

Monday, 24 July 2023

(10.00 am)

**SIR BRIAN LANGSTAFF:** Good morning, everyone, welcome to our new venue. This week, as some of you may know if you have had a chance to look at the terms of reference of the Inquiry, we are considering that part of the terms of reference which looks at the nature, adequacy and timeliness of the Government response.

What we will be touching on is part of that nature, adequacy and timeliness which relates to the recent period of time. The time that the Inquiry covers goes on until the final report is delivered to Parliament. As you know, that hasn't happened yet; it will happen late this autumn.

We are in new premises and some of you may be new to the Inquiry. May I remind you of a couple of things.

First, as always, please do not take photographs of anyone without their permission. And it is particularly important that if you are taking a photograph outside, or inside for that matter, you don't inadvertently capture somebody else who, for good reason, may not want their particular image to be recorded. So please be mindful of that.

As always, of course, the other principles that we have applied during the course of the Inquiry continue

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will be relatively short in duration. I do anticipate that tomorrow will be a much fuller day and certainly a full morning, and the afternoon may be a little shorter, just so that people know and can make appropriate arrangements.

**SIR BRIAN LANGSTAFF:** Thank you.

**MS RICHARDS:** Ms Mordaunt, you have been a Member of Parliament since 2010?

**A.** That is correct.

**Q.** You are currently Lord President of the Council and Leader of the House of Commons.

**A.** That is correct.

**Q.** And you have been in that role since early September 2022?

**A.** That's right.

**SIR BRIAN LANGSTAFF:** Just pause there for a moment. Your voice is fairly soft. Thank you.

**A.** I shall try to speak up.

**SIR BRIAN LANGSTAFF:** You may need to pull those microphones closer to you, and no doubt RTS, who are looking after the audiovisual for us, will enhance your voice as best they can.

**A.** Thank you.

**MS RICHARDS:** You have held various ministerial positions but, for our purposes, you were the Paymaster General

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to apply here. They include the need to respect every witness who gives evidence, whatever their perspective, whatever the evidence they may give. We want to make sure that witnesses are in the best position to give the best evidence that they can and feel as comfortable as they can be giving that evidence. What we want is what they want to say and be able to tell us.

Thank you for that.

Let me explain, Ms Mordaunt, the arrangements. You see in front of you what is a very full room, but you are actually talking beyond this room to a probably rather wider audience because the proceedings are streamed live, and in particular on YouTube. So you will be speaking to an audience which will number certainly in three figures, it may even be in four, and that's who you are talking to.

The questions will be asked in a moment or two by Ms Richards on behalf of the Inquiry, but first, Mary will invite you to take the affirmation.

**MS PENNY MORDAUNT (affirmed)**

**Questioned by MS RICHARDS**

**SIR BRIAN LANGSTAFF:** Ms Richards.

**MS RICHARDS:** Sir, just before I start, I should say in relation to timings for the week, I don't anticipate that today's evidence will take the full morning. It

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between 13 February 2020 and 16 September 2021.

**A.** That is correct.

**Q.** The Paymaster General is a ministerial position in the Cabinet Office; your predecessor was Oliver Dowden and your successor Michael Ellis.

**A.** That is correct.

**Q.** Just in broad terms, can you tell us what the nature is of the role of Paymaster General and the kind of responsibilities the Paymaster General typically has?

**A.** It is very varied and it is different in different governments. Sometimes it sits in the Cabinet Office, sometimes it straddles other departments. But on my shift, I was primarily concerned with civil contingencies, in part some of our response to Covid, but largely all the other resilience matters in Government. I was responsible for the ongoing negotiations on leaving the EU and on the withdrawal agreement joint committee, and a whole raft of other things that the Cabinet Office did. So it was a very varied role, but those were the two prime elements in it.

**Q.** You were the sponsoring minister for the Infected Blood Inquiry during your time as Paymaster General. What did that mean in practice?

**A.** It meant ensuring that primarily this Inquiry had what

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1 it needed to carry out its duties, but also take forward  
2 some of the other issues that particularly concerned  
3 those infected and affected, and including the  
4 compensation scheme and also the existing support  
5 schemes and making sure that they were as effective as  
6 they possibly could be, and dealing with any issues or  
7 correspondence that arose from that.

8 **Q.** I think in your capacity as sponsoring minister, you did  
9 attend an Inquiry hearing, voluntarily rather than as  
10 a witness. I think you may have been one of the only  
11 ministers so to do.

12 **A.** Yes, I did. I thought that was an important thing to  
13 do.

14 **Q.** Obviously the issue I'm going to be exploring with you  
15 is the question of compensation and how that came to be  
16 an issue with which you were concerned.

17 Before we look at some of your own direct dealings  
18 with the issue, I just want to go back in time slightly  
19 and get a couple of dates to establish a chronology of  
20 events.

21 The Inquiry was formally constituted in July of 2018  
22 and began hearing evidence from those who had been  
23 infected and affected at the end of April 2019. I want  
24 to ask you just to look with me, then, at how the  
25 question of paying compensation now, rather than waiting

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1 than waiting until the end of the Inquiry, was being  
2 squarely raised with the Government.

3 When you took up your role some months later in  
4 February 2020, did you see any evidence that the  
5 Government had heeded or even given any consideration to  
6 that call?

7 **A.** So I was aware that immediately sort of prior to my  
8 appointment in that February reshuffle, there had been  
9 a meeting where this had been raised. I think that took  
10 place in January. And that was my first experience of  
11 consideration being given to thinking about that  
12 particular issue.

13 **Q.** Do you know -- you may not, I appreciate -- whether  
14 prior to that January 2020 meeting there had been any  
15 consideration within Government of the question of  
16 compensation now?

17 **A.** I would not have been aware of that.

18 **Q.** Now, as you say, there was a meeting in January,  
19 attended by Mr Dowden as your predecessor, attended by  
20 the Parliamentary Under-Secretary of State for Health,  
21 Nadine Dorries, and a number of campaigners.

22 I'm just going to ask you to look with me at  
23 a letter that Mr Dowden then wrote to the --

24 **A.** I can't see anything on the screen.

25 **MS RICHARDS:** In that case, we need to resolve that before

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1 for the end of the Inquiry, was raised in Parliament.

2 Lawrence, if we could have, please, RLIT0002093  
3 please.

4 You will see, Ms Mordaunt, that's an extract from  
5 Hansard, 27 June 2019. So this is obviously before you  
6 are involved as Paymaster General.

7 If we could turn to page 15, please, Lawrence.

8 Could we zoom in on what was said by Diana Johnson about  
9 a third of the way down the page.

10 So Diana Johnson MP, now Dame Diana Johnson says:

11 "Can we have a statement before the summer recess on  
12 progress in the infected blood inquiry?"

13 Then she says this:

14 "We know that a victim dies on average every  
15 four days and that the inquiry will probably not finish  
16 for another couple of years. Along with seven  
17 Opposition party leaders, I have requested the Prime  
18 Minister [that would have been Theresa May at that time],  
19 and the two people who are standing to be the next Prime  
20 Minister [which would have been Boris Johnson and  
21 Jeremy Hunt], to commit to providing compensation now  
22 rather than waiting for two years, when we know that so  
23 many more people will die."

24 So we can see from that, Ms Mordaunt, that in  
25 June 2019, that question of compensation now, rather

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1 we go any further.

2 **(Pause)**

3 **SIR BRIAN LANGSTAFF:** I think help is on its way.

4 **MS RICHARDS:** Yes, I think so too. I will pause there  
5 whilst we sort that out, Ms Mordaunt, because it is  
6 important that you should see the documents.

7 **(Pause)**

8 Sir, I understand it is going to take five minutes  
9 or so because a cable is going to have to be changed  
10 over. I don't know whether you want to rise for  
11 five minutes or we just all talk amongst ourselves for  
12 five minutes?

13 **SIR BRIAN LANGSTAFF:** Well, I think I shall ask Ms Mordaunt.

14 **A.** I'm fine to sit here, sir.

15 **SIR BRIAN LANGSTAFF:** Are you sure?

16 **A.** Yes.

17 **SIR BRIAN LANGSTAFF:** In that case, talk amongst yourselves.

18 **(Pause)**

19 I think we might be ready to start. Are you  
20 comfortable?

21 **A.** Yes, I am.

22 **MS RICHARDS:** So, Lawrence, could we have on screen, please,  
23 WITN7702002.

24 So you will see this is an exhibit to the witness  
25 statement of Boris Johnson, and if we go to the next

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page, this is a letter from Mr Dowden, so from your predecessor, to the then Prime Minister, Mr Johnson, 12 February 2020. So it is the day before you took over the role in the reshuffle, Ms Mordaunt, I think.

We can see in the second paragraph reference to the meeting. So Mr Dowden says:

"In this capacity, the Parliamentary Under-Secretary of State for health, Nadine Dorries, and I recently met with 25 campaigners representing those infected and affected across the UK, to hear their views and listen to their concerns."

Then we can see the first heading is "Parity of Support". I'm not proposing to ask you about that.

If we go to the next page, please, Lawrence, and if we can have the bottom half of the page, you will see there the heading "Compensation". Can we zoom in on those two paragraphs, Lawrence. Thank you.

So Mr Dowden says this:

"There was a call from a number of attendees for the Government to pay compensation now, following the model adopted in the Republic of Ireland. The Parliamentary Under-Secretary and I reaffirmed the Government's current position on this issue, namely that we should wait until the Inquiry reports before considering compensation."

