the source of the infection in this case was imported Factor VIII concentrates but this is not proven and it cannot be said with certainty that these were the source of infection. I can understand that you are

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T4/T8 ratios.

And if we go to page 6, there's then a discussion -- sir, just pausing there, I should say what's not clear is the extent to which any of these patients were aware of any of these studies being undertaken.

So there's a discussion then on page 6, continuing over to page 7. So it sets out details in relation to T-cell findings, lymphopenia and other immunological abnormalities. We can see from the date this is a point in time at which the testing for HTLV-III was not available.

And then if we look on page 7, the last main paragraph:

"Thirteen other patients received treatment from the same batches of concentrate as the index case ... So far none of these patients has developed AIDS although three have suspicious features."

Then there's, again, a reference to the first case in developing non-A, non-B hepatitis:

"We think the important reasons why our patient developed AIDS were the administration of a large volume of a contaminated batch of concentrate, and possibly lack of immunity to hepatitis B."

Then the last paragraph:

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extremely worried that you have contracted a similar condition by using imported blood products. However, I would like to make it clear that the risk of this is extremely small. Thousands of Haemophiliacs in Europe and America have been treated with Factor VIII concentrates for over ten years and the number of reports of AIDS have been extremely small.

"As far as possible we are avoiding the use of imported Factor VIII concentrates but there is not enough NHS produced Factor VIII available at the moment to meet our needs so we will have to continue to use some commercial Factor VIII for the time being. The production of NHS concentrate is being increased and hopefully we shall be self-sufficient in the not too distant future. In the meantime I think that the dangers of refusing treatment if only commercial concentrate is available is greater than the danger of contracting AIDS. It is also the opinion of The Haemophilia Society which is set out in their latest bulletin.

"I hope that this allays your fears but if you have any further problems please feel free to discuss it with me or any of the other Medical Staff."

This is a rare example in the material we have seen, and this is across the United Kingdom, not

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1 related simply to Bristol, of written information  
2 about the risk of AIDS being provided by a haemophilia  
3 director to an individual patient. But there is then  
4 the question as to the terms in which it is expressed  
5 and whether the intention really was to, as is said at  
6 the end, allay fears by saying, ultimately, this isn't  
7 something we should worry about.

8 **SIR BRIAN LANGSTAFF:** Well, I'm afraid it appears, at  
9 least as I understand matters at the moment, it  
10 appears to confuse risk with observed incidence.

11 **MS RICHARDS:** Yes, which is an issue --

12 **SIR BRIAN LANGSTAFF:** We have explored before.

13 **MS RICHARDS:** -- something of a theme over the last  
14 months.

15 **SIR BRIAN LANGSTAFF:** The advice is based upon her  
16 perception of the risk that is the incidence. She  
17 doesn't --

18 **MS RICHARDS:** It's him. It's Dr Scott, not --

19 **SIR BRIAN LANGSTAFF:** Sorry, Dr Scott not Dr Daly. Yes,  
20 it's him. His perception is based upon the numbers  
21 that had been affect, as opposed to the risk that  
22 a greater number might be in the future.

23 **MS RICHARDS:** Yes. It's also relevant to note  
24 October 1983, it's on the 17 October 1983, that the  
25 UKHCDO meeting takes place at which Dr Scott gave

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1 Mrs Turton, Colin and Denise, gave evidence in  
2 relation to Lee, under the care of the Children's  
3 Hospital, that he was tested for HIV and found to be  
4 positive in March 1985 in circumstances where they  
5 were unaware of the test being undertaken and they  
6 were not informed of the diagnosis until June 1985.

7 We looked at some letters from Dr Daly to  
8 Dr Berman, and then on behalf of Dr Berman to Lee's  
9 GP, in the course of their evidence, and we have set  
10 those out in our notes but, again, on the theme of the  
11 letter we just looked at, it might be useful to look  
12 at one of them.

13 WITN1575010. You may recall this letter, sir.  
14 So it's from Dr Donaldson, senior registrar to  
15 Dr Berman, dated 14th June 1985 to the GP. It refers  
16 to having seen Lee's parents following a report from  
17 the laboratory that he was HTLV-III positive, and if  
18 we look at the fourth paragraph it says:

19 "The chance of Lee developing AIDS is therefore  
20 extremely small and I stressed this to his parents."

