

Tuesday, 25 July 2023

(10.00 am)

SIR BRIAN LANGSTAFF: Good morning, minister. Let me explain the arrangements. You are talking not just to this audience, large as it is, but to an audience in a breakout room, for those who wish to be there, and an even greater number who will be watching you online, on YouTube, and listening to your every word.

Those to your left are the lawyers, including Ms Richards who is standing and will be asking you the questions. Those at the very back are representatives of the press. Those in front of you, as is appropriate in a public inquiry, are the public. Most will have a particular interest in what you have to say.

Mary will invite you to take the oath and then Ms Richards will begin her questioning.

MR JEREMY QUIN (sworn)

Questioned by MS RICHARDS

MS RICHARDS: Mr Quin, you have been a Member of Parliament since 2015, is that correct?

A. That is correct.

Q. And since 25 October 2022, you have been a minister for the Cabinet Office and Paymaster General?

A. Correct.

Q. Your predecessor was briefly Chris Philp, before him

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A. Thank you, that is how I'd describe it.

Q. Now you told us in your first statement that shortly after taking office on 27 October you received a briefing about matters relating to the Infected Blood Inquiry and the interim payments that were in the process of being made and more broadly the work of the Inquiry and the question of compensation. Now, I'm not asking you for details of the briefing but was that the first real knowledge you had about the matters with which this Inquiry is concerned or did you, through parliamentary or other ministerial work, have any particular knowledge of the area?

A. I had a knowledge primarily through constituents' interest. I think there will be very few Members of Parliament, sadly, that do not have someone who has been affected by this dreadful scandal, and therefore through that context I was aware. But I would say that briefing was the first time I began to get into the detail of the Government's response and this Inquiry.

Q. Now, I'm going to pick matters up in fact with events and certain dates prior to your appointment, just to see if you can cast any light on these matters in light of your -- what you might subsequently have learned.

Again, just to get the chronology in everybody's heads, Sir Robert Francis' study was delivered to one of

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briefly Edward Argar, but the role had been mainly filled for the preceding year or so by Michael Ellis MP?

A. That is also correct.

Q. Mr Ellis, we know, was the successor to Ms Mordaunt, from whom we heard yesterday.

In that capacity you are the sponsor minister for the Infected Blood Inquiry, is that right?

A. That is correct.

Q. You are also the minister to whom the day-to-day question of considering Sir Robert Francis' Compensation Framework Study and the Inquiry's recommendations falls. So you are the lead minister in relation to those matters?

A. Yes, so my role as sponsor minister is to ensure that this Inquiry is established and has resources it needs to get on with its incredibly important task. As the sponsor minister I have also taken on the role of chairing and, therefore, actually, as a coordinating role, as is normal for the Cabinet Office, across a number of different Government departments, that have an interest in this Inquiry and achieving resolution.

Q. You are not the sole decision-maker in relation to matters of compensation, that is a decision that falls to be taken collectively by the Government, but you perform a coordinating role?

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your predecessors, to Mr Ellis, on or around 14 March 2022.

If we just look at RLIT0002052 -- please, Lawrence -- we will see that this is 31 March 2022.

If we can just go down the page, if I can see the whole page -- yes, it is the first statement from Mr Ellis. So the heading "The Minister for the Cabinet Office and Paymaster General":

"Sir Robert Francis delivered his report to me on 14 March, and I will carefully consider his findings and recommendations. It is my intention to publish the compensation framework study alongside the Government's response as soon as possible, and in sufficient time for the infected blood inquiry and its core participants to consider them before Sir Robert gives evidence to the inquiry."

So in terms of the Government's stated position at that time, as we read this, Mr Quin, the Government was proposing that both Sir Robert's study and the Government's response would be published before Sir Robert gave evidence to the Inquiry in July 2022?

A. As you will appreciate, I wasn't the minister at the time --

Q. I do --

A. -- but absolutely that is evident from the statement

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1 that that would have been the intention of the minister
2 at the time.
3 **Q.** Now we know that didn't happen, and so by around
4 July of 2022 Mr Ellis is saying -- and I won't take you
5 through all the documents, I know you have had the
6 opportunity to look at them beforehand -- well, we will
7 wait to hear what Sir Robert says in his oral evidence
8 and then respond as soon as possible. And there is
9 acknowledgement from him of the importance of proceeding
10 at pace.

11 I just want to explore with you, if I may, what
12 might have been some benefits of the Government
13 publishing its response or a response to Sir Robert's
14 study and see whether you have any comments to make upon
15 what I'm going to suggest would have been a benefit. In
16 general terms.

17 Publication of the Government's response or its
18 thinking would have enabled the Inquiry's own work to be
19 informed by the Government's thinking. There might be
20 matters that the Government could in principle draw to
21 the Inquiry's attention, particular problems that it
22 identified relating to Sir Robert's work for example,
23 that the Inquiry could then have considered. Do you
24 have any comment on that? Again, I'm conscious you are
25 not the minister at the time, so I'm not asking you

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1 **Q.** Of course. It was a rather long question, I'm sorry,
2 Mr Quin. My fault.

3 I had asked you previously about the Inquiry
4 learning from the Government and the Government's
5 thinking. I'm putting it the other way round here, that
6 there would have been a public service in the Inquiry
7 being able to scrutinise the Government's thinking?

8 **A.** Yes, but my only difficulty is trying to put myself into
9 the minds of my colleagues at the time. I think going
10 back to the original establishment of Sir Robert's
11 inquiry it was -- sorry, his study -- it was to help him
12 inform Government so that they could then be in
13 a position to respond to the -- to what came out of this
14 Inquiry in terms of recommendations.

15 So I'm not certain if, at the time, my then
16 colleagues would have been thinking: we will receive
17 this study, we can then publish all our detailed
18 thoughts on compensation in order to inform the Inquiry.

19 So it may have been -- it may indeed have been
20 helpful, as I said in my last answer to your last
21 question. I'm not certain if that was the genesis of
22 the study. I think the study was more about how we can
23 prepare ourselves rather than, in some ways, trying to
24 push the Inquiry into one or other view on compensation.
25 I suspect the thought would be: this is really helpful,

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1 about decision-making at the time.

2 **A.** Again, you are absolutely right to caveat it in that I'm
3 certain that it would be helpful for the Inquiry to have
4 as much information as they could on a compensation
5 framework. I am sure my colleagues at the time felt and
6 certainly would have hoped that Sir Robert's report
7 would have assisted the Inquiry by setting out his ideas
8 as one way that the Inquiry could consider its way
9 forward. I wouldn't dispute that a Government response
10 to Sir Robert's report could also have then fed into the
11 deliberations of the Inquiry. I couldn't dispute that.

12 **Q.** And vice versa, it would enable the Government's
13 response, and in particular any problems or potential
14 difficulties that the Government were identifying, to be
15 considered and scrutinised by the Inquiry, so that the
16 Government could have had the benefit of the Inquiry
17 identifying anything about the Government's thinking,
18 that it thought it had gone down a blind alley or was
19 overestimating difficulties for example, which the
20 Inquiry, with its deep knowledge of the matters which it
21 is charged with investigating and the knowledge of the
22 plight of those infected and affected, might have been
23 able to usefully contribute. Would you accept that
24 again as a matter of generality?

25 **A.** So the question is -- could you repeat the exact --

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1 we need to do work, we may be able to set up things in
2 advance. But this isn't necessarily a way of trying to
3 influence the Inquiry's judgment as to what the
4 compensation should be and the Government coming out to
5 say, "We think this and this and this is impractical".
6 But that might have been the thinking of my colleagues
7 at the time, that that wasn't the purpose of the study
8 and that in doing so it may be seen to be trying to
9 influence the views of this Inquiry as to what the
10 compensation arrangement should be. I don't know.

11 **Q.** Can I then just put forward two further -- what might
12 have been advantages and might still be advantages of
13 the Government being able to be more forthcoming than it
14 has been to date about its thinking.

15 The first is the general principle of transparency
16 and openness. Perhaps particularly important in the
17 context of an Inquiry whose terms of reference require
18 it to consider whether there has been, historically and,
19 indeed, in recent years, a lack of candour and openness
20 on the part of Government. Do you have any observations
21 to make about that?

22 **A.** I have been very keen from when I have taken up this
23 post to be as open as I can be in terms of the work that
24 we are doing and the work that we are undertaking. It
25 is a huge issue to get right and it does require

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1 cross-Government agreement, as you said, from the
2 outset. So transparency and openness is always a good
3 thing.

4 It is also incredibly important that one doesn't say
5 anything that gives a misleading impression or takes
6 people in the direction that then can't be honoured by
7 Government, so I'm always mindful of both of those
8 factors.

9 **Q.** Then the final importance of the Government being as
10 open as it can be, whether in publishing its response to
11 Sir Robert's study or more generally, would you accept
12 this: it would avoid those who have been infected and
13 affected feeling -- continuing to feel marginalised and
14 excluded?

15 **A.** I'm very conscious of the suffering of those who have
16 been infected and affected, huge wrongs have been done,
17 and the more that we can -- the sooner this can be
18 resolved and the sooner that a Government response can
19 be made the better. I have absolutely no doubt on that.

20 **Q.** Can I just then ask you to look at something you said in
21 December 2022. It is a document I will come back to
22 probably but just for present purposes, if we look at
23 COLL0000022, please.