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position was not to heed the calls of Dame Diana Johnson, but to simply wait and see what the Inquiry had to say?

A. So I don't think I was really given a briefing about how that historic position had been arrived at. What I felt is that as much concurrent activity we could do would be a good thing, and that it -- because I think everyone was aware of the time pressures and the financial hardship and other things that people were enduring. That's why I took a different approach, but it certainly wasn't an approach that was met with resistance.

Q. And we will pick that up, but we can see in the second paragraph then the reference to a proposal on a framework for compensation prior to the Inquiry reporting, and that's the issue that you then took up; is that right?

A. Correct.

Q. So that's February 2020. If we can then just look at a document in June 2020.

Lawrence, it is JEVA0000223, please.

If we just go to the second page, first of all, we can see this is a letter from you -- back to the first page -- dated 23 June 2020, and to one of the campaigners who had been at that January meeting, Mr Evans.

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"One campaigner asked Ministers to consider their proposal on a framework for compensation, prior to the Inquiry reporting. I have asked my officials and officials in the Department of Health and Social Care to consider this proposal."

Now, you then took over the next day.

Can I ask, first of all, what was your understanding, once you had taken over and been briefed in due course on the Inquiry, of the rationale for what was described as the Government's current position, namely wait until the Inquiry reports before considering compensation?

A. So, I think this is reference to largely how we make decisions in Government. So we would have a position on something and then it would only be after work had been done and there had been a write-around and all departments had given the thumbs up to a particular course of action that we would be pursuing that.

So I think this is stating and reassuring the addressee on the -- that we hadn't deviated from an existing Government position. That's my understanding of that.

Q. And that I understand, but do you recall being told anything as to why, at that point in time -- so I'm not dealing with the current position -- the Government's

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In the first paragraph, there is a reference to -- well, you say this:

"I apologise unreservedly for the lack of communication you have received since the roundtable meeting you attended on 28 January. As you know, I have recently assumed responsibility for sponsoring the Inquiry, and my team are working with their colleagues in the Cabinet Office to ensure that this does not happen again."

Do you know why there had been that lack of communication?

A. Yes. So I was not aware of outstanding correspondence, and why I felt the need to make that apology. As I assumed the role, it was right at the very start of the pandemic response, and a lot of my first weeks and few months in the role were very focused on that, and I had not been briefed by my private office team about outstanding correspondence. When I discovered that, we went to great efforts to make sure that was dealt with very swiftly.

Q. Then if we can just look at the third paragraph of the letter. You say this:

"Regarding the ongoing call for compensation which you support, as you know at the meeting in January, Ministers agreed to consider a request to look at

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1 a framework for compensation before the Inquiry reports.  
 2 I want to assure you that I am committed to this, along  
 3 with taking forward the actions agreed to address the  
 4 disparities in financial and non-financial support for  
 5 those infected and affected across the UK. I met with  
 6 Minister Dorries last month to discuss this and am  
 7 actively seeking ways to move forward with the actions  
 8 agreed at the January meeting. My officials will update  
 9 you in due course."

10 At this point in time, late June 2020, what was it  
 11 that you were committed to as recorded in this letter?

12 **A.** So I think there were two key aspects. The first one  
 13 was with regard to existing support schemes. I was  
 14 aware of problems with those, particularly that they  
 15 were not on par with one another, and so that was one  
 16 piece of work I wanted to address. And then with regard  
 17 to the compensation study, I wanted to establish that as  
 18 swiftly as possible.

19 **Q.** So if we then turn to a letter you then wrote on  
 20 13 July 2020, so three weeks or so after this letter.

21 EIBS0000706, please, Lawrence.

22 So it is a letter dated 13 July 2020, and it is  
 23 addressed to the Chancellor of the Exchequer, who was  
 24 then Rishi Sunak. You explain that you are writing as  
 25 the sponsoring minister of the Infected Blood Inquiry,

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1 **Q.** There's then a heading "Financial support". That deals  
 2 with the issue of disparities and I'm not going to ask  
 3 you about that. But if we could go, please, to the next  
 4 page. We have the heading "Compensation", and I'm going  
 5 to read that aloud for the benefit of those listening  
 6 and watching and then come back to what you say.

7 Under the heading "Compensation for victims", in the  
 8 first paragraph you refer to Mr Dowden's letter to the  
 9 Prime Minister which we just looked at. Then you say  
 10 this:

11 "I fully expect the Inquiry Chair, Sir Brian  
 12 Langstaff, to make recommendations about levels of  
 13 financial support, and I believe it to be inevitable  
 14 that the Government will need to provide substantial  
 15 compensation. The costs are likely to be high; for  
 16 example, the compensation tribunal established in the  
 17 Republic of Ireland paid out €743 million between 1996  
 18 and 2018."

19 "I believe we should begin preparing for this now,  
 20 before the Inquiry reports, and my officials are working  
 21 with DHSC colleagues to consider approaches to  
 22 compensation. Any decision on compensation will require  
 23 careful consideration.

24 "Experience of other Inquiries suggests that early  
 25 action could save the Government significant legal costs

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1 and then there is an update on the progress of the  
 2 Inquiry.

3 If we just look first of all under the heading  
 4 "Funding the Inquiry", you say there:

5 "Successive sponsoring Ministers have committed  
 6 publicly to supporting the completion of the Inquiry's  
 7 work as quickly as thoroughness allows. This work  
 8 remains urgent for many victims - justice delayed is  
 9 justice denied as the fallout from this tragedy  
 10 continues to claim lives."

11 So would it be right to understand from that that  
 12 you were aware by this time that people were continuing  
 13 to die as a result of what had happened to them?

14 **A.** Yes.

15 **Q.** And you were bringing that here to the attention of the  
 16 Treasury; if the Treasury was hitherto unaware of it,  
 17 you were telling them in terms that was the position?

18 **A.** Yes.

19 **Q.** Would it be fair to say you would expect anyone in  
 20 Government with a working knowledge of the Infected  
 21 Blood Inquiry or the infected blood scandal to  
 22 understand that this wasn't just a matter of historical  
 23 injustice, that people were continuing to suffer and  
 24 continuing to die?

25 **A.** Yes.

14

1 as well as provide victims with compensation as soon as  
 2 possible. The Inquiry cannot make determinations on  
 3 liability, but its recommendations and findings could be  
 4 a springboard for civil or criminal cases which could  
 5 determine liability.

6 "I believe the best arrangement would be to view  
 7 this scheme as part of the NHS's existing compensation  
 8 schemes. This gives us the potential to avoid one-off  
 9 costs or funding to deliver a scheme. I would like to  
 10 discuss the merits of doing this work with your  
 11 officials as soon as possible.

12 "I will keep you and other interested Ministers  
 13 updated on progress. I have copied this letter to the  
 14 Chief Secretary to the Treasury, the Parliamentary Under  
 15 Secretary of State for Health and the Health Ministers  
 16 of Scotland, Wales and Northern Ireland."

17 If we can just have the full section, Lawrence, on  
 18 compensation. Thank you.

19 So I just want to ask you a little more about some  
 20 of what you said here, Ms Mordaunt.

21 In the second paragraph under the heading  
 22 "Compensation for victims", you say:

23 "... I believe it to be inevitable that the  
 24 Government will need to provide substantial  
 25 compensation."

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1 Those are powerful words, "inevitable",  
 2 "substantial"; what had led you to this conclusion by  
 3 this stage?  
 4 **A.** Well, prior to taking the role obviously I was aware of  
 5 the situation facing people, just from having been  
 6 a Member of Parliament, and I think my read out, via my  
 7 private office and officials who were dealing with this  
 8 particularly from that January meeting that my  
 9 predecessor had had, I think things were really pointing  
 10 towards that being the -- well, an inevitable outcome  
 11 from this. So what I was keen to ensure is that, again,  
 12 Government recognised that and that where we could  
 13 undertake activity concurrent with this Inquiry, that we  
 14 should do so.  
 15 **Q.** You then suggest the costs likely to be high, and then  
 16 if we just go to the next paragraph you say:  
 17 "I believe we should begin preparing for this now,  
 18 before the Inquiry reports ..."  
 19 And refer to work between your officials and DHSC  
 20 colleagues.  
 21 Was one purpose of raising the issue at this stage,  
 22 and raising it in these terms, of telling the Treasury  
 23 that it was both inevitable and likely to be at high  
 24 cost, was that so that the Treasury could start to make  
 25 appropriate accommodation and provision at an earlier

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1 **Q.** Then if we look at the following paragraph. You suggest  
 2 this:  
 3 "I believe the best arrangement would be to view  
 4 this scheme as part of the NHS's existing compensation  
 5 schemes."  
 6 I'm not going to ask you chapter and verse on what  
 7 those existing compensation schemes were. There is  
 8 an arm's length body called NHS Resolution, is its  
 9 current name, and billions of pounds are processed by  
 10 NHS Resolution every year, including substantial sums  
 11 for clinical harm. Is that the kind of thing that you  
 12 had in mind when you were suggesting here that it could  
 13 be viewed as part of the NHS's existing compensation  
 14 scheme?  
 15 **A.** So this wasn't really reference to the body or how any  
 16 such scheme should be run. It was really reference to  
 17 the fact that, in doing my homework prior to writing  
 18 this letter, I knew that the NHS had substantial  
 19 liabilities, which perhaps weren't dealt with in terms  
 20 of Government's financial management in the most  
 21 sensible way, and I think what I wanted to do was to --  
 22 by including this -- give the Treasury some  
 23 encouragement to grip the issue.  
 24 **Q.** Now, you say in that last sentence of the penultimate  
 25 paragraph, you would like to discuss the merits of the