21 So again, we have Dr Scott's letter where it  
22 might be said to be over-optimistic in terms of the  
23 risk of being infected and then here what might be  
24 said to be over optimism as to what the implications  
25 of a positive test result were.

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1 details of the Bristol AIDS case to his fellow  
2 directors, following a presentation by Dr Craske.

3 In terms of testing, there is little by way of  
4 documentary evidence as to the process that was  
5 undertaken. Dr Daly's recollection is that there was  
6 not formal pre-test counselling. She thought she  
7 spoke to patients as she was monitoring them,  
8 explained that sera was being stored. She says this:  
9 "Later, after I received the results of the  
10 initial tests and when testing further patients, I did  
11 provide a form of pre-test counselling. I can't  
12 remember for certain if I recorded that in the  
13 clinical records."

14 She does say, in terms of the communication of  
15 results:

16 "Patients were informed in person, in private  
17 and usually by me, initially."

18 She also says that:

19 "Until 1986 or 1987, patients were given  
20 an uncertain prognosis as doctors were still  
21 optimistic that seropositivity would not necessarily  
22 lead to AIDS."

23 Again, you'll recall, although this is in  
24 relation to the Children's Hospital and Dr Berman  
25 rather than Dr Scott specifically, that Mr and

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1 In terms of the numbers infected, if we go to  
2 INQY0000250 again, and we go to -- I can't find  
3 Bristol when I need it -- page 2, so Centre 13 Bristol  
4 Infirmary and Children's, so you'll see there again  
5 the two hospitals being essentially identified as  
6 a single Centre, and the figure given provisionally by  
7 UKHCDO to the Inquiry is 13. Again, the spread of  
8 years would tend to suggest stored sera samples and  
9 retrospective testing, because we are given two for  
10 1981, one for 1982, two for 1983, two for 1984, four  
11 for 1985, two for 1986.

12 So that's the apparently available evidence in  
13 relation to HIV infections.

14 In relation to the testing for hepatitis C,  
15 Dr Daly has said that samples were stored in the hope  
16 of a future test for non-A, non-B hepatitis, and she  
17 says:

18 "That was part of the hepatitis monitoring,  
19 serum stored in the public health laboratory in  
20 Bristol and the microbiology department at RCH-T  
21 because at the time we did not know the cause of the  
22 abnormal LFTs and there was a lot of research going on  
23 to determine this."

24 She left Bristol in 1985, we will pick up her  
25 evidence when we return to Truro at a later stage

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1 because she subsequently became director in Truro.  
 2 In terms of hepatitis C, again the Inquiry has  
 3 received evidence expressing concern about the  
 4 circumstances in which the diagnosis was communicated  
 5 and the extent to which proper information was  
 6 provided.

7 Again, more broadly on the issue of consent, the  
 8 Inquiry has received evidence from individuals treated  
 9 at Bristol to indicate that they were tested without  
 10 their knowledge or consent.

11 Sir, that's a summary of the evidence in  
 12 relation to Bristol. As I said earlier, it being  
 13 quarter to five, it's probably not helpful to anyone  
 14 to embark upon Southampton or Truro now.

15 **SIR BRIAN LANGSTAFF:** No, that's enough, I think, for  
 16 today.

17 Well, we now have a break until Monday, do we?

18 **MS RICHARDS:** We do.

19 **SIR BRIAN LANGSTAFF:** We have a full week next week?

20 **MS RICHARDS:** We have a full week. I'm afraid I haven't  
 21 got, unless I turn on my phone, the patient names, the  
 22 pupils from Treloars giving evidence, some, in any  
 23 event, are anonymous. But we start on Monday with --  
 24 we'll start with effectively a presentation on  
 25 Treloars and the idea is that the presentation is

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1 going to be woven in and out of the oral evidence in  
 2 the course of the week.

3 **SIR BRIAN LANGSTAFF:** Yes.

4 **MS RICHARDS:** So we will then hear from a number of oral  
 5 witnesses, Monday, Tuesday and Wednesday, those who  
 6 were pupils at Treloars and, in one instance, the  
 7 father of two pupils from Treloars. Then on Thursday,  
 8 we're going to hear from the former headteacher at  
 9 Treloars, and then we'll conclude the presentation --  
 10 we're currently timetabled to conclude that on Friday.  
 11 It's possible we might complete it on Thursday, but  
 12 it's probably more realistic to think it will run into  
 13 Friday and be a full week.