24 So this is a text from Hansard. It is not the
25 official Hansard document but it is a correct production

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1 to the Government because the Government had itself
2 approved the terms of reference -- I'm not going to take
3 time looking at them, I know you have looked at the
4 study yourself -- but the terms of reference for
5 Sir Robert were comprehensive and required him to look
6 at a number of important matters of detail. But the
7 Government ought to have expected, ought it not, the
8 kind of detailed wide-ranging study that it received.
9 Are you able to assist us in understanding why it was
10 apparently the complexity and wide range of factors that
11 led to the Government's change of position?

12 **A.** Again, you are asking me to comment about events that
13 I wasn't present for, as a good six months or so
14 before I became --

15 **Q.** I am but it is because you must have been given some
16 information for the purpose of making this statement.
17 It may be you have no information beyond what's in this
18 statement but the reason that's being given, as I read
19 this --

20 **A.** I think that statement would have reflected what
21 Sir Michael said when he released -- when he made public
22 Sir Robert's report prior to the -- so that that could
23 be used for the purposes of this Inquiry.

24 So I suspect -- it would be my expectation that that
25 would be a similar -- as I am quoting Michael Ellis

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1 of what was said, and we have the date at the top,
2 15 December, and this is you and it is a statement you
3 made.

4 Lawrence, if we can just go to the penultimate
5 paragraph on the page. It begins, "The Government had
6 intended". So this is still dealing with the question
7 I started with, Mr Quin, but we are now looking at what
8 you were saying about it having come into your role.

9 It says:

10 "The Government had intended to publish a response
11 alongside the study itself, ahead of Sir Robert's
12 evidence to Sir Brian Langstaff's inquiry. However, as
13 the then Paymaster General explained, the sheer
14 complexity and wide range of factors revealed in
15 Sir Robert's excellent work meant that when the study
16 was published by the Government on 7 June, it was not
17 possible to publish a comprehensive response."

18 Then you say:

19 "The Government remained absolutely committed to
20 using the study to prepare for the outcome of [this]
21 inquiry ..."

22 I want to pick up on this idea of the "sheer
23 complexity and wide range of factors revealed in
24 Sir Robert's [study]".

25 That shouldn't have come, should it, as by surprise

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1 there -- said that it is what he explained. So I think
2 I was going back to what Michael Ellis said when he made
3 public the -- Sir Robert's study without a Government
4 response at the time. And certainly from discussions
5 I had subsequent to my appointment, I am aware that work
6 was undertaken prior to the interim. When the interim
7 payment was confirmed by this Inquiry, I think there was
8 a huge amount of focus to get the interim payment done
9 and paid before the end of October, but certainly prior
10 to that and, I'm told, through it, there was work still
11 ongoing regarding Sir Robert's report.

12 So whether it was more complex or less complex than
13 my colleagues at the time had expected to receive,
14 I know that there was -- I am sure there was work
15 between departments going through that period.

16 **SIR BRIAN LANGSTAFF:** If I may, just going back to what is
17 on the screen and highlighted, this is not simply
18 a quote from Michael Ellis, is it? Because the way the
19 second sentence reads as a matter of language -- it may
20 have been not intended to read this way, but as it reads
21 as a matter of language, you are saying "as [he]
22 explained" -- in other words, you are endorsing what he
23 is saying, or appear to be -- "the sheer complexity and
24 wide range of factors revealed". So it looks as though
25 those are conclusions you yourself have reached, as

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1 a matter of language, doesn't it?

2 **A.** Sir Brian, at the time, I had come into the brief on

3 25 October. The statement that I gave to this Inquiry

4 reflected what I knew at the time, which was that we

5 were working -- using the basis of Sir Robert's report

6 to prepare ourselves for the final report of this

7 Inquiry.

8 The more I looked into it, I thought there may be

9 things we should be able to do to advance our

10 consideration of what -- to help prepare ourselves.

11 That was in the lead up to the statement that I did

12 indeed make on 15 December, after a write-around with

13 colleagues, in which we secured agreement to announce

14 the moral case for compensation.

15 From my own experience at that time, coming to my

16 own experience, hence your question, certainly at that

17 point I was aware, when I made this statement, that the

18 complexity of issues that needed to be resolved in

19 Sir Robert's study was not such that I would have been

20 able to give a substantive comment myself to the House

21 of Commons at that time. So I have absolutely no doubt

22 to believe that some six or seven months earlier, my

23 predecessor would have been in the same position as to

24 not being able to do it.

25 So I was referring back to Sir Michael Ellis'

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1 It is clear from this paragraph of your statement

2 there was still some detailed work to be done. You

3 refer there to that including ensuring that mechanisms

4 were in place to ensure that the payments would be

5 disregarded for tax purposes and benefits. But it is

6 right, I think, to understand that the fact that there

7 were details still to be worked out hadn't stopped the

8 Government taking a decision on the issue of principle

9 in relation to that first round of interim payments?

10 **A.** That is correct.

11 **Q.** Now, you then say this. If we go down to paragraph 9,

12 please, and I just want to read what you say in four

13 paragraphs of your statement and then just ask you

14 a little about it. So you say this:

15 "The consideration and decisions required to deliver

16 interim compensation impact on many of the

17 recommendations in the Compensation Framework Study,

18 such as delivery, administration, oversight, scope, and

19 statutory and/or legislative requirements - all of which

20 were under active consideration by officials prior to

21 the Inquiry's 29 July report, and remain so through

22 a network of cross-government working groups."

23 Paragraph 10, picking it up at the very last line of

24 the page, having referred to the commissioning of

25 Sir Robert's study, you say:

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1 comments, but nothing had changed at this stage to make

2 it -- to make me feel that I could have said anything

3 other than that there is complexity which needed to be

4 worked through by my officials and myself.

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

6 **MS RICHARDS:** Mr Quin, I'm going to turn now to the time

7 since your appointment as the responsible minister.

8 If we go to your first witness statement to this

9 Inquiry, which is dated 21 November 2022.

10 Lawrence, can we have WITN7526001, please. Thank

11 you.

12 So we have got the date there, 21 November, and if

13 we go to the bottom of the second page, we can see there

14 you refer to the briefing that you received -- the oral

15 briefing you received -- and reference there to the

16 issue of interim compensation payments following the

17 Inquiry's first interim report.

18 If we go to the top of the next page, we can see

19 there you refer to being briefed on the background to

20 the Government's acceptance of the Chair of the

21 Inquiry's recommendation to pay interim compensation.

22 Again, just in terms of dates, 29 July 2022 is the

23 date of the Inquiry's first interim report. 17 August

24 is the date of the Government's acceptance of that

25 recommendation. So that is less than three weeks.

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1 "Work continues across Government and with the

2 active participation of the Devolved Administrations, to

3 consider Sir Robert's recommendations, his evidence to

4 the Inquiry, and the views of infected and affected

5 witnesses, so that Government can respond swiftly to any

6 recommendations relating to compensation in the

7 Inquiry's final report."

8 Then, you say -- and I won't read out paragraph 11,

9 but you refer to certain aspects of Sir Robert's

10 recommendations, and then in the penultimate sentence

11 you say:

12 "Officials are giving the recommendations thorough

13 consideration but at this stage no decisions have been

14 taken on what a final scheme might look like, nor have

15 options been presented to me at this stage. The

16 Department is keen to develop solutions holistically,

17 and this remains an area of ongoing policy development."

18 Then paragraph 12, you refer to cross-Government

19 work, and then say:

20 "... as part of its wider work in preparation for

21 the Inquiry's final report. This work includes for

22 example consideration of other national and

23 international compensation schemes, their scope, and

24 methods of administration, principles of eligibility

25 scope and delivery; the work will also include

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1 preliminary cost estimates.

2 So you are describing there, as I understand it,
3 your understanding, presumably based upon what your
4 officials are telling you, about what the state of play
5 was by mid/late November 2022, a few weeks after you had
6 taken up your position?

7 **A.** That is the case, based on the oral briefing that I had
8 received.

9 **Q.** In terms of what you have described as the active
10 consideration and the giving of the recommendations
11 thorough consideration, at this point in time the
12 Government had had Sir Robert's report for around
13 eight months. Now, I'm not asking you for details of
14 meetings or details of different options being
15 considered, but are you able to give any more flesh on
16 the bones of what kind of work was being undertaken by
17 officials and had been undertaken by officials over the
18 preceding months? Do you have any knowledge of that?

19 **A.** My understanding -- again, this is prior to my arrival
20 as a minister in the Department, but my understanding is
21 that there had been many meetings held at official
22 level, including contact, as I understand it, with the
23 devolved administrations as per the written statement,
24 and that that had continued from the delivery of
25 Sir Robert's study.

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1 aware of other, for example, cross-ministerial groups;
2 certainly no cross-ministerial groups were established
3 prior to my arrival, as far as I'm aware.

4 **Q.** You say in paragraph 11, which is still on the screen:

5 "The Department is keen to develop solutions
6 holistically ..."

7 Which department are you referring to there? Is
8 that the Department of Health? Because elsewhere, when
9 you are talking about the Cabinet Office, you use the
10 phrase "Cabinet Office".

11 **A.** I believe I would have been -- I would not refer to
12 another department in this context. I am sure that
13 would have been a reference -- I would have intended to
14 mean the Cabinet Office in that sentence.

15 **Q.** What does being keen to develop solutions holistically
16 mean?

17 **A.** I am sure it would have meant making certain that an
18 overarching vision is created of how a compensation
19 scheme would work and would operate, and that,
20 therefore, whilst individual steps might be achieved,
21 that could be done in the context of an overall
22 establishment of a compensation scheme that, if
23 approved, would work.