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1 stage and not have to scabble down the back of the  
 2 Treasury sofa years later?  
 3 **A.** Yes. I think it is about making sure that all  
 4 Government departments are aware of what is likely to  
 5 need to happen and prepare for that. I think some of my  
 6 thinking in this had been coloured from my experiences  
 7 working at the MOD, where I had been dealing with  
 8 compensation issues where if the Ministry of Defence's  
 9 compensation scheme was not adequate enough and people  
 10 had to take civil action, quite often Government was  
 11 intending more money on legal fees than had it just had  
 12 a more comprehensive compensation scheme in the first  
 13 place, and I felt that very keenly as Minister of State  
 14 for the Armed Forces, that we ought to be doing right by  
 15 people, and actually it was cost-effective to do right  
 16 by people.  
 17 **Q.** I think we see that in the next paragraph. You identify  
 18 in that first sentence two advantages to early action.  
 19 The first, as you say, is a benefit to the Government,  
 20 saving the Government significant legal costs. The  
 21 other is providing victims with compensation as soon as  
 22 possible. Would it be right to characterise that as the  
 23 argument rooted in the question of what's right,  
 24 morality and justice essentially?  
 25 **A.** Yes.

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1 work with Treasury, with the Chancellor's officials as  
 2 soon as possible, and then we see reference in the final  
 3 paragraph to who the letter was copied to. Did you  
 4 receive any response from the Chancellor to this letter?  
 5 **A.** I didn't receive a written response.  
 6 **Q.** Did you receive an unwritten response?  
 7 **A.** So there were discussions between officials but I didn't  
 8 have a formal written response from him.  
 9 **Q.** Is that unusual, for a minister not to reply to another  
 10 minister's letter dealing with such a weighty matter as  
 11 this?  
 12 **A.** In other times it would be. I would not in other times  
 13 expect a substantial reply but normally you would  
 14 receive an acknowledgement. During this period it was  
 15 a pretty chaotic situation in Government, particularly  
 16 with three departments, Treasury, Health and Education,  
 17 and if you look -- it is in the public domain -- at the  
 18 correspondence response times for those three  
 19 departments, I think they -- at the time they were  
 20 lingering around 30% responding.  
 21 So I think it was at times a great strain on the  
 22 parliamentary clerks and normal correspondence. These  
 23 were not normal periods of time. However, we -- I did  
 24 get -- there was a channel of communications between my  
 25 officials and Treasury officials, and of course

20

1 I continued to follow up.  
 2 **Q.** If we look at the follow-up letter that you wrote. It  
 3 is at EIBS0000705. This is 21 September 2020, and again  
 4 it is to Mr Sunak in his capacity as Chancellor of the  
 5 Exchequer. You write:

6 "I am writing to update on the Infected Blood  
 7 Inquiry as promised in my letter of 13 July,  
 8 specifically our commitments on financial support and  
 9 compensation."

10 Then there is a discussion under the heading  
 11 "Financial support" of measures to address disparities  
 12 across the UK in the levels of financial support  
 13 provided by the four devolved schemes.

14 If we go ahead to the heading "Compensation for  
 15 victims", we can see you repeat what you said in your  
 16 July letter:

17 "I expect Sir Brian to make recommendations about  
 18 levels of financial support, and it is inevitable that  
 19 the Government will need to provide substantial  
 20 compensation. The costs are likely to be high, and  
 21 I firmly believe that we should begin preparing for this  
 22 now -- before the Inquiry reports."

23 Again, you are expressing yourself in fairly strong  
 24 terms. You say you "firmly believe that we should begin  
 25 preparing for this now". Was there a sense that you

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1 commendably legible, which says:

2 "We have ideas about a solution to this and have  
 3 been trying for some time to secure a meeting with you."

4 It might be said there is a note of frustration  
 5 creeping into the letter and this is a matter you regard  
 6 as important, you want direct engagement with Treasury  
 7 ministers and you weren't, at this stage, getting it; is  
 8 that fair?

9 **A.** I think the normal routes where you would be able to see  
 10 a minister were not available to us at this time. So,  
 11 during the course of normal parliamentary business  
 12 you -- in voting lobbies and other places, you would be  
 13 bumping into colleagues, you would be able to speak to  
 14 them directly. This was a period of time where we  
 15 didn't have those options, and we were largely driven by  
 16 correspondence and private office to private office  
 17 discussions.

18 So, yes, it was a stressful period in terms of  
 19 trying to push things forward, particularly that weren't  
 20 directly related to the pandemic response.

21 **Q.** Taking what you have said here at face value, your view  
 22 was that action on compensation was by this time,  
 23 September 2020, long overdue, in other words something  
 24 that should have been addressed before this time. That  
 25 would be the normal reading; is that fair?

23

1 were having to drive this message home to the Chancellor  
 2 or to others within Government?

3 **A.** I think that's the job of any minister, is that you are  
 4 trying to do the best you can with the responsibilities  
 5 you have in your portfolio. And again, this was at  
 6 a time when -- a very unusual time, where there was  
 7 immense unusual pressures, particularly on certain  
 8 departments. So, yes, I wanted to shout loudly and  
 9 I think really Treasury engagement here was more about  
 10 the ability of Government to prepare itself. This  
 11 letter was written whilst we were having ongoing  
 12 discussions between officials and others on the two  
 13 matters that I have outlined that were the two things  
 14 that I particularly wanted to get done.

15 **Q.** If we just turn over the page to complete the letter.  
 16 You say this:

17 "I would also like to meet with you or the Chief  
 18 Secretary to discuss the Cabinet Office's suggestions  
 19 for our approach to compensation.

20 "I cannot stress enough the urgency of taking long  
 21 overdue action on financial support and compensation.  
 22 I have copied this letter to the Chief Secretary to the  
 23 Treasury and the Parliamentary Under Secretary of  
 24 State ..."

25 Then we have a handwritten addition, which is

22

1 **A.** Yes, I think that is fair. This has been going on for  
 2 a very long time.

3 **Q.** And was urgent and needed to be addressed?

4 **A.** Yes, I think there's two things about this letter  
 5 that -- the handwritten note, what I was referring to  
 6 there was really about how Government might best  
 7 prepare, with a view to that other issue of other  
 8 liabilities the National Health Service had, but I very  
 9 much felt that people had been waiting a very long time,  
 10 they had been waiting a long time for this Inquiry, they  
 11 had been waiting a long time to get their issues  
 12 addressed, and there was a moral responsibility, this  
 13 being our shift to do that.

14 **Q.** You did not, as I understand it, receive a substantive  
 15 response to this letter, a substantive written response.  
 16 Mr Sunak's statement suggests there was a holding  
 17 response. Is that correct?

18 **A.** I think that is correct, yes.

19 **Q.** Did you have any response at all, either from the  
 20 Chancellor or from the Chief Secretary to the Treasury,  
 21 who I think at that stage was probably Steve Barclay?

22 **A.** So I did of sorts. Not formal correspondence, but on --  
 23 there were three things that I was particularly trying  
 24 to get done: establish the compensation inquiry, to  
 25 address the parity of support across the four nations,

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1 and also, mentioned in an earlier letter, there was some  
2 resource that this Inquiry needed to continue, and  
3 wanted that done in a particular way. And on all three  
4 of those matters I was able to take them forward. So we  
5 had had a response from those departments. I could not  
6 have progressed with those things had I not got sign-off  
7 and a positive response from a write-around in  
8 Whitehall.

9 **Q.** You say in your witness statement -- if we just put it  
10 up on screen, Lawrence, it is WITN7701001, and it is  
11 paragraph 9. So picking it up in the third line you  
12 say:

13 "I believed that I had the best chance of getting  
14 both the Treasury and the Department of Health to grip  
15 the issues, if they saw them as part of a wider problem  
16 they had to solve, namely other liabilities they were  
17 carrying."

18 Could you just explain what your thinking was in  
19 relation to that, what you mean in that part of your  
20 statement?

21 **A.** So as I stated earlier, in looking at how the Department  
22 of Health approached those liabilities it might have for  
23 compensation and injury and redress of injury that the  
24 NHS might have to do, it was -- it didn't have  
25 necessarily the smartest way, in my view, of approaching

25

1 I wanted to ask you about, Ms Mordaunt. Again, powerful  
2 words:

3 "I want to assure you that of all the  
4 responsibilities I have, this issue is the most  
5 fundamental."

6 What was it that led you to think that way about  
7 this issue?

8 **A.** Because I think this is an unprecedented situation. As  
9 you have already noted, I have been a Member of  
10 Parliament since 2010, and in that time we have had all  
11 kinds of inquiries into people with learning  
12 disabilities in care homes, or the Hillsborough  
13 disaster, many tragic things that Parliament has had to  
14 grip, but I think this is absolutely unprecedented, the  
15 length of time that people have had to wait, really --  
16 issues and things that people have had to deal with that  
17 are very difficult to understand. So I think that I'm  
18 pleased that we set up this Inquiry, and I think it was  
19 very evident what we needed to do, not necessarily all  
20 of the details, but I think the reason why the Inquiry  
21 was set up is that people who were in Parliament and in  
22 Government at the time felt this was an issue that  
23 needed to be dealt with and time was very, very  
24 pressing. Even though activity was happening in a much  
25 more profound way than it had for many, many years

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1 those particular issues. What I didn't want to have  
2 this appear to be was another large problem and no  
3 preparation for it. So I was wanting -- that's why  
4 I wanted to particularly have a meeting with the  
5 Treasury to suggest some ways that they might approach  
6 this issue, but also that might help them with other  
7 issues that the NHS was facing.