14 Again, we don't want to rush any part of the  
 15 evidence.

16 **SIR BRIAN LANGSTAFF:** No.

17 So next Monday, ten o'clock, to start our  
 18 Treloars week.

19 **MS RICHARDS:** Yes.

20 **SIR BRIAN LANGSTAFF:** Thank you.

21 (4.46 pm)

22 (Adjourned until 10.00 am on Monday, 21 June 2021)

23  
 24  
 25

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AIDS' [1]</b> 93/6 ' <b>Haemophilia [1]</b> 116/3 ' <b>HIV [1]</b> 25/25 ' <b>HIV [1]</b> 25/22 ' <b>Homo [1]</b> 39/18 ' <b>I [1]</b> 89/25 ' <b>I don't [1]</b> 89/25 ' <b>If [1]</b> 89/1 ' <b>inform' [1]</b> 127/24 ' <b>native' [1]</b> 133/4 ' <b>positive' [1]</b> 85/13 ' <b>some [1]</b> 39/16 ' <b>Yes [1]</b> 26/2  <b>0</b> <b>0000020 [1]</b> 126/16 <b>0002431 [1]</b> 138/7 <b>002 [1]</b> 170/6 <b>005 [1]</b> 37/20	<b>006 [2]</b> 38/5 171/10 <b>008 [3]</b> 137/8 137/9 137/23 <b>009 [1]</b> 32/8 <b>01.03.82 [1]</b> 56/16 <b>012 [1]</b> 96/21 <b>02.12.84 [1]</b> 57/11 <b>027 [1]</b> 70/9 <b>028 [1]</b> 125/17 <b>040 [1]</b> 115/25 <b>05.08.85 [1]</b> 58/9 <b>051 [1]</b> 79/7 <b>055 [1]</b> 124/20 <b>067 [1]</b> 65/8 <b>068 [1]</b> 56/6 <b>069 [1]</b> 142/20 <b>08.08.85 [2]</b> 58/11 58/21 <b>083 [1]</b> 142/10 <b>095 [1]</b> 2/7  <b>1</b> <b>1 July 1986 [1]</b> 32/9 <b>1,000 [1]</b> 167/16 <b>1,120 [1]</b> 53/15 <b>1.00 [1]</b> 105/22 <b>10 [1]</b> 70/9 <b>10,720 [1]</b> 111/15 <b>10.00 [2]</b> 1/2 194/22 <b>100 [1]</b> 88/13 <b>100-120 [1]</b> 169/8 <b>105 [1]</b> 77/7 <b>11 [1]</b> 99/15 <b>11 January 1985 [2]</b> 64/8 157/4 <b>11 January 1991 [1]</b> 142/21 <b>11.16 [1]</b> 50/21 <b>11.35 [1]</b> 50/23 <b>110,520 [1]</b> 170/23 <b>112 [1]</b> 131/7 <b>114 [1]</b> 52/17 <b>118 [1]</b> 70/4 <b>119,000 units [1]</b> 176/14 <b>12 [6]</b> 34/12 50/20 57/1 100/3 116/25 151/24 <b>12 boys [1]</b> 90/21 <b>12 February 1985 [2]</b> 122/22 124/2 <b>12 haemophilia [1]</b> 113/8 <b>12 haemophilia A [1]</b> 52/22 <b>120 [1]</b> 169/8 <b>13 [5]</b> 46/9 90/17 92/10 192/3 192/7 <b>13 haemophilia A [1]</b> 115/1 <b>13 haemophilic [1]</b> 52/7	<b>13 May [1]</b> 63/5 <b>13-78 [1]</b> 184/22 <b>132,500 [1]</b> 170/10 <b>1357 [1]</b> 114/2 <b>136 [1]</b> 52/18 <b>14 [7]</b> 16/10 20/16 54/8 90/14 111/1 125/25 134/7 <b>14,000 [1]</b> 52/12 <b>144,780 [1]</b> 111/24 <b>14th June 1985 [1]</b> 191/15 <b>15 [2]</b> 16/7 100/18 <b>15 patients [1]</b> 113/4 <b>151,210 [1]</b> 112/25 <b>155 bottles [1]</b> 53/15 <b>155,000 [1]</b> 176/18 <b>158,480 [1]</b> 170/21 <b>159 [1]</b> 116/15 <b>16 [12]</b> 2/20 16/21 36/23 52/14 53/15 72/20 90/13 92/17 115/9 116/5 131/7 134/11 <b>16 April 1983 [1]</b> 13/5 <b>16 haemophilia A [1]</b> 135/22 <b>16 haemophiliac [1]</b> 118/12 <b>160 [1]</b> 143/24 <b>160,000 [1]</b> 175/13 <b>161 [1]</b> 157/19 <b>161,750 [1]</b> 53/18 <b>165,690 units [1]</b> 112/17 <b>1699 [1]</b> 176/5 <b>17 January 1983 [1]</b> 37/21 <b>17 June 2021 [1]</b> 1/1 <b>17 October 1983 [1]</b> 189/24 <b>171,720 [1]</b> 172/6 <b>173,980 [1]</b> 175/16 <b>176,580 [1]</b> 115/5 <b>179,000 [1]</b> 173/9 <b>18 [7]</b> 23/5 36/21 101/2 111/1 112/12 181/5 183/25 <b>18 haemophilia A [1]</b> 136/11 <b>18 months [1]</b> 183/9 <b>182,950 [1]</b> 111/17 <b>183,360 [1]</b> 115/5 <b>187,250 [1]</b> 54/3 <b>188,940 [1]</b> 153/9 <b>19 [5]</b> 7/25 20/10 53/11 72/20 75/2 <b>19 haemophilia A [1]</b> 54/19 <b>19 patients [2]</b> 90/13 111/20 <b>19,000 [1]</b> 57/3	<b>1960 [1]</b> 110/17 <b>1966-70 [1]</b> 2/20 <b>1967 [2]</b> 130/10 130/20 <b>1968 [2]</b> 109/25 162/1 <b>1970 [2]</b> 2/12 4/9 <b>1970s [18]</b> 7/7 10/15 42/9 42/10 60/2 83/23 106/9 119/11 119/16 131/13 139/21 139/22 140/4 147/15 147/19 147/20 179/15 179/22 <b>1970s-80s [1]</b> 132/22 <b>1971 [2]</b> 1/12 140/4 <b>1972 [2]</b> 140/7 147/15 <b>1973 [2]</b> 8/10 116/1 <b>1974 [3]</b> 118/19 140/9 156/3 <b>1975 [11]</b> 1/15 11/15 42/12 116/17 117/15 117/17 119/16 140/14 147/17 166/23 166/25 <b>1976 [13]</b> 4/13 75/6 77/8 107/10 107/11 108/2 111/13 133/25 151/21 151/22 162/1 169/18 170/6 <b>1977 [11]</b> 4/16 50/12 50/25 107/11 108/3 108/6 109/5 111/19 118/3 134/6 152/10 <b>1978 [11]</b> 77/15 90/12 108/7 134/10 152/20 162/4 162/18 170/15 170/19 171/10 171/11 <b>1979 [19]</b> 6/2 52/7 75/6 76/19 78/7 84/8 108/11 112/21 118/5 134/20 134/23 135/2 137/7 138/5 140/15 156/3 162/11 162/21 172/2 <b>1980 [21]</b> 1/15 6/8 6/19 15/12 18/15 19/17 20/22 43/3 52/14 56/13 60/25 66/23 67/5 106/10 106/12 107/14 108/15 113/4 134/24 153/1 173/1 <b>1980-81 [2]</b> 16/3 16/9 <b>1980/81 [1]</b> 20/13 <b>1980s [16]</b> 31/1 34/10 39/13 60/2 69/4 78/11 82/11 83/23 107/5 107/24 109/7 110/9 133/19 147/24 166/15 179/15 <b>1981 [17]</b> 20/22 34/14 52/21 68/10 107/15 108/16 113/7 118/9 118/16 134/25 150/14	150/15 153/13 173/13 178/7 181/13 192/10 <b>1982 [48]</b> 11/24 14/8 14/12 16/3 16/7 16/10 16/23 20/22 22/24 44/15 53/11 53/19 56/22 57/3 58/19 72/17 72/20 73/24 77/10 90/13 107/16 108/17 109/24 110/2 110/17 113/11 113/17 119/23 120/16 131/14 134/25 144/4 144/5 153/24 174/1 174/19 174/24 174/25 178/10 181/2 182/15 182/16 182/20 182/20 182/21 182/22 182/22 192/10 <b>1982-1985 [1]</b> 59/25 <b>1983 [65]</b> 12/7 13/5 14/16 37/21 45/13 57/4 62/24 63/4 63/15 67/17 68/10 68/12 72/20 72/22 74/2 76/5 77/19 77/20 77/20 78/11 78/20 79/25 80/21 80/25 82/3 84/22 85/1 90/14 107/18 108/19 110/2 114/16 114/23 119/25 120/4 120/22 120/23 121/11 135/3 141/8 154/11 155/10 156/9 156/17 156/20 174/12 175/10 176/3 177/1 177/2 177/22 178/12 179/5 179/7 180/22 181/5 181/15 183/4 