

*Minister's
five letters for copy*

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PS/Minister of State

I agree

GRO-C

Copy to: PS/SHHD
CMO
Miss Cox
Mr Macpherson

AIDS: COMPENSATION FOR HAEMOPHILIACS

1. I attach draft replies for the Minister of State's consideration to the letters on this subject in GFs 2267/86, 135/87, 149/87, 161/87, 168/87 and 210/87.

2. This correspondence is part of a campaign to obtain compensation for those haemophiliacs who have become infected with the AIDS virus by receiving contaminated Factor VIII, the blood clotting agent, from supplies which were unwittingly provided before treatment was introduced to minimise the risk of Factor VIII containing the AIDS virus.

3. Although only about 1,000 haemophiliacs in the UK are involved, the cost of "no fault" compensation could be high. Other patient groups who have suffered similar misfortunes would be able to regard compensation to haemophiliacs as a precedent. Apart from the whooping cough vaccine damage payments, no other group injured by routine drug therapy has been compensated by the Government. Before compensation to haemophiliacs could be seriously considered, therefore, it would have to be clearly established that they were a unique group who could be clearly distinguished from any other victims of drug mishaps or other medical accidents.

4. The possibility of a general no-fault compensation scheme for all patients has been considered in the past by an independent body, viz the Pearson Commission, who reported in 1978. They considered that such a scheme should not be introduced and recommended that negligence should continue to be the basis of liability for most medical injuries.

5. We and DHSS are considering the problems for people generally who are HIV positive, eg difficulties in obtaining life assurance and mortgages, but it seems very unlikely that we shall be able to recommend compensation for haemophiliacs.

6. Against this background, we consider that the Minister's replies should not hold out any hope of a change of the Government's policy on this matter, and the drafts attached have been prepared accordingly. A reply on these lines has already been sent to Dr Forbes (GF 2267/86) by Lady Trumpington, in response to his letter to the Prime Minister, which he copied to the Minister of State.

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