8 **Q.** Were you able to have such a meeting?

9 **A.** No, I was not.

10 **Q.** And did you get any answer as to why?

11 **A.** I think it was -- I didn't get any -- as I have stated,  
12 any formal response, but I know that the bandwidth of  
13 those departments was very stretched during the  
14 pandemic.

15 **Q.** If we then just look at JEVA0000229. This is a short  
16 letter you wrote, 24 December 2020. So three months or  
17 so after your second letter to the Chancellor, again to  
18 a campaigner, and you say in the last paragraph:

19 "I want to assure you that of all the  
20 responsibilities I have, this issue is the most  
21 fundamental. I will do everything I can to ensure  
22 people are properly supported and that the Government  
23 meets its commitment to consider a framework for  
24 compensation."

25 It is just that first sentence in the paragraph

26

1 preceding it, we still had that responsibility to move  
2 at pace.

3 **Q.** Can I then turn to the announcement that you made then  
4 in March 2021 of the Compensation Framework Study.

5 Lawrence, if we could have, please, RLIT0001498.

6 This is a statement from you, 25 March 2021. The  
7 first part of the statement deals with the issue of  
8 parity. I'm not going to read through that.

9 If we go to the next page, we have the heading  
10 "Compensation framework". You say this under that  
11 heading:

12 "To meet the Government's commitment to consider  
13 a framework for compensation, we can confirm our  
14 intention to appoint an independent reviewer to carry  
15 out a study, looking at options for a framework for  
16 compensation, and to report back to the Paymaster  
17 General with recommendations, before the inquiry  
18 reports.

19 "The terms of reference ... will be finalised in  
20 consultation between the independent reviewer and those  
21 infected and affected. The study will include  
22 consideration of the scope and levels of such  
23 compensation, and the relationship between  
24 a compensation framework and the existing financial  
25 support schemes in place.

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"The study is entirely separate from the public inquiry, which continues to have this Government's full support; it will not duplicate the work of the inquiry, or cut across the inquiry's findings. The study shall provide the Paymaster General with advice on potential compensation framework design and solutions which can be ready to implement upon the conclusion of the inquiry, should the inquiry's findings and recommendations require it."

Now, this is late March 2021, so that's roughly six months after your second letter to the Chancellor, eight months since your July letter, 14 months since the matter had been raised at that January 2020 meeting of your predecessor.

Is that lapse of time consistent, looking at it now, with the urgency of taking long overdue action?

**A.** So I think that if you were to look at whether it be Box Notes or discussions that had been going on between my officials and the devolved administrations, I think you would have seen weekly activity. There were no, I do not think, fallow periods where we were not working on this.

To get the four schemes working in parity, that took a lot of work from my officials. All very positive engagement, but there were quite a number of issues that

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complicated than you first expect. So, for example, just on resourcing this Inquiry, we had to have -- it wasn't just a case of, "Here you are, off you go", it was a case of having to justify how the Inquiry would continue to be staffed. So there was quite a lot of pressure, for example, to have civil servants provide -- and part of the Government's legal team provide particular support. That, in my view, was not appropriate and the Inquiry needed to continue as it had been since the start. So sometimes what appear to be quite simple decisions require quite a lot of lobbying internally to get the right outcome. It's not just one meeting that is needed to get the right outcome.

The establishment of the compensation framework itself was quite a complicated thing to do, because what we needed to think through was how that would square with this Inquiry. I have already stated why I felt very strongly that we needed to do concurrent activity. It was always a possibility the Inquiry might want interim payments made to people. It was -- but what we needed was there to be both pieces of work having a reference to each other whilst being independent, and there were certainly quite a bit of discussion at official level between how the compensation study would interact with this Inquiry, could one make reference to

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needed to be thrashed out. And in terms of the compensation study, we needed to get write rounds cleared and so forth.

I think, again, this was against a backdrop of immense activity on that all-consuming issue of the pandemic. So, I think that that was a factor in terms of speed of response to things, but I think not an unreasonable one, given how much bandwidth that that issue was absorbing in Government.

But, again, from memory -- and I think this will be borne out in my diary and Box Notes -- this was work that was ongoing and pressing.

**Q.** I can understand the question of financial parity between the four schemes might involve matters of detail that would require consideration and discussion and deliberation against, as you say, a backdrop of the pandemic and the constraints that placed.

The question of commissioning someone to produce a study on options for a compensation framework, that's quite a simple question. Did that get lost in dealing with the pandemic or just sidelined because you were focusing on parity? I don't mean you personally, I mean the government more generally.

**A.** I think there was an order that we were trying to address those three issues, and things are always more

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another during the course of their work, and so forth.

So these are -- they were quite complicated things to work out, the best course of action with. And of course wanting to try and retain the confidence of those infected and affected throughout.

**Q.** Looking at it now, with the benefit of hindsight, do you think it took too long to get to the stage of commissioning the framework study?

**A.** So I think that everything about the situation has taken too long. In my shift as Paymaster General I do not think we could have worked faster in thrashing out and dealing with some of these issues. What I also did throughout the course as well as corresponding with people to keep them informed, I attended the all party group that was concerned with this to try and keep them updated, and one of the things I remember saying to that group -- because, for example, when we announced certain things about the schemes and putting them on parity, there were still other issues that people needed us to deal with -- and what I explained to the all party parliamentary group is that as a minister you don't know how long you have in a job. In -- when I became Secretary of State for Defence I had 85 days in the job. There is no way you slow down what it is you're trying to get done, and I explained to them that the reason why

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1 I made some announcements and not others was I wasn't  
 2 going to wait until I had delivered on the other things  
 3 I knew were a concern to them, I wanted to get things  
 4 out the door as quickly as possible. And certainly  
 5 I know from the officials I was working with that is how  
 6 they felt as well.

7 **Q.** Sir Robert Francis KC was duly appointed by you to  
 8 undertake the study, there's a consultation on the terms  
 9 of reference, and he reported to you his recommended  
 10 terms of reference. If we could just briefly look at  
 11 those. They are at RLIT0002083.

12 This is the ministerial announcement by your  
 13 successor at the time, Mr Ellis, 23 September. I'm not  
 14 going to read through the terms of reference but if we  
 15 look further down the page we can see the third  
 16 paragraph says:

17 "Sir Robert's recommendations identified the key  
 18 issues that the study should consider. They offer  
 19 assurance to the infected and affected communities that  
 20 the matters of most concern to them will be considered  
 21 by the study. I am therefore happy to accept  
 22 Sir Robert's recommendations in full, and I am today  
 23 publishing the following terms of reference without  
 24 amendment."

25 Then we see the terms of reference there set out.

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1 to consult on those to make sure that they were going to  
 2 really do the job and that we'd captured everything we  
 3 needed to.

4 I was very keen that that consultation did not run  
 5 into months and months and months and so had pushed back  
 6 on asks from those affected that I didn't want  
 7 an enormous amount of legal to-ing and fro-ing, and we  
 8 came to -- through discussion, I think, between my  
 9 officials and key lawyers who were acting for particular  
 10 groups -- that we would be able to do this swiftly.

11 So I think that's an example of where we were trying  
 12 to keep the pace on, trying to retain the confidence of  
 13 people that had been affected by this and ensuring that  
 14 we were going to end up with a good set of terms of  
 15 references that had everyone's confidence, but not  
 16 wanting it to run into a very lengthy period of time.  
 17 And I felt that it was -- although people would have  
 18 wanted legal representation to do that, it was something  
 19 that people should have confidence in we were trying to  
 20 get to a good set of terms of reference, and I think  
 21 that that is what we achieved. And I think that  
 22 Sir Robert originally contacted -- came back to my  
 23 office with the set of recommendations and I think it  
 24 was a couple of weeks and we were in recess -- but  
 25 a couple of weeks, and I had gone back to him and said

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1 As I say, I'm not going to read through them but you  
 2 have the various headings and they continue over the  
 3 page. We will see they deal with the categories of  
 4 injury, loss, types of award, assessment and so on.

5 Although it fell to your successor to formally  
 6 approve and publish the terms of reference, you had,  
 7 I think, seen them before you left office.

8 If we just look at RLIT0002081, please. This is  
 9 Michael Ellis, your successor as Paymaster General, to  
 10 Sir Robert Francis in relation to the terms of  
 11 reference, but we can see in the second paragraph there  
 12 is a reference to Mr Ellis' predecessor, so to you:

13 "I share my predecessor's view that your  
 14 recommendations identify the key issues that the study  
 15 should consider, and that they offer assurance to the  
 16 infected and affected communities and that the matters  
 17 of most concern to them will be considered by the  
 18 Study."

19 Is it right to understand that, having seen the  
 20 terms of reference, they were essentially what you had  
 21 had in mind in commissioning this piece of work in the  
 22 first place?

23 **A.** Yes, I think there are two things I would say which  
 24 I think are very relevant here. We had a draft set of  
 25 terms of reference that were produced and clearly wanted

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1 that I thought there were a good set of terms and  
 2 conditions -- of terms of reference.