184/23 187/4 187/9 187/11 189/24 189/24 192/10 <b>1983's [1]</b> 53/22 <b>1984 [55]</b> 12/1 12/5 16/4 16/7 16/10 18/4 18/5 20/14 20/22 21/15 27/8 27/10 54/8 57/7 57/11 62/24 63/15 63/18 64/1 64/2 64/3 67/23 70/12 70/17 70/19 71/22 72/20 72/24 74/8 75/12 76/19 77/21 90/14 107/18 108/20 115/9 115/10 118/21 121/17 121/18 122/16 135/21 144/5 154/12 163/21 164/23 165/2 166/20 175/19 176/25 177/3 179/11 181/23 184/12 192/10 <b>1985 [87]</b> 11/15 12/25 15/9 15/9 17/2 17/13
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<b>1</b>	159/24 <b>1985... [81]</b> 17/16 17/18 19/24 19/25 21/1 23/12 23/15 24/25 27/23 29/7 30/4 30/5 30/13 31/23 35/6 40/25 54/17 57/1 57/16 57/18 58/8 58/19 59/25 64/8 64/13 64/17 64/18 66/6 70/20 71/1 71/3 71/11 71/14 71/18 72/9 72/21 73/1 73/5 73/9 74/10 75/21 75/23 76/8 77/24 86/11 88/1 88/4 88/11 90/19 106/13 106/20 107/7 115/9 115/11 118/16 122/20 122/22 124/2 129/17 131/3 136/9 136/16 141/12 142/14 144/5 154/13 157/4 162/11 162/21 165/12 165/18 166/1 166/9 175/20 177/5 184/9 191/4 191/6 191/15 192/11 192/24 <b>1986 [21]</b> 17/16 19/20 23/15 23/23 24/5 24/7 32/9 33/9 54/18 54/22 70/21 70/22 70/23 73/9 75/6 115/15 141/12 144/6 147/25 190/19 192/11 <b>1987 [15]</b> 1/23 11/19 15/3 26/6 41/17 70/24 71/9 71/17 78/1 82/9 125/10 131/3 131/7 162/4 190/19 <b>1988 [8]</b> 71/11 73/17 82/9 125/10 126/15 126/17 128/22 143/25 <b>1989 [11]</b> 23/8 42/11 43/1 46/6 46/10 65/20 82/14 85/23 92/12 125/19 143/4 <b>1990 [4]</b> 44/5 94/25 106/20 142/10 <b>1990s [2]</b> 41/18 179/16 <b>1991 [9]</b> 35/15 79/5 79/6 91/17 142/21 148/3 148/12 158/13 158/17 <b>1992 [12]</b> 56/7 65/8 65/9 91/24 148/5 148/14 148/16 148/23 149/1 149/21 158/6 159/20 <b>1993 [2]</b> 43/3 43/8 <b>1995 [2]</b> 159/21	1996 [2] 130/10 130/20 <b>1998 [1]</b> 159/22 <b>19th January 1985 [1]</b> 73/1 <b>2</b> <b>2 February 1984 [1]</b> 121/18 <b>2 July 1975 [1]</b> 166/25 <b>2 occasions [1]</b> 57/19 <b>2.00 [1]</b> 105/24 <b>2.03 [1]</b> 106/1 <b>20 [7]</b> 16/1 34/14 35/23 51/23 111/14 112/22 146/20 <b>2000 [2]</b> 162/3 166/13 <b>2003 [1]</b> 43/9 <b>2004 [2]</b> 148/14 148/19 <b>2006 [1]</b> 44/15 <b>2010 [1]</b> 110/5 <b>2011 [4]</b> 129/4 130/1 160/6 160/7 <b>2021 [2]</b> 1/1 194/22 <b>204,100 [1]</b> 153/19 <b>21 [4]</b> 20/10 29/16 95/5 194/22 <b>21 February 1987 [1]</b> 71/9 <b>21 January [1]</b> 121/3 <b>21 January 1983 [1]</b> 120/4 <b>21 living [1]</b> 160/6 <b>21,800 [1]</b> 175/12 <b>218 [1]</b> 53/25 <b>22 May 1989 [1]</b> 125/19 <b>22,750 [1]</b> 154/3 <b>227,550 [1]</b> 173/7 <b>23 [2]</b> 8/12 29/22 <b>23 September 1975</b> <b>[1]</b> 116/17 <b>23rd September 1977</b> <b>[1]</b> 4/16 <b>24 [1]</b> 77/7 <b>24.06.83 [1]</b> 63/12 <b>2431 [1]</b> 138/6 <b>2432 [1]</b> 