24 **Q.** Then, if we look at paragraph 12, the second sentence,
25 it says:

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1 I think that a lot of work and a lot of focus had
2 been put into the delivery of the interim payments after
3 the announcement by this Inquiry of their
4 recommendation, the approval of that recommendation, and
5 that that had been a huge focus, particularly of senior
6 time, to get that out in a short period and to meet, as
7 we did meet, the deadline of the end of October. But my
8 understanding is that work had been ongoing.

9 That was prior to my arrival on 25 October.

10 **Q.** Would it be right to understand, not least, I think,
11 from your own subsequent actions and the fact that you
12 tell us later that -- you give us dates of first
13 meetings of Permanent Secretaries and then your own
14 establishment of a small ministerial group. So would it
15 be right to understand that, as at the date of this
16 statement, 21 November, the work that had been
17 undertaken, leaving aside the interim payment question,
18 had been at official level, rather than ministerial
19 level, because you said there were no options or
20 decisions yet presented to you?

21 **A.** Again, my nervousness is that, as I wasn't a minister at
22 the time, I don't know the extent of ministerial
23 involvement prior to my arrival on 25 October. So
24 that's my nervousness. But I think a lot of work had
25 been done at official level, I'm aware of that. I'm not

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1 "This work includes for example consideration of
2 other national and international compensation schemes,
3 their scope, and methods of administration, principles
4 of eligibility scope and delivery ..."

5 Now, the Government having commissioned bespoke,
6 independent advice specifically in relation to
7 a compensation framework for those infected and
8 affected, and indeed the Government knowing that the
9 study produced by Sir Robert was under consideration by
10 the Inquiry and was expecting the Inquiry to make its
11 own recommendations, it is not clear from your statement
12 why the work, eight months on from Sir Robert's report,
13 was including consideration of other national and
14 international compensation schemes. Is that something
15 you are able to assist us in understanding further?

16 **A.** So the internal work conducted in response to
17 Sir Robert's study would have been formulated before my
18 time and before I became a minister. So I'm relaying to
19 the Inquiry what work was ongoing at that time.

20 **Q.** Based upon what you know now, having been in office for
21 a number of months, are you able to assist us in
22 understanding -- again in broad terms, I'm not asking
23 for details of specific options, in broad terms why the
24 Government is -- whether the Government is still
25 considering and looking at other national and

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1 international compensation schemes or whether that was
2 just a piece of background work that has been completed.
3 Do you know the answer to that?

4 **A.** Yes, I'm aware that we looked at -- what other national
5 or international schemes have done. That is a piece of
6 work I have seen.

7 **Q.** We can pick up from your next statement, I don't need it
8 on screen at the moment, in terms of the chronology of
9 events postdating this first statement to the Inquiry,
10 that the first -- you describe a first meeting of senior
11 officials taking place on 30 November 2022 and then you
12 describe the setting up of a small ministerial group,
13 SMG in -- which meets for the first time in
14 February 2023. How are those timescales consistent with
15 working at pace, which is the phrase that both Mr Ellis
16 used and that you have used?

17 **A.** Well, I will tell you the genesis of those groups if
18 that's helpful?

19 **Q.** Yes, please.

20 **A.** As you mention, I came into office on 25 October, had
21 a briefing on 27 October, and that briefing satisfied me
22 that we were doing -- the work was being undertaken,
23 that the focus was on Sir Brian's final report. So
24 I was happy that that work was ongoing, I looked forward
25 to receiving briefings on it, I looked forward to the

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1 **Q.** It is clear from your statements that on your watch, if
2 I can use the phrase Ms Mordaunt used yesterday, you
3 have taken a particular step in relation to the
4 decision-making process, which is the establishment of
5 the small ministerial group, that hadn't previously been
6 taken, and on your watch meetings at permanent secretary
7 level have started to take place. You have given us the
8 dates in your statements of those meetings.

9 It might be said, it almost certainly will be said
10 by those listening, that that should have been done
11 a lot earlier. Now, I'm not asking this question as
12 a criticism of you, Mr Quin, because you were not the
13 minister until late October 2022, but as a minister do
14 you have any observations or comments on that, that it
15 appears it is only when you took over that those senior
16 meetings commenced and they should have started a lot
17 earlier?

18 **A.** I can only speak to my time in office and I was really
19 keen to get those senior meetings in place and I think
20 that has helped, although there are still issues to be
21 resolved and decisions to be taken.

22 What I would also say in respect of my predecessors
23 is that a huge amount of work was undertaken to get the
24 interim payment made and made on time and that that did
25 require -- coming back to one of my answers earlier,

23

1 work progressing with a view to Sir Brian's final
2 report.

3 Parliament is always helpful, and there was
4 a Westminster Hall debate I think on 24 November where
5 it became very clear that the Government's aspiration as
6 to accept that we were -- the scale that we were working
7 to with the concept of being ready for Sir Brian's
8 report was not matched by what Members of Parliament had
9 thought, and I studied that debate carefully.

10 I then went more closely into all elements of what
11 we were doing and I took the view that we needed to
12 increase senior attention, increase resources on the
13 issue to ensure that we were going to meet what we
14 aspired to do and the more we could say -- to your
15 earlier point regarding being open and transparent --
16 that the more we could say earlier the better.

17 That gave rise, in consultation with my officials,
18 to that Permanent Secretary's group, to ensure that
19 there was -- at the most senior level of the Civil
20 Service, that there was focus, which should help
21 galvanise work through the system. And in January
22 I came to the view that that would be assisted
23 significantly by having a small ministerial group, and
24 so that was also established. And that has helped to
25 drive consideration across Government.

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1 clearly there would have been ministerial engagement in
2 that, and that was in the context, as I think the leader
3 of the house said yesterday, there was some political
4 turbulence at the time as well. So I can only speak to
5 my time in office in terms of my actions.

6 **Q.** Can I then just ask you to look at the debate on
7 24 November 2022. I don't think you were present at the
8 debate.

9 **A.** No.

10 **Q.** And it is a Parliamentary Undersecretary who responds,
11 but there's just some general matters I wanted to
12 explore with you, if I may.

13 It is RLIT0002107, please, Lawrence.

14 We begin with Dame Diana Johnson, and if we go to
15 the bottom of the second page, please, Lawrence, and if
16 we look at the last paragraph, I just wanted to pick it
17 up at the last few lines.

18 No, in fact, I think I probably should read the
19 whole paragraph to put it in context. So this is what
20 Dame Diana Johnson said:

21 "Unfortunately, although the study results [that's
22 Sir Robert's study] were sent to the Cabinet Office in
23 March, the Government refused to publish it at that
24 time. Instead, they promised to publish it alongside
25 a full Government response, but the study was leaked to

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1 the press and the Government were then forced to publish
2 the report in June. However, there is still no official
3 response to Sir Robert's study. Five months on, we are
4 still waiting for that full Government response. We
5 very much look forward to what the Minister has to say
6 today about Sir Robert's study, as the Government have
7 now had a total of eight months to review the findings
8 of the study. I hope the Minister will be able to
9 provide a detailed response and firm commitments."

10 Then this, and these are really the matters I wanted
11 to just ask for your thoughts on. Dame Diana Johnson
12 says this:

13 "Just to remind the Minister again, time is of the
14 essence with this group."

15 Mr Quin, does the Government, from your perspective,
16 truly get that?

17 **A.** I absolutely believe it does, and I absolutely get it,
18 and I see that from the correspondence I get from fellow
19 MPs, from the people I meet in a constituency setting,
20 from the meeting I have had with the APPG. The sheer
21 weight of loss is extraordinary, it is ongoing, it is
22 a scandal that shouldn't have happened, and the time --
23 I recognise that this is not just over weeks or months;
24 it has been decades for which people have been waiting
25 for redress.

25

1 **Q.** Then picking it up at the bottom of the page, we can see
2 he says:

3 "I am confident that Sir Brian Langstaff's infected
4 blood inquiry, whose report we expect in the middle of
5 next year, will deliver the answers that the victims of
6 infected blood have been waiting so long for, and will
7 make recommendations for compensation and wider
8 recommendations to ensure that such a disaster can never
9 happen again in our country."

10 So this I think is right to understand from both
11 this and elsewhere: the Government, throughout the time
12 that you had been in post, was expecting that this
13 Inquiry would make recommendations about compensation?
14 Leave aside the question of when those recommendations
15 were made.

16 **A.** Absolutely, yes. My assumption was as part of the final
17 report, but I certainly assumed that there would be
18 recommendations made on compensation, absolutely.

19 **Q.** Then if we go to the next page, please, Lawrence, and if
20 we can zoom in on the first two-thirds of the page so
21 I can find the right passage.

22 Yes, if we could pick it up:

23 "Although it would be wrong for me to try and second
24 guess ..."

25 Could you zoom in on those paragraphs, please,

27

1 **Q.** Then she continues:

2 "The inquiry will already have been running for
3 six years when it concludes next year. Too many lives
4 have been lost. Too much suffering has been caused.
5 The victims of the contaminated blood scandal must not
6 be made to wait any longer, either for answers or for
7 action. What comes next from the Government should be
8 marked by openness and a full commitment to deliver
9 justice to everyone affected by this scandal."

10 Again, does the Government accept and acknowledge
11 those matters, and accept and acknowledge that those are
12 the objectives that it should be seeking to fulfil?

13 **A.** The objectives being to ensure that there is redress and
14 recognition of the sufferings?

15 **Q.** Yes, to deliver justice to everyone affected, without
16 being made to wait longer than necessary.

17 **A.** Correct.

18 **Q.** Then, if we can just turn to page 15, please, and see --
19 sorry, I think if we start on page 14, if we look at the
20 bottom of the page, under the heading, "The
21 Parliamentary Secretary, Cabinet Office". So that's
22 a more junior minister within the Cabinet Office; is
23 that right?