3 **Q.** If we could just go back to the announcement you had  
 4 made in March 2021 of the intention to appoint someone  
 5 to do the study.

6 So back to RLIT0001498, please, Lawrence, page 2.  
 7 Again, if we can zoom in under the heading "Compensation  
 8 framework".

9 So the second paragraph under that heading  
 10 "Compensation framework", the second sentence says this:

11 "The study shall provide the Paymaster General with  
 12 advice on potential compensation framework design and  
 13 solutions ..."

14 Then it is these words I want to ask you about:

15 "... which can be ready to implement upon the  
 16 conclusion of the inquiry, should the inquiry's findings  
 17 and recommendations require it."

18 The phrase "ready to implement upon the conclusion  
 19 of the inquiry" might -- would suggest, in terms of  
 20 timing, that you were not envisaging some prolonged  
 21 period of time following the conclusion of the Inquiry,  
 22 rather that you would have something ready to go if the  
 23 Inquiry recommended compensation; is that fair?

24 **A.** Correct.

25 **Q.** We know from evidence the Inquiry has heard from the

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1 then Secretary of State for Health, Matt Hancock, in,  
2 I think it was, May 2021 when he gave evidence to the  
3 Inquiry, he said that if the Inquiry recommended  
4 compensation, the Government would pay it. That was his  
5 expectation. Was that your expectation too?

6 **A.** Yes.

7 **Q.** I'm not going to take you through the detail, then, of  
8 what the Government has or hasn't done in response to  
9 Sir Robert's framework study or indeed the Inquiry's  
10 second interim report, because you are not the minister  
11 who has been dealing with that, that's for later  
12 witnesses this week. Can I explore with you a little  
13 your expectations in commissioning the study as to what  
14 might then be done with it.

15 If we take up your statement, WITN7701001. If we  
16 go, please, Lawrence, to page 5, paragraph 21. It is  
17 the bottom of the page. You say this:

18 "I have been asked what my expectation was when  
19 commissioning the study, as to what the government would  
20 do once it received the study report. As is set out in  
21 the report, the study would be submitted to the  
22 government and the Inquiry and it would set out  
23 recommendations together with advice on options for the  
24 government on a compensation framework design."

25 So you have set out there two expectations: that the

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1 considered, further evidence to be taken, that was done  
2 concurrently to this Inquiry.

3 **Q.** Again, I'm conscious you cease to be the responsible  
4 minister, so putting it in broad terms, was it your  
5 expectation that, once the compensation study had been  
6 delivered to the Cabinet Office, the Government would  
7 look at it as a matter of urgency and would start work  
8 on whatever was required to enable there to be set up,  
9 as soon as practicable, a scheme for compensation?

10 **A.** Simply, yes. It is obviously possible that Sir Robert's  
11 work -- there might be areas of disagreement with the  
12 Inquiry, but when we set up the compensation study, it  
13 was very clear that both the study and the Inquiry could  
14 make reference to each other, they were independent from  
15 one another but not in their own bubble, and that those  
16 areas of disagreement, the chance of them being  
17 minimised through that process was there.

18 Clearly, there may be some more work for Government  
19 to do. You note I'm not cited on that. There may be  
20 areas of disagreement that Government needs to take  
21 a decision on, but my motivation for doing this was to  
22 ensure that that time period would be minimised.

23 **Q.** And was it your expectation that the Government response  
24 to Sir Robert's study would be published and shared with  
25 the Inquiry so that the Inquiry had the benefit of

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1 report would be submitted to Government and the report  
2 would be submitted to the Inquiry.

3 What was your expectation as to what the Government  
4 itself would do with the report, the report of  
5 Sir Robert Francis when it arrived?

6 **A.** So I think that the Government would clearly be  
7 following both pieces of work. My view was that we  
8 should, again, try and do as much activity as we could  
9 concurrently with the Inquiry. At the conclusion of  
10 this Inquiry there would be potentially factors that  
11 would have an impact on what type of scheme or the  
12 amounts that would be paid out. So that is why I had  
13 said that the -- that it would be action that would be  
14 taken at the conclusion of this Inquiry.

15 There was always the possibility that during the  
16 course of this Inquiry, given time pressures, there  
17 might be recommendations for interim payments, but what  
18 I wanted to ensure was that we would not have  
19 a situation where this Inquiry would conclude and then  
20 work on how we are going to deliver on those  
21 recommendations would start.

22 So that was -- I was very open as the minister to  
23 what the compensation inquiry should conclude, that was  
24 really the task of that study, but what I wanted to do  
25 was ensure that whatever preparatory work, issues to be

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1 considering it?

2 **A.** Yes. I think that relationship between the two was  
3 important.

4 **SIR BRIAN LANGSTAFF:** May I just ask, could we just have the  
5 highlighted part that was on the screen back on the  
6 screen. Thank you.

7 You were anticipating that Sir Robert's work would  
8 end up with advice on options for the Government on  
9 a compensation framework design. May I ask you two  
10 things about that.

11 Options means choices, and it is the nature of  
12 Government to make choices between alternatives, is it,  
13 generally?

14 **A.** Yes.

15 **SIR BRIAN LANGSTAFF:** So the purpose of this was that there  
16 would be choices, and some would be preferred choices,  
17 and that would be done, you anticipated, in advance of  
18 the Inquiry making its final report?

19 **A.** Yes.

20 **SIR BRIAN LANGSTAFF:** And the options were not options as to  
21 how much, but as to the framework that was to deliver  
22 it?

23 **A.** The framework, and I think also things that the  
24 Government perhaps needed to consider when doing so,  
25 yes.

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1 **SIR BRIAN LANGSTAFF:** Yes, obviously a framework doesn't  
 2 just sit on its own; it has to do something. But you  
 3 were anticipating these would be choices about how to  
 4 deliver whatever had to be delivered?  
 5 **A.** Yes.  
 6 **SIR BRIAN LANGSTAFF:** Thank you.  
 7 **MS RICHARDS:** And then if we could just look at paragraph 14  
 8 of your statement -- so that is page 4, please,  
 9 Lawrence -- this is again by reference to your  
 10 expectations. You say, you decided:  
 11 "... that it was sensible to seek independent  
 12 advice, and a compensation framework study should be set  
 13 up to provide independent advice to the government  
 14 regarding the design of a workable and fair framework  
 15 for compensation for individuals infected and affected  
 16 by the Infected Blood scandal."  
 17 Is it your view that, broadly speaking -- I'm not  
 18 talking here about points of detail or points  
 19 potentially of difference -- that what Sir Robert  
 20 Francis delivered fulfilled that aim of providing advice  
 21 regarding the design of a workable and fair framework  
 22 for compensation?  
 23 **A.** Yes.  
 24 **Q.** Now, since you expressed the view in 2020 that  
 25 substantial compensation was inevitable, clearly two key

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1 Please will she meet with me and the Smith family, who  
 2 tragically lost their son Colin, aged just seven ...  
 3 This is about acknowledging their loss, and it is the  
 4 very least they deserve, given the injustices that they  
 5 have endured."  
 6 The Inquiry knows that is a reference to Mr and  
 7 Mrs Smith from whom the Inquiry heard in 2019, whose son  
 8 Colin was infected with HIV and who they watched die of  
 9 AIDS aged just 7 years old. The Inquiry knows -- and  
 10 I have no doubt, Ms Mordaunt, you do too -- of other  
 11 children who died.  
 12 Your response, then, you say:  
 13 "I would be very happy to meet the hon. Lady and any  
 14 of the victims of this appalling scandal. I raised this  
 15 issue at the recent meeting of the all-party  
 16 parliamentary group on haemophilia and contaminated  
 17 blood, and I want to let all those people who have lost  
 18 children know that that just because we published the  
 19 written ministerial statement, which made reference to  
 20 other support for other individuals, that does not mean  
 21 that they are not at the forefront of our minds. The  
 22 compensation study that we recently announced will  
 23 obviously be looking at many of the issues that they  
 24 have raised, but I would be happy to meet them."  
 25 Can we take from that, Ms Mordaunt, that you would

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1 things have happened: Sir Robert Francis' study has  
 2 completed and made recommendations for compensation to  
 3 the infected and affected, and the Government has  
 4 received the first and second interim reports of this  
 5 Inquiry, which makes recommendations of substantial  
 6 compensation for the infected and affected.  
 7 Is it fair to assume that nothing has happened that  
 8 would change your view that substantial compensation is  
 9 inevitable?  
 10 **A.** Yes, that is correct.  
 11 **Q.** Can I then ask you to look just at something that you  
 12 said in Parliament in May of 2021.  
 13 If we have, please, Lawrence, RLIT0002075, please.  
 14 So we can see the date, 27 May 2021. If we could go  
 15 to the third page, the bottom half of the page, there is  
 16 a question from Jessica Morden MP, and then a response  
 17 from you.  
 18 If we could just zoom in on those two paragraphs,  
 19 please. Thank you, Lawrence.  
 20 So Ms Morden says this:  
 21 "There are real concerns that bereaved parents who  
 22 lost their children to the contaminated blood scandal  
 23 could be omitted from future compensation packages for  
 24 victims, as they were with the ex gratia payments.  
 25 I have written to the Paymaster General about this.