137/17 <b>246,000 [1]</b> 135/17 <b>246,590 units [1]</b> 174/7 <b>247,870 [1]</b> 172/9 <b>24th June 1983 [1]</b> 67/17 <b>25 [2]</b> 50/18 158/13 <b>25 patients [2]</b> 148/24 160/3 <b>250,400 [1]</b> 173/5 <b>255,908 [1]</b> 135/11	<b>258,970 [1]</b> 172/5 <b>26 [2]</b> 73/1 130/1 <b>268 [1]</b> 52/18 <b>269,000 [1]</b> 170/21 <b>27 [2]</b> 41/3 79/9 <b>27,790 [1]</b> 52/10 <b>28 [2]</b> 79/9 185/7 <b>28 August 1985 [1]</b> 86/11 <b>29 [1]</b> 95/7 <b>29 bottles [1]</b> 53/2 <b>29,000 [1]</b> 16/7 <b>29.3.85 [1]</b> 73/8 <b>2nd [1]</b> 72/25 <b>3</b> <b>3 October [1]</b> 187/12 <b>3.09 [1]</b> 147/8 <b>3.30 [1]</b> 147/10 <b>30 [6]</b> 34/1 51/23 72/21 138/12 147/21 158/11 <b>30 August 1985 [1]</b> 71/11 <b>300,000 [1]</b> 153/18 <b>308,000 [1]</b> 153/18 <b>30th January 1985 [1]</b> 75/23 <b>31 [2]</b> 40/2 173/2 <b>31 August '79 [1]</b> 137/15 <b>31 December 1985 [1]</b> 71/14 <b>31.12.85 [1]</b> 73/14 <b>32 [1]</b> 180/24 <b>32 occasions [1]</b> 56/23 <b>32.2 [1]</b> 181/4 <b>33 [2]</b> 2/20 79/12 <b>339 [1]</b> 54/10 <b>35 [2]</b> 173/14 184/21 <b>35,120 [1]</b> 153/6 <b>35,270 [1]</b> 112/2 <b>352 [1]</b> 54/13 <b>36 [1]</b> 170/19 <b>37 [2]</b> 65/12 80/11 <b>37,500 units [1]</b> 52/11 <b>38,100 [1]</b> 152/18 <b>38,750 units [1]</b> 53/16 <b>386 bottles [1]</b> 53/1 <b>39 [1]</b> 170/7 <b>4</b> <b>4 September 1985 [2]</b> 88/1 88/11 <b>4 treatments [1]</b> 57/7 <b>4 with [1]</b> 57/8 <b>4 years [2]</b> 2/24 62/8 <b>4,000 units [1]</b> 57/10 <b>4,590 [1]</b> 134/16 <b>4,860 [1]</b> 137/20 <b>4.46 [1]</b> 194/21	<b>41 [1]</b> 131/5 <b>42 [2]</b> 37/2 37/3 <b>43 [4]</b> 37/3 184/16 185/7 185/23 <b>43 patients [2]</b> 36/20 187/8 <b>438,000 [1]</b> 176/16 <b>44 [1]</b> 20/1 <b>44-80 [1]</b> 16/13 <b>442,680 [1]</b> 170/9 <b>45 [1]</b> 59/23 <b>45,440 [1]</b> 153/17 <b>452,647 [1]</b> 173/22 <b>46,000 [1]</b> 51/25 <b>46,960 [1]</b> 152/23 <b>462,800 [1]</b> 170/23 <b>47 [2]</b> 80/15 177/8 <b>48 [1]</b> 176/7 <b>48 haemophilia A [1]</b> 176/9 <b>48,000 [1]</b> 185/9 <b>48,930 [1]</b> 51/22 <b>49,000 [1]</b> 51/24 <b>49,630 [1]</b> 134/3 <b>5</b> <b>5 occasions [1]</b> 56/24 <b>5 years [1]</b> 64/20 <b>5,000 [1]</b> 185/13 <b>5,100 [1]</b> 113/1 <b>5,500 [1]</b> 57/7 <b>50 [1]</b> 60/18 <b>50,000 [1]</b> 173/11 <b>500,000 [1]</b> 175/15 <b>50s [1]</b> 8/15 <b>51,000 [1]</b> 152/5 <b>536 [1]</b> 86/10 <b>54 [1]</b> 35/5 <b>54,500 [1]</b> 54/1 <b>55,000-odd [1]</b> 108/12 <b>562,956 [1]</b> 174/4 <b>57 [1]</b> 2/19 <b>6</b> <b>6 occasions [1]</b> 57/20 <b>6 September 1988 [1]</b> 126/17 <b>6,000-odd [1]</b> 108/13 <b>60 [3]</b> 16/7 75/4 88/12 <b>60,000 [1]</b> 173/10 <b>61,000 [1]</b> 152/5 <b>61,800 [1]</b> 152/25 <b>63 [1]</b> 20/1 <b>643 packs [1]</b> 51/2 <b>647 [1]</b> 53/18 <b>65,000 plus [1]</b> 174/8 <b>66 [1]</b> 106/7 <b>66,990 [1]</b> 173/10 <b>7</b> <b>7 thousand [1]</b> 167/20 <b>7 treatments [1]</b> 57/4	<b>70 [1]</b> 2/20 <b>72,000 units [1]</b> 173/11 <b>74,600 [1]</b> 170/24 <b>749 [1]</b> 54/3 <b>75 [1]</b> 20/4 <b>77 [1]</b> 5/4 <b>77,360 [1]</b> 152/16 <b>77,760 [1]</b> 134/13 <b>78 [1]</b> 184/22 <b>8</b> <b>8 years [1]</b> 93/6 <b>8.8.85 [1]</b> 73/14 <b>80 [1]</b> 16/13 <b>800 [1]</b> 168/12 <b>80s [1]</b> 132/22 <b>81 [3]</b> 16/3 16/9 20/13 <b>818,450 [1]</b> 134/4 <b>86,000 [1]</b> 152/24 <b>87,000-odd [1]</b> 135/11 <b>88908 [1]</b> 57/24 <b>89,400 [1]</b> 152/17 <b>8th [1]</b> 66/6 <b>8Y [2]</b> 70/22 70/23 <b>9</b> <b>9 February 1985 [1]</b> 15/9 <b>9 thousand [1]</b> 168/2 <b>9 years [1]</b> 65/21 <b>9,000 [2]</b> 54/24 137/24 <b>9,780 units [1]</b> 137/14 <b>9,860 [1]</b> 152/3 <b>9/15 [1]</b> 16/7 <b>90 [1]</b> 91/2 <b>90 per cent [2]</b> 103/23 103/24 <b>92 [2]</b> 23/9 81/25 <b>96,370 [1]</b> 134/13 <b>A</b> <b>A, [4]</b> 8/17 9/6 10/23 103/18 <b>Aberdeen [23]</b> 125/20 125/23 126/4 130/6 130/7 130/8 130/8 130/9 130/22 131/1 131/10 131/12 132/21 133/6 137/4 137/12 138/20 142/19 143/8 143/19 143/24 146/14 195/8 <b>abide [1]</b> 127/8 <b>abject [1]</b> 102/18 <b>able [13]</b> 5/1 15/25 48/16 84/13 100/11 102/7 117/10 145/4 146/25 147/3 156/22 160/15 168/4 <b>abnormal [2]</b> 37/16 192/22	<b>abnormalities [2]</b> 13/8 186/10 <b>about [151]</b> 5/13 5/23 7/6 10/21 10/21 11/11 11/16 12/16 15/3 17/1 18/9 22/7 23/8 24/16 25/13 26/1 26/4 26/12 28/16 30/11 30/18 31/17 35/1 35/2 35/3 37/14 37/22 38/24 40/23 41/14 43/3 47/13 50/3 50/5 50/17 51/18 54/6 57/22 60/9 60/24 66/2 67/5 68/15 68/16 68/21 69/2 70/3 72/21 75/3 76/5 76/13 76/14 77/3 78/8 83/6 83/8 83/17 83/17 83/19 84/3 88/3 88/20 88/24 89/21 90/5 93/10 96/3 96/4 96/6 99/5 101/13 102/22 103/11 104/5 104/7 104/9 105/5 105/14 105/17 106/23 107/7 110/19 114/7 116/1 116/8 118/2 118/3 119/2 119/7 119/10 120/8 120/13 123/1 123/7 123/14 124/18 124/21 129/21 129/21 130/22 131/6 131/19 132/6 138/12 140/8 140/11 140/15 140/16 141/20 142/17 145/18 145/19 145/21 145/25 146/4 151/2 151/9 151/12 155/23 156/23 158/4 159/12 159/16 160/12 160/14 161/7 161/22 163/3 163/10 165/5 166/14 166/22 167/9 169/8 171/12 171/14 172/22 174/17 177/24 178/14 179/6 179/23 180/1 180/6 180/6 180/10 181/10 184/6 189/2 189/7 193/3 <b>above [3]</b> 97/18 127/1 164/13 <b>abrupt [1]</b> 88/25 <b>absence [3]</b> 67/13 78/13 79/1 <b>absent [1]</b> 91/16 <b>absolute [1]</b> 61/22 <b>absolutely [2]</b> 102/14 104/12 <b>accept [1]</b> 127/25 <b>acceptable [1]</b> 3/7 <b>accepted [3]</b> 19/24 71/24 72/2
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(51) 1985... - accepted