24 **A.** Yes, he is the other -- yes, he is my junior minister,
25 indeed.

26

1 Lawrence:

2 "Although it would be wrong for me to try and second
3 guess the likely recommendations of the independent
4 inquiry, I fully expect Sir Brian to make
5 recommendations about broader final compensation for the
6 many victims of infected blood. In his interim report,
7 Sir Brian referred specifically to bereaved parents and
8 children and said that the oral case for their
9 compensation was 'beyond doubt'. He recognised what he
10 called the 'greater degree of personal
11 individualisation' necessary in determining compensation
12 for that group of victims, the complex nature of which
13 made it difficult to include the group of bereaved
14 victims in an interim scheme to be introduced as rapidly
15 as possible. There can be little doubt that once he has
16 considered the arguments in closing submissions,
17 Sir Brian's final report will make recommendations about
18 compensation for a far wider group of people."

19 So, again, just pausing there, it is clear from this
20 it was the Government's expectation that this Inquiry's
21 compensation recommendations, when they came, would go
22 beyond the cohorts of individuals to whom the interim
23 payments had been directed.

24 **A.** I believe that would be the case, yes.

25 **Q.** Then this:

28

1 "Sir Robert's study was commissioned so that the
2 Government would be ready to address quickly any
3 recommendations on compensation made by the inquiry.
4 Officials are now working together across Government to
5 produce options for compensation that can be quickly
6 matched to the inquiry's recommendations. On the point
7 made by the right hon Member for Kingston upon Hull
8 North (Dame Diana Johnson) at the start of the debate,
9 we have the resource in place across Government to do
10 that work. We are doing it with the intention of being
11 able to respond very swiftly to the inquiry's findings
12 when they come."

13 So as at the end of November 2022, would this be
14 a fair summary of the Government's position: it was
15 expecting to receive recommendations from this Inquiry
16 about compensation; it was, I think, at that stage
17 expecting that those would come in mid-2023 -- of
18 course, we know they came slightly earlier, but
19 mid-2023 -- and its plan was to have done everything it
20 needed to do to be able to respond very swiftly to those
21 recommendations?

22 **A.** That is a fair summary of the position at that time.

23 **Q.** Thank you.

24 Now, that then was 24 November. Again, just
25 sticking with your own direct involvement as much as

29

1 12 December ..."

2 Can I just ask you to help us to understand the
3 process here. What's the reason for this letter being
4 directed to the Chancellor of the Exchequer?

5 **A.** The Chancellor chairs the Home Affairs Committee, which
6 is a subcommittee of the Cabinet. So I should explain
7 that this small ministerial group which I referred to
8 earlier does not have decision-making powers on behalf
9 of the Government. It can help coordinate and help
10 departments understand each other's positions. Actual
11 decisions of the Government have to be taken by
12 a Cabinet decision or subcommittee of the Cabinet, and
13 the Chancellor is the chairman of the Home Affairs
14 Committee to which this is directed.

15 **Q.** Then, the process of write round, Ms Mordaunt referred
16 to it yesterday and we have heard it from other
17 witnesses dealing with earlier events, but again, for
18 the benefit of those listening today, what is that
19 process of write round?

20 **A.** There are some issues that are best undertaken and
21 decided in committee. So the Home Affairs Committee
22 could meet with the relevant ministers around the table
23 to deliberate and decide on a particular issue. If
24 there has been sufficient work done to agree consensus,
25 for example through the working of a small ministerial

31

1 I can now, you wrote to the Chancellor of the Exchequer
2 on 5 December 2022.

3 Could we just have that letter up on screen, please,
4 Lawrence. It is WITN7526003. If we go to the next
5 page.

6 We see there the letter, 5 December, and addressed
7 to Jeremy Hunt, Chancellor of the Exchequer. The
8 heading tells us the broad terms the purpose:

9 "... write round to agree acceptance of three
10 recommendations in the compensation framework study by
11 Sir Robert Francis KC."

12 You say:

13 "I am writing to the Home Affairs Committee to seek
14 clearance to:

15 "I. accept recommendations 1, 4 and 19 made by
16 Sir Robert Francis ...

17 "II. formally accept there is a strong moral case
18 for compensation, as articulated in Sir Robert's first
19 recommendation, building on Government's acceptance of
20 the case for interim payments announced on 17 August."

21 Then just the next paragraph:

22 "I am seeking clearance ahead of an announcement
23 outlining planned cross-Government work over the coming
24 months in consideration of infected blood compensation
25 on [15 December]. Responses are required by 5 pm Monday

30

1 group, it may be possible to, rather than meet in
2 person, to send a letter, which will then go out to all
3 the relevant ministers and their departments. They will
4 then respond to the chairman of the committee saying
5 whether they do or do not accept the proposition being
6 advocated by that particular minister. If everyone
7 agrees, that's Government policy. If there is dissent
8 at that point, you need to have further engagement
9 before an agreement can be taken up collectively.

10 **Q.** It would appear from this that the write-round process
11 is something that can, and obviously it would depend on
12 the context, in principle be done fairly quickly,
13 because you are here writing on 5 December and requiring
14 a response within a week?

15 **A.** Yes. As you will appreciate, writing the letter and
16 receiving the letter is very -- that's the easy part of
17 it. It is making certain that there is agreement to
18 what they contain, and that can take weeks or months.

19 **Q.** We know you did, in relation to the moral case for
20 compensation, get that agreement because you --

21 **A.** I did.

22 **Q.** -- you made an announcement on 15 December. Can we then
23 go to the second page, please.

24 I just want to pick it up in the last two paragraphs
25 on that page. Again, you refer to Sir Robert's study:

32

1 "... commissioned in order to provide the Government
2 with advice on potential compensation framework design
3 and solutions, which can be ready to implement upon the
4 conclusion of the inquiry ..."

5 You set out the expectation that there will be
6 further recommendations. You say:

7 "... we must be ready to respond positively and
8 swiftly to them. To that end, Cabinet Office officials
9 will establish cross-Government working groups to take
10 forward separate work strands related to the study."

11 I think the natural inference from that letter is
12 that such cross-Government working groups hadn't to date
13 been established; is that right?

14 **A.** Well, working groups hadn't. So work had been conducted
15 between departments. I suspect what this is referring
16 to is the establishment at the permanent secretary level
17 group. I suspect that's what the reference is.

18 **Q.** Then you go on to say in the next paragraph, you refer
19 to there being a very low level of trust of the
20 Government among campaigners. You refer to meetings you
21 had with the APPG. You say that they -- co-chairs of
22 the APPG have vociferously made the point that on this
23 issue, in their view, HMG tends to be very reactive.
24 You refer to the Government being criticised for not
25 having made more progress or provided a full response.

33

1 the erroneous view that HMG is not intending to respond
2 appropriately to Sir Brian Langstaff's recommendations."

3 Again, that is a theme I will pick up later,
4 Mr Quin.

5 Then:

6 "It is therefore my intention to update Parliament
7 as this work progresses, providing as much detail as
8 I can on specific areas of work, including, where
9 possible, formal acceptance of other recommendations, as
10 workstrands are completed, seeking collective agreement
11 where necessary."

12 Then you say you would like to be "as forward
13 leaning as possible" when announcing the acceptance of
14 the moral case for compensation.

15 It looks from this as though what your thinking was
16 at the time, in terms of the process, is that as and
17 when decisions were made on particular issues, or
18 particular recommendations, you were hoping you might be
19 able to make announcements on a rolling basis rather
20 than just making a single announcement at the end of all
21 the work. Is that a fair way to read what you are
22 saying here?

23 **A.** That is.

24 **Q.** Again, I will pick that up when we come to where we are
25 as at today.

35

1 You say:

2 "A full response is not possible before
3 cross-Government work in consideration of Sir Robert's
4 detailed recommendations is complete, and this will take
5 some time - work is underway with the intention of
6 completion by May 2023, ahead of publication of the
7 Infected Blood Inquiry's final report, expected in
8 July 2023."

9 In terms of the Government's own deadline for this
10 work, the plan as at early December 2022 was that it
11 would be completed by May, is that right?

12 **A.** That was my intention as set out in this letter to the
13 Chancellor and the Home Affairs Committee. I wanted to
14 drive progress as swiftly as I could.

15 **Q.** Okay. We know that hasn't happened, but I will come on
16 to that because I want to take this chronologically.

17 You then say:

18 "... I still think it is important to provide
19 reassurance via an oral statement, reference progress
20 made and the Government's determination to be well
21 prepared for the publication of the Langstaff Report,
22 expected in mid-2023."

23 Top of the next page:

24 "The obverse is also true - a failure to make
25 a statement will increase mistrust and may even foster

34

1 The moral case for compensation, you were given the
2 green light to make that formal statement, which you
3 then made in December 2022, accepting the moral case for
4 compensation. What did the government mean by accepting
5 the moral case for compensation? Can you help us with
6 your thinking or your understanding of the Government's
7 thinking in that respect?

8 **A.** Well, it was the acceptance of a recommendation,
9 recommendation 1 and, as per Sir Robert, that there is
10 a strong moral case for a publicly funded scheme to
11 compensate both infected and affected victims as set
12 out.

13 **Q.** So it is an acceptance, is this right, I don't want to
14 put words in your mouth, that establishing
15 a compensation scheme is the morally right thing to do?

16 **A.** Yes, I think it does both that and also says that we
17 shouldn't be constrained by strict -- any strict legal
18 liability that there is something -- certainly as
19 a layman, not as a lawyer, I would take a moral case to
20 say that there are grounds to being more generous than
21 would be required by law in these circumstances, for
22 very good reasons, as set out by Sir Robert and indeed
23 Sir Brian.