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1 agree that those individuals who lost children, whose  
 2 children died the most horrible deaths before their  
 3 time, they should be at the forefront of the  
 4 Government's mind when it considers how to deliver long  
 5 overdue justice?  
 6 **A.** Yes, and this makes reference to what I said earlier.  
 7 It is -- you do not know how long you have in a role,  
 8 and so when you make announcements, you want to make  
 9 them as quickly as possible, you want to get any  
 10 progress that you have made on these issues out the  
 11 door, and sometimes that means that they are not  
 12 accompanied with other issues that you are still working  
 13 on, and I had -- I feel this very keenly, because I know  
 14 there is a very wide range of people that have been  
 15 affected in many different ways from this, and that this  
 16 is an issue where, in addition to the original tragedy,  
 17 there has been layer on layer of difficulties people  
 18 have had to face, and that's why these issues are  
 19 complicated and this Inquiry is important.  
 20 So, again, I was trying to reassure people in that  
 21 category that we hadn't forgotten about them; it is just  
 22 that we had been able to make progress on other areas.  
 23 **Q.** And you were aware, I think, when you were Paymaster  
 24 General, that if we leave aside the position of bereaved  
 25 partners, where what was available in terms of financial

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1 support has changed over time, other family members, so  
 2 parents whose children had died such as Mr and  
 3 Mrs Smith, or children whose parents had died --  
 4 sometimes both parents -- they had not received  
 5 financial support and were still not receiving financial  
 6 support.

7 **A.** Yes, yes.

8 **Q.** And again -- and this is a question again in very broad  
 9 terms, drawing on your own knowledge and views about the  
 10 matter from when you were Paymaster General -- would you  
 11 agree that the position of those people, who received  
 12 little or nothing in the past, should be at the  
 13 forefront of the Government's mind?

14 **A.** Yes. I think that there's clearly been some support for  
 15 particular groups of people, but there hasn't been these  
 16 issues looked at in terms of compensation. So, for very  
 17 understandable reasons, the issue of support to  
 18 particular groups of people has been more pressing for  
 19 several governments, but this Inquiry, the compensation  
 20 study that sits alongside it, this is the moment to  
 21 address those other matters.

22 **Q.** Before I ask you a handful of more general matters, can  
 23 I just ask you something about lack of parity, so  
 24 disparity.

25 You obviously had some close involvement with

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1 Again, I'm not asking you about the detail of what  
 2 current consideration is being given to that issue, but  
 3 given your previous involvement in addressing disparity,  
 4 is that continuing lack of disparity in terms of  
 5 psychological support something that to your mind is  
 6 a cause of concern?

7 **A.** So, when I was dealing with this, one of the things --  
 8 and, again, it was addressed in my WMS table -- was  
 9 around that psychological support. I'm afraid at the  
 10 moment I wouldn't know the detail of the offer that is  
 11 provided to people, but I know this is an issue that has  
 12 been historically an issue of concern to people, and so  
 13 whilst things might be delivered in different ways  
 14 across the different NHS systems that we have in the UK,  
 15 of course I would want to ensure people are being  
 16 properly supported.

17 **Q.** Can I then take you to a speech that was given by  
 18 Andy Burnham in Parliament in 2017, obviously before you  
 19 became involved as responsible minister, but it is  
 20 a useful way of capturing some of the concerns that  
 21 people have had.

22 So if we go to RLIT0002074, please. We will see  
 23 this is Mr Burnham, 25 April 2017. This was his last  
 24 speech in the House, and as we see from the first  
 25 paragraph, he had elected to make it on the subject of

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1 questions of financial disparities across the four  
 2 nations, and I'm not proposing to ask you about the  
 3 detail of that, and those have, to some extent, been  
 4 examined in earlier Inquiry hearings in any event. But  
 5 you obviously -- we can see from a lot of the material  
 6 we have looked at, you regarded it as important to try  
 7 and correct those disparities, and you regarded them  
 8 as -- again, in broad terms -- wrong in principle, that  
 9 there should be disparities in financial support across  
 10 the four nations.

11 **A.** Yes, and I think that in addition to levelling up, to  
 12 coin a phrase, those schemes, the agreement that was  
 13 also arrived at, that any changes to those schemes, the  
 14 four nations would move in step, was an important  
 15 principle, and I think that whatever is put in place  
 16 regarding future frameworks, how that is administered  
 17 nationally, across the four nations or locally within  
 18 the four nations, that principle is important.

19 **Q.** One disparity that remains between the four nations is  
 20 in relation to a form of non-financial support,  
 21 specialist psychological support, which is available now  
 22 in Wales, Scotland and Northern Ireland, but not in  
 23 England, and you may know that that was the subject of  
 24 one of the recommendations in the Chair's Second Interim  
 25 Report.

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1 contaminated blood, and he explained in that paragraph  
 2 why; indeed, he has told the Inquiry in his evidence  
 3 why.

4 If we could scroll down to the next two paragraphs,  
 5 please. So in the paragraph beginning, "First, let me  
 6 explain the genesis of my speech", Mr Burnham refers to  
 7 the work of Diana Johnson, and then says this in the  
 8 third line:

9 "There was a raising of expectations in the last  
 10 Parliament - I am talking about a lot of goodwill on  
 11 both sides of the House and a sense that people wanted  
 12 to do something to help. That continued in the early  
 13 part of this Parliament, with a sense building that  
 14 something was going to be done. However, following  
 15 those expectations, victims now feel that they have been  
 16 led up to the top of the hill only to be let down once  
 17 again."

18 Then if we go towards the bottom of the page, it is  
 19 the following paragraph:

20 "Although I do not doubt the sincerity of the former  
 21 Prime Minister's apology at his last PMQs, the  
 22 Government's failure to back it with substantial action  
 23 has left people feeling in the wilderness all over  
 24 again."

25 So if I can just ask you to keep in mind -- I'm

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going to show you another passage and then ask you a couple of questions, but what Mr Burnham was there characterising was victims feeling they had been led up to the top of the hill, only to be let down once again, and then the failure to back with substantial action, leaving people feeling in the wilderness all over again.

Then before we leave this document, if we just go to page 7, and if we look first of all at Mr Burnham's first speech towards the top of the page. He talks about how:

"... the whole thing is about finance - it [has] always [been] about finance, and about whether we can give them a bit more ..."

And then the last sentence of that paragraph:

"... people are still struggling ... and I hope that they will not have to struggle for much longer."

In the context, I think he is talking there about struggling financially, in part at least.

Then if we go to the very bottom of the page, and if we look at the paragraph before just to put his answer in context, Barbara Keeley refers there to the question of compensation, and a reference to the disgrace of someone having to use their own funding to get treatment, and then Mr Burnham saying, "It is a total disgrace", and then this:

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will recognise that this is an issue that has been going on for an incredibly long time, and although in more recent years there's been more -- there's been this Inquiry, there's been more focus on these issues, the legacy of that period of time, large swathes of it, where there was -- there is very little focus on the many layers of injustices that people had suffered, I think you cannot fail to recognise that in your dealings with those who had been infected and affected by this, and you are very conscious of wanting to keep people informed and keep the pace on these matters.

I know from my own shift there were some quite complicated things that needed to be worked out in a time of immense stress in Government, and I think the -- my private office notes -- the drum beat of meetings will show that there was no let up, despite the backdrop you were working against, in terms of delivering that. Outside of that role that has also been my experience of working with other ministers.

The role I immediately went into was in trade and so I had zero dealings with ministers on this issue, but clearly followed what was happening in Parliament, and certainly in this role, where I had those dealings with the current minister, I have found his attitude towards this the same as mine.

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"Absolutely interest must be full, fair compensation now. I say to the Government, do not delay; do what Ireland and other countries have done. They should do that now. They have raised expectations and they should do it. We would all support it."

Given that six years after that call, and well over a year after Sir Robert Francis delivered to the Government his Compensation Framework Study that you had commissioned the previous year, I think it is fair to say, based on the Inquiry's understanding, that many of the victims of the infected blood disaster, to use Mr Burnham's words, feel they have been led up to the top of the hill only to be let down again. They feel they are in the wilderness all over again.

Having regard to that, and to your own sense of long overdue action being needed back in 2020, do you have any observations you feel able to make on the length of time the process of resolving the question of compensation has taken? Again, I'm not asking you to look at detail about what is or isn't being done at the present time, but just generally, looking at the overall time span?

**A.** I think there's two points I would make with regard to this. I think any minister that comes into the Paymaster General Role and has this in their portfolio

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**Q.** Obviously we will have the benefit of hearing from him tomorrow. Again, in general terms, if in 2020, as you wrote just over three years ago, justice delayed is justice denied, that's no less true and maybe all the more true now three years later; is that fair?

**A.** Yes, I think that there is a moral obligation to address the many issues that those affected by this have, and I'm very conscious that that can't happen soon enough.

**Q.** If we could then look at something you said yourself recently in Parliament, on 25 May of this year.

RLIT0002127. So we have the date there, and if we could, please, go to I think it is page 5, Lawrence.

So we can see you are then -- you are addressing a number of different matters that have been raised. Under the heading "Penny Mordaunt" if we can look at the last and longest paragraph of that answer, you say this:

"The [honourable] Lady raises the very serious matter of the infected blood inquiry. I have had the privilege of meeting many of those who were infected and affected by that appalling scandal, and I went to hear some of the evidence that they gave at the Inquiry. It may fall to us in this place, on our shift, to put that right, but we must put it right. There is not just the origin justice that was done to those people, many of whom were children at the time, but the further layers

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1 of injustice that have happened with regard to their  
2 financial resilience, as many of them have lost their  
3 homes and were not able to work, facing the appalling  
4 stigma and hardship that came with that. We have to put  
5 that right."