<b>A</b>	62/5 85/14 126/18	29/17 30/10 31/25	12/24 14/1 14/20	79/7 79/12 79/17	155/2 157/16 158/10
<b>accepts [2]</b> 21/18 36/1	<b>adequate [3]</b> 61/18 96/11 166/7	32/11 34/24 35/16	15/17 16/20 19/2 28/3	80/16 81/3 81/24 82/1	162/12 165/3 165/17
<b>access [3]</b> 48/16 103/15 141/2	<b>adequately [1]</b> 24/4	39/21 40/15 42/4	28/16 28/20 28/23	82/6 82/14 83/3 83/21	168/18 170/2 173/23
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118/8 118/9 122/8	<b>walked</b> [1] 145/22	30/1 31/21 33/2 36/24	83/16 83/19 84/11	14/11 21/21 27/15	33/6 33/11 33/18
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140/24 151/25 152/16	106/14 106/18 106/22	68/20 82/12 82/22	98/12 101/16 101/17	117/4 124/9 124/11	42/23 43/5 43/25
152/24 155/7 165/11	107/2 107/10 107/20	84/18 86/9 87/18 92/1	102/13 102/21 102/25	124/12 128/14 138/1	44/14 48/13 48/15
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172/16 173/10 177/14	41/8 56/2 82/25 89/25	119/22 121/6 121/8	117/6 118/22 120/23	<b>which</b> [142] 3/8 4/9	90/22 91/4 93/9 93/12
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185/8 187/23 188/5	151/15 161/8 175/22	130/25 137/22 145/15	132/10 137/19 137/22	8/14 8/16 10/13 11/10	98/18 100/24 101/6
188/9 188/10 188/12	185/2 194/14	148/16 148/25 153/16	138/2 138/20 140/18	11/17 11/23 11/23	105/7 107/19 124/21
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