24 **Q.** Then if we could just briefly look at what you said in
25 Parliament on 15 December 2022. So that is COLL0000022,

36

1 please, Lawrence.

2 So we looked at part of this text earlier, but if we
3 go to the second page, if I can pick it up in the third
4 paragraph, this was your update to Parliament:

5 "A cross-Government working group, co-ordinated by
6 the Cabinet Office, is taking forward work strands ...
7 A cross-departmental group at permanent secretary level
8 has been convened ..."

9 Then you refer to Sir Robert having agreed to
10 provide independent transparent advice to the group as
11 work progresses.

12 Is that something which has continued, are you able
13 to say, Mr Quin?

14 A. No, it hasn't. I have spoken to Sir Robert
15 subsequently. So the -- he was never called upon to
16 give ongoing advice into that committee by the permanent
17 secretary group, which subsequently had less prominence,
18 I think, as the SMG was formed.

19 Q. Then you say:

20 "It is my intention over the coming months to update
21 the House on progress and, where it is possible, to
22 provide greater clarity on the Government's response to
23 Sir Robert's recommendations prior to Sir Brian's report
24 being published."

25 Again, that is an issue I will come back to.

37

1 and when you could, when progress was made, and you are
2 saying in terms that at least a reason for that,
3 an important reason, is the importance of ensuring that
4 those infected and affected were fully apprised of the
5 progress.

6 A. Yes, my position at the time was that we would do all
7 the work to be ready to respond as swiftly as possible
8 to the Inquiry's final report, which I believe would
9 contain compensation recommendations. It was also the
10 case that if I could set out building blocks which would
11 help in the -- towards that process, towards being in
12 a -- towards the Government's response on compensation,
13 that that's something I would like to do and would then
14 make statements accordingly.

15 It wasn't a commitment to do so, there is no
16 timetable to set out, but it was certainly my thinking
17 and my hope that we could produce some further progress
18 and announce that in advance of Sir Brian's final
19 report, albeit that the absolute focus and the
20 overriding position was the work was designed to be able
21 to respond swiftly as possible to the Inquiry's final
22 report.

23 Q. And that reflected, no doubt, the Government's
24 understanding that the further recommendations on
25 compensation that the Inquiry might make would be

39

1 Then, the next paragraph, then, we can see your
2 formal acceptance of the moral case for compensation.

3 Can we then go to the top of the next page, please,
4 Lawrence, second paragraph. You say this:

5 "Those infected and affected have suffered enough."

6 Then you refer to the Government's actions through
7 payment of interim compensation.

8 You say, last sentence:

9 "We have much to do, but I wish to assure the House
10 ... this is a priority for the Government and we will
11 continue to progress it."

12 Then, if we could turn to page 4, we see the
13 heading, just over a third of the way down the page,
14 with your name again, and then the second paragraph
15 below that you say:

16 "I cannot commit to a timetable. The reason is that
17 I do not want to say anything in this House that we
18 cannot meet. There is a complex series of steps to be
19 taken and work to be done ... it is my intention to
20 update the House as we make progress. We must do so in
21 order to ensure that those infected and affected are
22 fully apprised of the progress we are making."

23 I will come onto the question of a timetable later,
24 but you were telling Parliament in December 2022 that
25 you wanted to be able to give the House information as

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1 contained in its final report.

2 A. Correct.

3 Q. Again, I will come back to the question of waiting for
4 the final report.

5 But before I do that, I just want to then pick up on
6 some points of detail and some dates and so on. You set
7 them out in your second statement. I'm not proposing to
8 put the statement up on screen unless it would assist,
9 but you tell us in that second statement that, I think
10 starting around early January 2023, you asked for more
11 frequent briefing. Why was that? Were you concerned
12 that you weren't being kept up to date, or was that to
13 try and encourage officials to act more speedily?

14 A. As ministers, there's a number of levers you can pull.
15 You have committed people, and actually the people who
16 worked for me on this are absolutely committed, in my
17 experience, to getting redress for those who suffered.
18 But you have a number of levers you can pull, and I was
19 pulling levers to ensure that we were absolutely doing
20 our utmost to get on top of issues, get to resolution,
21 get announcements, and three elements of that is the
22 permanent secretary's group, the SMG, and also asking
23 for regular briefings and, as appropriate, increasing
24 resource.

25 Q. Now, you also tell us in your second statement --

40

1 I don't think we have the precise date, but it doesn't
 2 matter -- that it was agreed that the Department of
 3 Health and Social Care would establish a new team to
 4 undertake an analysis of cost and scale of
 5 implementation.
 6 Does that mean that work of analysis of scale and
 7 cost hadn't yet begun?
 8 **A.** I'm not aware of that analysis having been undertaken at
 9 anything other than a very, very top-level view.
 10 **Q.** Again, I'm conscious that you only come into position in
 11 late October, but given that the Government had had
 12 Sir Robert's report since the middle of March 2022, at
 13 first blush, at least, that seems somewhat surprising,
 14 that that work -- and one understands why the Government
 15 would want to have that information -- wasn't
 16 commissioned until early 2023.
 17 **A.** I was very keen to see that work done.
 18 **Q.** Do you have any understanding as to why it wasn't
 19 commissioned earlier?
 20 **A.** I can only speak to myself, that was clearly something
 21 that was important for the Government to have, for all
 22 kinds of reasons, and I was keen to get that
 23 commissioned and work under way.
 24 **Q.** Would you accept that it is not -- that time frame of
 25 that work only being commissioned essentially on your

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1 **A.** I believe so. Slight caveat because I don't get invited
 2 to those meetings and I don't receive minutes of those
 3 meetings, to my knowledge, but I believe there has been
 4 a subsequent meeting at the permanent secretary --
 5 perm sec level.
 6 What I would say, however, is that the more an SMG
 7 works, often that becomes the focus rather than the
 8 permanent secretary group.
 9 So they will be coordinated together but my
 10 understanding is that there has been a further permanent
 11 secretary meeting since then.
 12 **Q.** Just to complete the chronology, the other category of
 13 meetings which have taken place, I think starting
 14 in June, have been meetings that you have had, whether
 15 virtually or otherwise, with Health Ministers of the
 16 devolved administrations?
 17 **A.** Yes, two such meetings with the Health Ministers for
 18 Scotland and Wales and the permanent secretary of the
 19 Health department in Northern Ireland.
 20 **Q.** Yes, you are right, obviously not a Health Minister in
 21 Northern Ireland given the current situation.
 22 So, in early April 2023 obviously this Inquiry
 23 produced its Second Interim Report, and you then gave
 24 a statement on 19 April 2023 to Parliament. Perhaps we
 25 could just briefly look at that.

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1 watch, in early 2023, is not consistent with working at
 2 pace?
 3 **A.** I can only comment for the decisions that I have taken.
 4 I certainly thought that was necessary, important, that
 5 we had that -- that we had that underway.
 6 **Q.** Now, in terms of other meetings, you have given us the
 7 dates in your statements of the various meetings. So
 8 I think we had the first meeting of senior officials,
 9 30 November 2022. The first small ministerial group
 10 meeting, 22 February 2023. Then there have been --
 11 I think you tell us there was a second SMG meeting, if
 12 I can use that acronym, small ministerial group meeting,
 13 in March, and then two meetings in May and a meeting in
 14 June.
 15 I'm not, as you know, going to ask you for details
 16 of what was discussed at those meetings. But are you
 17 able to assist us by telling us whether there had been
 18 any subsequent SMG meetings since 14 June?
 19 **A.** Yes, there was a subsequent meeting in July.
 20 **Q.** In terms of the permanent secretary's meetings, on my
 21 putting together of a chronology of dates from your
 22 statement, the last such permanent secretary's meeting
 23 that you give a date for is 26 April 2023. Have there
 24 been any subsequent permanent secretary's meetings, do
 25 you know?

42

1 RLIT0002126, please, Lawrence.
 2 You refer to the publication of the Inquiry's Second
 3 Interim Report. I'm not going to go through the detail
 4 of what you set out but could we go to the next page
 5 please. Bottom half of the next page.
 6 If we could just zoom in on that bottom half,
 7 please, Lawrence.
 8 Just picking up what you say here. You refer to the
 9 publication of the report. You say that the
 10 recommendations are complex and need careful
 11 consideration. You say then in the second paragraph on
 12 screen:
 13 "... I would like to reassure the House that while
 14 the Government are progressing work to ensure that we
 15 are in the best possible position to respond fully at
 16 the end of the inquiry, every recommendation by
 17 Sir Brian, including in relation to timing and a further
 18 interim payment, is receiving intense focus."
 19 Then there is a reference to the issue of
 20 psychological support in the recommendation there.
 21 Then you say this:
 22 "In closing, I would like to reiterate the need for
 23 pace. People die every week as a result of the impact
 24 of the scandal. This Government want to deliver
 25 resolution, and we are working at pace across all

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relevant Departments to consider the recommendations as outlined in this latest report and to ensure that we are best placed to respond to the inquiry's final report."

That's 19 April. We are now late July. We are well over a year since Sir Robert's report was delivered to the Government. We are over three months on from the delivery of this Inquiry's report with its recommendations for compensation and those who are infected and affected are at present no closer to knowing what the Government intends to do.

Given what you have said in particular in that last paragraph, the "need for pace", "people die every week", is that good enough?

A. Given the scandal and the enormity of what happened, and the impact that's had on so many people's lives, there are no good answers in terms of producing redress, and nothing can be -- nothing can in any way compensate.