6 Then you refer to the establishment of the  
7 compensation scheme review to run concurrently with the  
8 Government.

9 When you are talking there about putting it right,  
10 you are talking, are you not, in part at least about  
11 compensation?

12 **A.** Yes.

13 **Q.** We know the Government has publicly accepted the moral  
14 case for compensation. Mr Quin said so in Parliament  
15 late last year. Would you agree, again in general  
16 terms, that if the acceptance of a moral case for  
17 compensation is not followed by action in providing  
18 compensation, and doing so without delay, then you are  
19 not putting it right?

20 **A.** Yes.

21 **Q.** One final question. Again, the Inquiry is aware that  
22 some, perhaps many, of those who were infected and  
23 affected are concerned that the Government, in the  
24 knowledge that people are dying, intends to kick the  
25 question of compensation off into the long grass.

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1 anticipate that if future legislation were required for  
2 a compensation body or to proceed with that or any  
3 further work to facilitate that, that that would be  
4 happening. That is the narrow slice that I'm looking at  
5 this with my current job. But on both my experience in  
6 this job, with regard to the future legislation, and in  
7 dealings that I have had with the current minister, I do  
8 not think there is any delay to moving as quickly as we  
9 can on these matters, and it would be pointless to have  
10 set up this Inquiry and the study not to then proceed  
11 with making redress.

12 **MS RICHARDS:** Ms Mordaunt, thank you. Obviously those are  
13 issues that I will pick up with later witnesses this  
14 week. So those are my proposed questions for  
15 Ms Mordaunt and I note the time. If we could take our  
16 customary 30-minute break and if I could invite our  
17 legal representatives to, in the normal way, let me know  
18 in the course of the break of any further questions they  
19 might wish me to consider asking Ms Mordaunt, and then  
20 we could resume in 30 minutes and I think then probably  
21 relatively quickly conclude Ms Mordaunt's evidence  
22 thereafter.

23 **SIR BRIAN LANGSTAFF:** I think we will make the break just  
24 a shade longer than 30 minutes.

25 **MS RICHARDS:** Certainly.

55

1 Now, I'm not asking you to comment on that as  
2 a matter of fact, and I hope other witnesses in the  
3 course of this week who are directly dealing with the  
4 question of compensation will be able to address that  
5 from their perspective, but can I ask you this  
6 hypothetical question: if that were the Government's  
7 position, if there was a conscious dragging of feet on  
8 the basis that it is all too complicated or all too  
9 expensive, would you agree that given everything that  
10 has been suffered by those who were infected and  
11 affected, that that would be a morally objectionable,  
12 indeed repugnant position to adopt?

13 **A.** Yes. And I think I can say two further things. Again,  
14 reiterating that has not been my experience in my  
15 current role. Probably worth explaining that everything  
16 that Government does when it reaches a stage of decision  
17 has to go to a write round, so that's every Whitehall  
18 department has to be cited and clear something to move  
19 ahead, whether it is a statutory instrument, whether it  
20 is a consultation or a piece of legislation.

21 And although you are right to note that the King's  
22 Speech has not been written, these are matters that are  
23 being looked at by the current minister and their team,  
24 not me, and we have not reached that stage in  
25 Government, as Leader of the House of Commons I would

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1 **SIR BRIAN LANGSTAFF:** We are in unfamiliar territory here.  
2 There are a lot of people, both in this room and there  
3 may be more downstairs watching in a breakout room, so  
4 there may be a bit of time that is needed for everyone  
5 to get the refreshments and use the facilities.

6 So we will say, shall we, 12.15 pm. That should  
7 give time for all those who wish to give you questions  
8 to ask Ms Mordaunt to do so.

9 Let me explain: in an inquiry, Counsel to the  
10 Inquiry asks the questions, except in very exceptional  
11 circumstances. Core Participants have a right to ask  
12 her to consider asking questions, and that obviously  
13 requires a bit of time.

14 To your left there are a bank of lawyers, there are  
15 others in the building, who will be fielding any  
16 questions that there may be. We have to give a chance  
17 for those Core Participants to play their part in what  
18 is a collaborative participative process. So that is  
19 what we will do.

20 We will take a break, then, until 12.15 pm.

21 **MS RICHARDS:** And if you could give the normal advice to the  
22 witness, sir, thank you.

23 **SIR BRIAN LANGSTAFF:** I will.

24 You are giving evidence. You have not finished,  
25 even though counsel has asked the questions she has for

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1 the moment. You must not discuss the evidence you have  
2 given or any question you think you may yet be asked to  
3 answer with anyone, whoever the anyone is.

4 I look forward to seeing you back at 12.15 pm.  
5 12.15 pm.

6 (11.36 am)

7 (A short break)

8 (12.25 pm)

9 Questions from CORE PARTICIPANTS

10 MS RICHARDS: Ms Mordaunt, just five additional questions.

11 Firstly, when writing to the then Chancellor in 2020  
12 to advise him that you considered it inevitable that  
13 there would be substantial compensation, what did you  
14 envisage that might look like, in terms of the scope of  
15 the compensation?

16 A. So, I really didn't have a clear view on what that would  
17 be. It was clear to me at that time that redress would  
18 need to be made, but I didn't have in my mind  
19 a particular figure or scope, and I knew there was work  
20 needed to do that and work that out.

21 Q. In light of what you said about justice delayed and the  
22 impact of delay, and given what you told us about how  
23 the machinery of Government works, are there processes  
24 within Government for fast-tracking or at least speeding  
25 up decision-making on issues such as this?

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1 which, for example, civil servants are asked to come up  
2 with options or asked to turn things round, or the speed  
3 with which departments are asked to contribute to the  
4 ministerial write-round and the signing up process, if  
5 there's enough political will. If there's something  
6 that a minister feels sufficiently strongly about or has  
7 the ear of the most senior ministers in Government,  
8 pragmatically that must be capable of making some kind  
9 of difference.

10 A. I think, with any government, you have priorities that  
11 you -- you have a lot of responsibility -- you are  
12 responsible, ultimately, for everything -- and in that  
13 you have to make choices and you can prioritise things  
14 and of course that is the case.

15 I would say in my current role, from what I'm aware  
16 of that's going on in Government at the moment, we are  
17 about to go into the fourth and final session of  
18 legislation. I know that that's going to be a short  
19 session and there are carry-over bills. Whilst there  
20 are policy areas still to be resolved, and not questions  
21 that I can answer on that, but what I can tell you is  
22 that in terms of this Government and this  
23 Prime Minister's priorities going into that fourth  
24 session, this is one of his priorities.

25 Q. What impact does a high turnover of Paymaster Generals

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1 A. So, I think, for example, in moments of huge national  
2 crisis like the pandemic, we brought forward legislation  
3 very quickly to do things that were necessary at the  
4 time. For example, suspending bits of health and safety  
5 on ports and other bits of legislation that were needed  
6 to ensure that things could work in very unusual sets of  
7 circumstances. That still takes a lot of time and you  
8 can't bypass the processes legislation has to go  
9 through.

10 I think, in terms of this piece of work, I am not  
11 sure -- I can only speak for my shift and the other bits  
12 that I know about -- that we could have done it faster,  
13 particularly given the set of circumstances we were  
14 having to do it in, with the backdrop of the pandemic.

15 So, there are ways of speeding up things, doing bits  
16 of work concurrently, but you can't bypass the  
17 processes, for example if primary legislation is needed,  
18 that you can go through, and I think that the Covid Bill  
19 is as an example of that. That was an emergency piece  
20 of legislation. It was done at rapid speed, but it  
21 still took a fair bit of time to get through Parliament.

22 Q. Leaving to one side legislation for these purposes, and  
23 this is a general question rather than specific to this  
24 issue, but would it be fair to say that pressure can be  
25 applied, prioritisation can be given to the speed with

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1 have on the Government's ability to focus on this issue?  
2 And I say that in circumstances where the Inquiry has  
3 heard quite a lot of evidence about ministerial turnover  
4 in earlier decades, when decisions were being taken  
5 about measures in relation to safety and then response  
6 to infection, where ministerial turnover we'll have  
7 pointed to as a problem. Is that a problem in terms of  
8 the role of Paymaster General? We have had quite a few  
9 in the last few years.

10 A. I would say it is -- in my experience has been less of  
11 a problem than other ministerial roles. So, to set it  
12 in context, I first became a minister at 2014. I've had  
13 ten ministerial roles in that time period. What I would  
14 say with regard to Paymaster General, which is --  
15 although now sits in Cabinet, when I had the role I did  
16 not sit in Cabinet, so it was a middle ranking minister,  
17 but it is usually someone fairly experienced who gets  
18 put in that role and, as a consequence, people who do  
19 that role I think take their responsibilities in terms  
20 of induction and handover to their successor seriously.  
21 So I think probably -- certainly in comparison to other  
22 ministerial posts that I have held in my time, this role  
23 had good continuity, and the types of things you are  
24 dealing with in this role, civil contingencies and  
25 resilience for example, some of the most serious matters

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1 in Government, require that.

2 So I felt that there was continuity in every aspect  
3 of this, of issue and of the imperative that was dealt  
4 with swiftly.