What I want to see, what the Government wants to see, is a proper resolution to this. It is difficult to

formulate and conclude a response. I recognise that.

But I'm absolutely determined that we do make that very fair and equitable settlement, which I have said before.

Q. I'm just going to press you for an answer, if I may, and I'm not here looking at simply the period that you have been minister; I recognise that you have taken steps

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which will be after the 45 minutes or so -- I say "or so" with due respect to Ms Richards; it is counsel's estimate of time -- because she will have to field questions which there may be for you from those who are representing the various Core Participants engaged in the Inquiry, and as you know, the Act provides that they have a right to put questions through counsel. She has to have time to consider those questions, and they indeed will have to listen to everything you say before they finally formulate those questions. So there will be a further gap, a further delay, at that stage. We will take it as it comes.

For the moment, I think 35 minutes yesterday was sufficient for everyone to get what they needed by way of refreshment and relief, and we will take a break, then, until -- let us say 11.50 am.

11.50 am.

MS RICHARDS: And, sir, the normal warning for the witness.

SIR BRIAN LANGSTAFF: Yes, of course.

I will say to you what I say to all witnesses: you are giving evidence. What you must not do is discuss anything you have been asked or anything you think you may yet be asked with anyone, whoever that anyone might be.

I look forward to seeing you back at 11.50 am.

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that were not taken, in terms of processes, by your predecessor. But looking at the overall period of time since the Government has had Sir Robert Francis' recommendations, and the further period of time since the Inquiry has delivered its recommendations, and appreciating, as I do in asking this question, that there is obviously a lot of work to do in setting up a compensation scheme, is it good enough that the Government still have given no indication of what it actually might do?

A. The Government, from the outset, has said that they would want to respond swiftly to -- in terms of the substance of the compensation scheme -- Sir Brian's final report, and I appreciate that Sir Brian and the Inquiry has said that that is their final word on compensation. As I said in the House of Commons before now, I have absolutely no doubt that those compensation proposals will be put into very upsetting context when the full findings of the report are released.

MS RICHARDS: Sir, I note the time. I'm going to be probably another half an hour/40 minutes or so, I think, in my questions. I'm happy to continue or take a break. It is entirely a matter for you, sir.

SIR BRIAN LANGSTAFF: I think we will take a break.

If I can explain, there will be a further break,

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(11.12 am)

(A short break)

(11.50 am)

MS RICHARDS: Mr Quin, I want to turn to the question of timescales now and going forward. So, if we could have your second witness statement on screen, WITN7526002, please, Lawrence.

If we could go to the third page, paragraph 8. So you say in paragraph 8:

"Having enhanced my understanding of the issue in November 2022, I was keen to set a challenging internal deadline to complete consideration of the Sir Robert Francis study's recommendations by May 2023 ..."

Then you refer to the letter you sent to the Chancellor which we looked at before the break. Now that is the internal deadline. You told Parliament on 15 December, and again we looked at it before the break, so I'm not proposing to put it on screen again, that you couldn't commit to a timetable. As I understand it from the statement you made to Parliament, part of the reason for that may have been not wanting to commit to a timetable unless you were confident you could deliver it, is that right?

A. Absolutely right.

Q. But although you didn't commit to a timetable in public,

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1 you did internally have the deadline that you preferred
 2 to in your statement. Would it have been, do you think,
 3 looking at it now, of some assistance to make that
 4 internal deadline public for two reasons: the first, it
 5 might well provide important encouragement for
 6 officials, especially if matters had been proceeding
 7 slowly up to that point; and, secondly, it might remove
 8 a small measure of uncertainty for those infected and
 9 affected to have at least some understanding of what
 10 timetable the Government was trying to work to?

11 **A.** To your first point, officials and my ministerial
 12 colleagues were in no doubt that my desire and the
 13 Government's desire was to make progress. As you say
 14 that was a letter to the Home Affairs Committee of the
 15 Cabinet. So, for internal purposes, that was setting
 16 a challenging deadline. I recognised it would be
 17 a challenging deadline but sometimes you need to set
 18 challenging deadlines in Government to get momentum. So
 19 that was an internal target.

20 I was very conscious, in setting that deadline, that
 21 a lot of work needed to be done, and I had not, at that
 22 stage, had a small ministerial group going through with
 23 colleagues as to what would be achievable.

24 So as the coordinator, as the chair of that SMG,
 25 saying, "This is what we should be working to", was

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1 and then not to hit that deadline was something I was
 2 acutely aware not to do. I didn't want to give people
 3 a false expectation. I didn't want to give people
 4 an expectation I could not meet and at that stage I was
 5 not in a position to know that we would be able to hit
 6 a May deadline, and indeed we weren't.

7 **Q.** But the May deadline has passed and we are now some
 8 eight months or so on from your letter to the Chancellor
 9 in early December. Are you able to tell us now what
 10 timescale the Government is working to?

11 **A.** The objective remains to be able to respond as swiftly
 12 as possible after the final report. And I heard
 13 Sir Brian yesterday, I understand the final report will
 14 be in autumn, and my objective, objective as
 15 a Government, is to ensure that we can respond swiftly,
 16 as swiftly as possible, after the final report.

17 **Q.** I want to come on to in a moment the question of waiting
 18 for the final report. Would you accept this, that it
 19 would be wrong for this matter not to have reached some
 20 form of conclusion in terms of a Government announcement
 21 of its response on compensation before the end of this
 22 year? So, wrong if it were to shift into next year, not
 23 least because there is the possibility of a general
 24 election next year, with all the attendant uncertainties
 25 as to when and all the attendant constraints created by

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1 an appropriate thing to do, but without agreeing that
 2 with ministerial colleagues and having a collective
 3 agreement to be giving assurance to Parliament, and
 4 indeed to the community, that that is a deadline I would
 5 be hitting, would be a rash thing to do.

6 **Q.** Do you see that from the perspective of those most
 7 intimately concerned with this matter, those infected,
 8 those affected, that if they don't have any information
 9 about deadlines or likely timescales, from their
 10 perspective, first of all, all they are seeing is what
 11 may seem to them to be inertia or apathy, and secondly,
 12 they have, themselves -- well, it has the potential to
 13 increase their sense of hopelessness.

14 **A.** I recognise that. It is incredibly -- I recognise how
 15 much hurt has gone on for so long and that with
 16 Sir Robert's study and with this Inquiry there is a real
 17 sense that finally we are getting to a conclusion. And
 18 that is also my view, that finally we are getting to
 19 a conclusion. So the fact that there's the moral case
 20 for compensation -- and it is incredibly helpful to have
 21 the Second Interim Report out. This all helps us to
 22 develop the Government's conclusions. But I'm really
 23 worried about, given the history, to say, "Don't you
 24 worry, by the end of May we will have -- be able to
 25 announce substantive progress on the following issues",

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1 election purdah?

2 **A.** I'm really keen to get an announcement as soon as
 3 possible. The one thing I would -- may I add, if it is
 4 helpful, because it goes back to the letter to the
 5 Chancellor, is a desire to try and show, as
 6 I've discussed, some of the building blocks towards
 7 a substantive response -- that remained a focus
 8 throughout, but to ensure, above all, that we are in
 9 a position to come up with a substantive response as
 10 soon as possible after the final report.

11 I really, really do want to have that as soon as
 12 possible, and that is a view that is shared, I know,
 13 across Government.

14 **Q.** "As soon as possible" is quite a loose phrase, because
 15 Mr Ellis used that very phrase in July 2022 and we are
 16 12 months on, and I am sure you would agree that
 17 12 months is not as soon as possible. Are you able to
 18 be any more precise than that?

19 **A.** The response from the Government will be a full
 20 Government response, a cross-Government agreement, so
 21 I'm not empowered to be able to set a deadline for the
 22 Government to respond. I'm not in a position to do that
 23 today, and it would be wrong for me to pretend that
 24 I could come to this Inquiry and say, "I have got
 25 cross-Government agreement for a response by this date".

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1 That's not the position I'm in. So I can only tell you
2 that the Government is committed to responding as soon
3 as they can after the final report.

4 As I have said consistently, if there are things we
5 are able to say before the final report, that would be
6 great, with a substantive report after the final
7 report -- a substantive response after the final report.
8 I can't give a date because I'm not in a position and
9 I am not empowered to do that.

10 **Q.** In your first statement as at 21 November, you said at
11 that point in time no decisions had been made and no
12 options had been presented to you for consideration.

13 Eight/nine months further on -- and again, I stress
14 I am not asking you for the details of the options that
15 are under consideration, or may be under consideration,
16 in terms of the specifics -- but has the decision-making
17 reached a stage at which there are now options that are
18 being considered at a ministerial level?

19 **A.** Yes, I can give you that assurance, that there is a --
20 that because of the work that has been done, there is
21 far greater clarity on the issues, and is now in
22 a position where some significant decisions need to be
23 made, but I am far more confident that we have the
24 building blocks that are required for those decisions to
25 be made in Government.

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1 As the Leader of the House said yesterday, the
2 positions on legislation tend to be made prior to and
3 announced as part of the King's Speech, and then there
4 is some time following that to put legislation in place.
5 So that is one constraint in terms of timing.

6 **Q.** Can I come then to this question of waiting until the
7 Inquiry's final report is available. Why is that the
8 government's position? What is it that you think --
9 when I say "you", I mean the Government, Mr Quin,
10 I should say -- that you will learn that is so essential
11 to the decision-making that it is worth deferring any
12 announcement on the compensation scheme until then?

13 **A.** My understanding is that the -- it is entirely a matter
14 for the Inquiry. My understanding is that the final
15 report is likely to come out in the autumn, is my
16 understanding. There is absolutely no reason why the
17 Government should hold back on taking as many decisions
18 as it can and being in a position to respond very
19 swiftly after the final report is announced, and that is
20 the process that we are doing.

21 I'm afraid I have lost my train of thought. Would
22 you mind repeating the question?

23 **Q.** Of course.

24 What is it about the final report that means that
25 you are waiting for it? What do you expect to learn

55

1 **Q.** Can we just look at the Chair's Second Interim Report.
2 It is INQY0000453. I just want to go to the very last
3 page, please, Lawrence.

4 As you will know, Mr Quin, the report has at the end
5 all of the Chair's recommendations set out. Most of the
6 recommendations are what I could call recommendations of
7 substance, so what the scheme should look like, what
8 kind of award should be made and so on.

9 Recommendation 18, the last recommendation, is
10 a recommendation of timing:

11 "... set up now and it should begin work this year."

12 If the Government is proposing to wait until after
13 the final report is received before making or announcing
14 a decision, is it right to understand that the
15 Government is effectively rejecting recommendation 18?

16 **A.** None of the -- I can't think of any of the
17 recommendations that we have gone through and taken
18 a decision as a Government to reject, but there are
19 practical consequences which come to bear. One of them,
20 as I have referred in the House of Commons -- I referred
21 to a number of the issues with which we are
22 contending -- is the strong likelihood of the
23 requirement for primary legislation to establish
24 a compensation scheme. That, as the Leader of the House
25 referred to yesterday, would take time.

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1 from the final report that's relevant to the decision to
2 establish a compensation scheme and the form it takes?

3 **A.** Thank you for repeating the question. I'm sorry I had
4 to ask for it to be repeated.

5 **Q.** That's okay.

6 **A.** There is an awful lot we know. And from -- so my
7 decision on behalf of the Government -- the Government's
8 decision which I have -- which I announced about the
9 moral case for compensation, that came out of everything
10 we have heard from these Inquiries and the work of
11 Sir Robert's study as well. So it is clear that there
12 is -- in our view, there is a moral case for
13 compensation. It is clear that we are doing work to
14 produce a case for compensation.

15 It is likely that a lot of the recommendations in
16 the Inquiry's Second Interim Report are -- they are
17 quite novel in some respects and they also will
18 involve -- although no decisions have been taken as
19 yet -- a substantial amount of taxpayer's funds,
20 unsurprisingly, given the appalling history of this
21 scandal.

22 Being able to put the Government's response into the
23 context of those findings is a useful and helpful thing
24 to do in justifying our actions and setting out why we
25 have undertaken the steps that we have and explaining

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1 how any compensation scheme that is brought forward is
2 put in the context of other recommendations and other
3 actions that the Government in response to the overall
4 final report on this scandal.

5 **Q.** That sounds as though, Mr Quin, that following receipt
6 of the Inquiry's final report you are going to be
7 looking also at not just all the findings, and no doubt
8 there will be quite a lot of those, but also any other
9 recommendations that the Chair makes wholly unrelated to
10 compensation. If you are going to do all that before
11 you make an announcement on a compensation scheme,
12 that's months, isn't it?

13 **A.** No, I wouldn't wish that to be read into my answer.
14 Although, again, no decision has been taken on
15 Government as to how we would respond to the report we
16 haven't received, I would not see any reason why the
17 Government should say we cannot respond to the
18 compensation elements prior to responding to other
19 findings in respect of the Inquiry.

20 So I'm not putting a blocker on the Government
21 responding to the compensation elements prior to us
22 having a substantive response to other elements of the
23 findings.

24 And I would, if I may, also say that it is
25 incredibly useful to have had the Second Interim Report

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1 perspective?

2 **A.** I think it will unveil very, very significant issues
3 that happened over many decades and should never ever
4 have happened.

5 **Q.** But given everything else, given the acceptance of the
6 moral case, given Mr Hancock's acceptance of the
7 principle of compensation if recommended, why wait until
8 receipt of the final report when you have already the
9 final word on compensation from this Inquiry?

10 **A.** In practical terms there is still work to be done and
11 decisions to be made. So I would not wish the Inquiry
12 to think that everything's ready and we are just sitting
13 waiting for the final report. That would not be
14 a conclusion I would wish you to take. So there is work
15 to be done for us to be ready for the final report.
16 That is one just very real practical issue.

17 There is advantage in being able to set out in
18 response to -- as part of our response, in part of the
19 compensation scheme -- any compensation scheme that is
20 brought forward, put that in the context of the final
21 report and all the losses that have taken place over
22 that period.

23 **Q.** I appreciate you can't make policy or make decisions in
24 the witness box, Mr Quin. Let me put this, before
25 I leave this particular topic, to you in this way. Can

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1 when it came out. So it really is useful that we have
2 had that: this is where the Inquiry has ended on
3 compensation, that is the final word on compensation,
4 what do we do to ensure that we are in the best possible
5 place? So it is incredible useful to have had that
6 Second Interim Report early.

7 **Q.** Can I just explore this issue of waiting until the final
8 report a little further with you.

9 In May of 2021, I think, the then Secretary of State
10 for Health, Matt Hancock said on oath to this Inquiry
11 that if the Inquiry recommends compensation, it will be
12 paid.

13 December 2022, the Government, having made the
14 interim payments that were recommended in the autumn,
15 you accepted on behalf of the Government the moral case
16 for compensation. The Chair's Second Interim Report
17 says in terms wrongs were done at individual, collective
18 and systematic levels, and you yourself, on 22 June --
19 and you have referred to this in your evidence
20 already -- said you were certain that the full report
21 would put those proposals into further and -- these were
22 your words -- "I fear deeply upsetting context".

23 Pulling all those together, the Government is not
24 expecting the final report, I think, to be happy
25 reading; is that right from the Government's

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1 I invite you to take back to your colleagues for
2 conscious consideration and conscientious consideration
3 the question of uncoupling what the Government does in
4 response to the Sir Robert Francis study and the interim
5 report from this Inquiry, uncoupling that from the final
6 report. I invite you to have further discussions within
7 Government with your colleagues about whether that's
8 really necessary, or appropriate, given the very
9 particular history of this matter.

10 **A.** Absolutely made the point and I commit to taking --
11 to discussing that again with my colleagues.

12 **Q.** Sorry, I said I was leaving this topic but one further
13 matter I want to explore.

14 What I want to put to you, Mr Quin, is two concerns
15 that have been expressed by many of those who are
16 infected or affected about why the Government has said
17 it won't make its decision -- its announcement until the
18 final report. So I'm going to put them to you and
19 invite you to comment to the extent you have been able
20 to do so.

21 Some fear that it is being used as an excuse because
22 there has been delay to date, because the Government
23 hasn't acted as quickly as it should have done. Others
24 fear that the decision to wait for the final report is
25 because at that point the Inquiry ceases to have any

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1 powers and the Government would be free to disregard the
2 Inquiry's recommendations with impunity.

3 Now, those are very real concerns amongst some who
4 would stand potentially to be the beneficiaries of the
5 compensation scheme. Are you able to say anything about
6 those matters?

7 **A.** In my dealings across Government, I see no suggestion
8 that any of my colleagues want to come to a conclusion
9 other than bringing forward a full response to the work
10 of the Inquiry and making certain that we set out our
11 response. And, as I say, no decision has been made, but
12 all the arguments in favour of a compensation scheme,
13 and you have quoted particularly my reference to the
14 moral case having been made and to what others have said
15 in the past, that still stands.

16 **Q.** Can I then move to a couple of other topics and then
17 just come back with some final, more general questions.

18 Meetings with the devolved administrations. You
19 have given us the dates in your statement. I think
20 there were two meetings in the last couple of months,
21 and they resulted in the publication of a joint
22 communique. Perhaps we will just put that up on screen.
23 RLIT0002157, please, Lawrence.

24 So we can see here this joint communique, 12 June.
25 Second bullet point tells us this is the first occasion

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1 responsibility in terms of these matters, and those are
2 the kinds of issues that were -- would have been
3 discussed in that context with the devolved
4 administrations.

5 It was also a rare example where there was
6 a difference between the two, between the study and the
7 Second Interim Report, about how compensation payments
8 could be made.

9 **Q.** Costs estimates; in your third witness statement -- so
10 perhaps, again, let's just have a quick look at that,
11 Lawrence, WITN7526005. Thank you.

12 If we look at paragraph 16, please. I think that's
13 probably page 5. So you say there:

14 "My understanding is that there is considerable
15 uncertainty over the size of the cohort who might be
16 eligible for an award."

17 Then you refer to the Inquiry's statistical expert
18 group and the figures that have been summarised arising
19 out of the expert group's statistical work, and you have
20 got there the estimates of numbers of people infected
21 with bleeding disorders and numbers of people infected
22 through transfusion. Obviously those are significant
23 numbers of individuals identified as part of the
24 statistical exercise.

25 Would you accept, however, that the actual likely

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1 that the ministers and the Northern Ireland Permanent
2 Secretary have met to discuss the report.

3 Do you know whether there had been any ministerial
4 meetings prior to that to discuss Sir Robert Francis'
5 report across the devolved administrations?

6 **A.** I'm not aware of any.

7 **Q.** Then there is reference to the moral case, a proposal
8 that there is going to be a further meeting in the
9 coming weeks. Has that happened?

10 **A.** Yes.

11 **Q.** Are there further meetings planned? Again, I'm not
12 asking for dates or details of discussions.

13 **A.** We certainly concluded the last meeting saying that we
14 would meet again, absolutely.