5 **Q.** Then another theme that the Inquiry has heard from  
6 earlier evidence is one of -- if I can term it this  
7 way -- institutional resistance.

8 So Mr Burnham, possibly in the speech we looked at  
9 earlier but certainly in one of his speeches dealing  
10 with this issue, talked about, in his time as Secretary  
11 of State for Health, encountering resistance within the  
12 Civil Service, and he is not the only minister to have  
13 given evidence along those lines, the difficulty of  
14 moving the Civil Service machine quickly.

15 Is that a state of affairs you recognise or can  
16 comment on in relation to the issues with which we are  
17 concerned?

18 **A.** That was not my experience and I found my officials very  
19 motivated and also sharing the same view as I do of that  
20 moral imperative to deliver. So that has not been my  
21 experience.

22 **MS RICHARDS:** Sir, those are the further questions I'm  
23 proposing to ask from the questions put forward to me by  
24 Core Participants.

25 Do you have any questions for Ms Mordaunt?

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

2 **MS RICHARDS:** Appendix 1.

3 **SIR BRIAN LANGSTAFF:** Thank you very much.

4 Can I just ask you about these terms of reference.  
5 They met with your approval, as I understand from what  
6 you have been saying, and I want to ask you about two  
7 things.

8 First of all, where it says, underneath the heading  
9 "Independent advice to government", the term of  
10 reference approved was to:

11 "Give independent advice to the Government regarding  
12 the design of a workable and fair framework for  
13 compensation for individuals infected and affected ..."

14 Did you understand by "affected" those who did not  
15 have the infection themselves, but were very much  
16 affected by the infection of others, those that were  
17 partners or children or parents or those they cared for?

18 **A.** Yes, I did.

19 **SIR BRIAN LANGSTAFF:** And I think you make a feature of that  
20 in your witness statement. I don't think we need to  
21 have it up. But you were talking there -- this is  
22 paragraph 3, where you describe how you, as part of  
23 a Government, "needed to urgently address the disparity  
24 in financial support being offered across the four UK  
25 nations". Now, this is in relation directly to parity.

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1 **Questions from SIR BRIAN LANGSTAFF**

2 **SIR BRIAN LANGSTAFF:** Yes, I do. Just a couple of areas, if  
3 I may.

4 Lawrence, could we have up the compensation scheme.

5 The reference to that is RLIT -- can you help me,

6 Ms Richards? 1129. RLIT0001129.

7 No?

8 **MS RICHARDS:** Is it Sir Robert's terms of reference you are  
9 looking for?

10 **SIR BRIAN LANGSTAFF:** It is, yes.

11 **MS RICHARDS:** We have Sir Robert's study, which has the  
12 terms of reference, or we have Mr Ellis' announcement of  
13 them.

14 **SIR BRIAN LANGSTAFF:** Sir Robert's study would be fine,  
15 page 141.

16 **MS RICHARDS:** So that's RLIT0002065.

17 **SIR BRIAN LANGSTAFF:** Thank you. If we go to internal  
18 page -- I think it is 141.

19 Let's go to 143.

20 Go on. It is the terms of reference, where he sets  
21 them out.

22 **MS RICHARDS:** Sir, they are appendix A. They are a little  
23 before that.

24 **SIR BRIAN LANGSTAFF:** It was page 141 originally.

25 **MS RICHARDS:** It is page 133, it should be, Lawrence.

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1 But the words, I think, may be more general:

2 "It was thought that this should be considered to  
3 address the fairness in any awards and should be across  
4 the board, addressing the broader issues of both the  
5 infected and the affected."

6 You go on to say:

7 "From [your] investigations it did appear that there  
8 was a severe disparity of assisting bereaved families,  
9 including partners who appeared to be severely  
10 disadvantaged."

11 You go on to talk about bereaved families and  
12 partners. Later on, I think you deal with carers.

13 So those were all categories of people that you felt  
14 needed to be included in a compensation scheme, were  
15 they?

16 **A.** Yes. There was -- my thinking was that there were  
17 individuals that would need to be compensated because of  
18 loss that they had endured. There was also, for others,  
19 the issue of ongoing support and care, but I felt that  
20 compensation was wider than those direct issues, it was  
21 about loss incurred, and I was very aware that, in  
22 addition to the initial injury caused by people being  
23 infected, the knock-on effects to their lives and their  
24 families' lives was very severe. I mentioned the lack  
25 of financial resilience people have. I think the day

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1 I came to listen to evidence, you were hearing from  
2 a witness that, not just because of what the injury had  
3 done to him and his family, but also the lack of  
4 timeliness on support schemes, had lost his home as  
5 a consequence of that.

6 So, I think these are very complicated issues, and  
7 it is a combination of the initial injury people have  
8 suffered and the lack of action since or lack of  
9 effectiveness of the support and consideration given to  
10 people that has caused the very wide range of issues  
11 that this Inquiry has had to grapple with.

12 So although I didn't have a clear view of the shape  
13 of the scheme or how those issues would be addressed or  
14 the interaction between support schemes and compensation  
15 schemes, I felt it was important that that wide scope  
16 was considered by Sir Robert's work.

17 **SIR BRIAN LANGSTAFF:** That's why you were asking him to  
18 consider not only those infected, but those affected as  
19 partners, members of the family, children, parents and  
20 carers?

21 **A.** Correct.

22 **SIR BRIAN LANGSTAFF:** Indeed, I needn't go on with the terms  
23 of reference, they reflect that in another ways too but  
24 quite apart from the little snippet which is on the  
25 screen. That's what I wanted to ask you about that.

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1 to, but I think that there is nothing exceptional about  
2 me in delivering this. I do think that another minister  
3 with similar experience would have done the same thing.

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

5 **MS RICHARDS:** Mr Maxwell-Scott, who represents Ms Mordaunt,  
6 has no questions.

7 So, Ms Mordaunt, that's the end of the questions.  
8 Is there anything you would want to add?

9 **A.** I think just two things, briefly. Not wishing to repeat  
10 myself but I think that this issue, as Leader of the  
11 House of Commons, is raised frequently and is a concern  
12 to many Parliamentarians, who will -- even those that do  
13 not have direct case work from constituents, and there  
14 is a strong feeling that this needs to be resolved.

15 And although as a Member of Parliament you are --  
16 you know a little bit about a lot of things -- I think  
17 it is not until you hear evidence or you are directly  
18 involved in cases that you really do appreciate what  
19 I have described as the layer on layer of injustice that  
20 people have suffered from the original harm done to  
21 them, but then the impact on their life choices, the  
22 life choices of their family members, the stigma that  
23 many will have faced at the time when there were  
24 different attitudes to some of these issues.

25 So I think that is the first thing that I, in my

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1 The next question really arises out of one of the  
2 questions that you have just been asked since the break  
3 by Ms Richards, and it was about the compensation scheme  
4 and you are telling us that the churn from one Paymaster  
5 General to the next, the short period that some of them  
6 may have been in post, didn't really make a difference.

7 Can I just ask you perhaps the same question but in  
8 this way, why do you think it was you, on your watch,  
9 that set up the compensation scheme by Sir Robert  
10 Francis? Why you?

11 **A.** So I think the time frame I took over, that meeting in  
12 January had happened between my predecessor and the  
13 Parliamentary Under-Secretary of State at the Department  
14 of Health. I think that that was the key meeting where  
15 they were -- I think decided upon that this piece of  
16 work needed to be done. I very much felt that it needed  
17 to be done concurrently and I certainly -- my officials  
18 and other civil servants that I had spoken to were also  
19 of that view. I do think that this -- that my views  
20 that I have expressed today were shared by others in  
21 Government, whether they be officials or ministers. It  
22 was a difficult time and huge demands on resource from  
23 Government in dealing with the pandemic.

24 I would say that I was an experienced minister and  
25 was able to keep attention and pace on issues I needed

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1 experience of being the minister responsible, have  
2 learnt from this.

3 The other thing that I would say is that although  
4 I understand the scepticism people feel towards  
5 Government, having had to endure many, many years of  
6 inaction on this issue, I think that the setting up of  
7 this Inquiry and the work done since has been very  
8 important, and I certainly will -- my small contribution  
9 to it I think will -- whenever I leave Parliament will  
10 be something that I can be proud of.

11 **SIR BRIAN LANGSTAFF:** Well, can I, for my part, thank you  
12 very much indeed for coming to give us this evidence.  
13 Those who are listening may understand why, as it  
14 happens, it may be serendipitous that we have started  
15 the week with your evidence. You set in train, or at  
16 least it was on your watch a compensation study was set  
17 up, which undoubtedly has raised expectations. I would  
18 like to thank you for telling us what you think your  
19 expectations were of that study, and for the time you  
20 have spent with us in the chair, as well as the time  
21 that you spent in the audience.

22 Thank you.

23 **MS RICHARDS:** Sir, that concludes the evidence for today.  
24 Tomorrow we will be hearing first of all, at 10 am, from  
25 Mr Quin, who is obviously the current Paymaster General,

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1 and then in the afternoon from Ms Dunn, who is the  
 2 Second Permanent Secretary in the Department of Health  
 3 and Social Care.  
 4 **SIR BRIAN LANGSTAFF:** So tomorrow, a rather fuller day.  
 5 10 o'clock tomorrow.  
 6 **(12.46 pm)**  
 7 **(The Inquiry adjourned until Tuesday, 10.00 am**  
 8 **on 25 July 2023)**

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