15 **Q.** Again, I ask this in quite broad terms: what's the
16 purpose of the meeting with the devolved
17 administrations, in general terms? I know health is
18 a devolved matter. Is the question of compensation
19 regarded as a devolved matter?

20 **A.** It is an issue on which the devolved administrations
21 would certainly have a view and would wish to express
22 a view. Both the study and the Inquiry's report make
23 a firm recommendation that these are matters that took
24 place before devolution and, therefore, as I think
25 I have said in the past, the UK Government has a unique

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1 numbers of claims, so the likely numbers that would fall
2 with any cohort who would benefit from any compensation
3 scheme, are certain to be substantially lower than that,
4 and that your best guide may be to look at the numbers
5 registered with the current schemes and the numbers who
6 applied for and received interim payments last autumn?

7 **A.** My understanding from the recommendations is that
8 compensation could go further than those that are
9 registered within the existing schemes.

10 **Q.** You are absolutely right in general terms, Mr Quin, and
11 of course for financial modelling purposes, no doubt
12 a Government wishes to look at theoretical possibilities
13 in terms of numbers, but thousands of those who have
14 been infected will have died. There will have been many
15 who have were infected who probably never knew they were
16 infected and are not going to come forward now to make
17 a claim.

18 In relation to hepatitis C and those affected
19 through transfusion, which is where the higher numbers
20 appear, there was a fund established in 2004, the
21 Skipton Fund, open, since 2011, to the estates of those
22 who died before 2003. So people have been able to make
23 claims for having been infected through transfusion for
24 nearly two decades. And then people did make claims, as
25 living infected people and bereaved partners, for

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interim payments in the autumn of last year. The actual figures -- and I know you have been provided with a note that pulls together the most recent figures that we have received from the devolved schemes -- but rather than pull it up, the actual numbers of infected people registered now across the UK is 3,484, and there were 3,503 interim payments made.

So it is important, isn't it, that whatever decision the Government finally makes is made on the basis of a realistic understanding of the likely numbers and not theoretical statistical possibilities?

A. I would certainly agree with that. The Government's modelling would have to take into account in theory how large a claim could be made, because of course you need to do that in Government, but would also look at a range of probabilities and the most likely outcome.

Q. Do you know -- and it may be that this is a question for Ms Dunn or others, but do you know what kind of numbers of claims the government's decision-making is based on at the moment?

I'm sorry, that was slightly clumsily expressed.

Has that work been done so that the Government now has what it considers a realistic understanding of the actual likely numbers of claims?

A. Work has been done to try and establish both maximum and

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information.

Q. There is a later article, again --

A. Sorry, if I may, and I'm not -- that's not to confirm the information in the article either. There is a reason why Government doesn't comment on these things, and I would not have been at all happy to see that kind of information being put into the public domain in any way or the source of it.

Q. There is a later article, I do not think I will take time putting it up on screen, but for the benefit of those behind me it's RLIT0002136. That is a Telegraph article, and in that one the estimate that is being reported has quadrupled to 20 billion.

First of all, would you agree it is not helpful for those infected and affected to learn this kind of information through the press. It is not the right way?

A. I completely agree.

Q. A cynical construction could be placed upon it to say, well, this is the Government leaking information about the likely high cost at a time of cost of living crisis because it wants to reduce the prospect for public criticism in the coming months if what it announces is something less than people hope it will. That's a cynical construction to place on it, that this is a deliberate exercise of officials -- I'm not suggesting

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also, within that, the most probable outcome.

Q. Can we then just look at a couple of articles of recent origin. The first is RLIT0002137. This is an article in the Financial Times and you will see in the left-hand column it is asserted that:

"The compensation bill ... could reach £10bn, according to officials, in a further blow to the UK's stretched public finances.

"Ministers have accepted the 'moral case' for compensating families ...

"The scandal dates back to the 1970s and 1980s, but ministers are only now coming to terms with the financial hit.

"Government officials have told the Financial Times that the compensation scheme might cost £5bn-£10bn."

Then there is reference to talks being held and an official saying people are very worried about the cost.

Were the Government officials who were briefing this newspaper, do you know whether they were Cabinet Office officials or Treasury officials? Has there been any inquiry as to why officials were apparently leaking this information to the press?

A. I have got -- I do not know which Government officials spoke to that particular journalist and gave him that

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of you, Mr Quin -- to try to get it out there that this is all going to be too expensive for the Government. Is there anything that you feel able to comment on in response to that?

A. No, I was very frustrated to see speculation of that nature being put into the public domain. It is speculation and it is not helpful.

Q. You will know, Mr Quin, that one of the interim reports' recommendations was to make interim payments to a cohort of individuals who have never received any form of compensation, who don't benefit from the current and have never benefited from the predecessor financial support schemes but who suffered the most horrific losses: parents whose children died and children whose parents died. The recommendation goes a little wider than that but I'm just going to focus on those two cohorts and I think it is recommendation 12 in the interim report.

Now, given how -- that you are not yet able to commit to a timescale for the final announcement, and that you have told us that there is still some work to be done and that no decisions as yet have been taken on the actual shape and content of the scheme, would you agree all that strengthens further the case for active consideration of making further -- sorry, of making

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1 interim payments for the first time to those cohorts of
 2 individuals?
 3 **A.** So we have looked at the recommendation on interim
 4 payments alongside the other recommendations in the
 5 Second Interim Report and would wish to make a statement
 6 on any interim payment at the same time that we respond
 7 to the rest of the report. Which is not to say that
 8 there is a rejection of the concept of an interim
 9 payment -- far from it -- but to come up with a combined
 10 response both on interim and on the rest of the report.
 11 **Q.** So, sorry, do we understand from that that, as things
 12 stand at today's date, the Government is not
 13 anticipating making any decision or announcement on
 14 interim payments for those groups that I have identified
 15 until after the final report?
 16 **A.** To date, what we said publicly is that we are looking at
 17 that recommendation alongside the other recommendations.
 18 No final decision has been made as to whether an interim
 19 payment could be made prior to other recommendations
 20 being concluded, although there is a lot of work to be
 21 done to conclude our views on the compensation scheme
 22 and the compensation scheme being brought forward, which
 23 may indeed have a bearing on interim payments that will
 24 be made.
 25 **Q.** Has any work been done on at least -- in anticipation of

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1 register. It would be -- whilst, as I say, no decision
 2 has been made at all, to have established a registration
 3 scheme before definitely determining across Government
 4 that that payment would be made would seem a difficult
 5 step to take.
 6 **Q.** I'm going to now just put to you a couple of general
 7 points, and they're points I explored again with
 8 Ms Mordaunt yesterday.
 9 As I am sure you will know, Ms Mordaunt, in
 10 Parliament in I think May of this year, used the words
 11 about "putting it right", and she said:
 12 "It may fall to us in this place on our shift to put
 13 that right, but we must put it right. We have to put it
 14 right."
 15 Would you accept that if the acknowledgement of the
 16 moral case for compensation is not followed by action in
 17 paying compensation, you are not putting it right, and
 18 that the acceptance of the moral case becomes nothing
 19 more than a hollow statement?
 20 **A.** Penny spoke yesterday evenly about her own personal
 21 commitment to this. You can't be heavily involved as
 22 the sponsor minister without getting emotionally
 23 involved and wanting to get a conclusion, and I'm in
 24 exactly the same place as Penny in wanting to see this
 25 concluded.

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1 the possibility of such interim payments, of starting
 2 the process of registering people now, without seeking
 3 to raise expectations, but so that at least if you do
 4 make the decision to make those payments, the payments
 5 can then be made swiftly? Because as you will know, the
 6 rationale for the Chair's first interim report and for
 7 the limitation of the payments to effectively those
 8 currently registered with the schemes was that that
 9 could be done quickly because they were already
 10 registered. If you don't even make a decision on the
 11 other interim payments until you make the rest of your
 12 decisions, and you then say you will make those
 13 payments, it would be months, then, further wasted,
 14 would it not? Could you not at least start the process
 15 of registration now? Or has any work been done to see
 16 how feasible that is?
 17 **A.** The worry on this incredibly valid point that
 18 registration would be required and would be needed for
 19 the second interim payment, as recommended by the
 20 Inquiry, there is a significant emphasis about
 21 registering people before a decision has actually been
 22 taken that they will be receiving that interim payment.
 23 So, that would be, as you will appreciate, something
 24 which, in terms of the decision, yes, that interim
 25 payment will be made, and then inviting people to

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1 There is a process within Government, which you
 2 understand and the Inquiry understands, whereby
 3 decisions are taken collectively, but when I said what
 4 I did on behalf of the Government about the moral case,
 5 absolutely, it says what it says; there is a moral case
 6 here for compensation to be paid, and the discussions in
 7 Government are very much focused -- while no decisions
 8 have been taken, the discussions are very much around
 9 that compensation scheme.
 10 **Q.** I understand that no decisions have been taken on
 11 a number of matters as to how a scheme would be
 12 established and what its scope would be and so on. I'm
 13 hoping that you can confirm at least, given everything
 14 you have said in Parliament and, indeed, given the
 15 express recognition by the Government that last year's
 16 interim payments were the beginning and not the end, it
 17 is the Government's position, isn't it, that there will
 18 be a compensation scheme, it just isn't able to say
 19 anything about its detail or its scope?
 20 **A.** We have not said anything about the detail or the scope,
 21 but we absolutely did say that the interim payments were
 22 the beginning and not the end of this matter.
 23 **Q.** And that means there will be a compensation scheme?
 24 **A.** I have got no doubt -- I have got no doubt that
 25 compensation will be paid; the form and the shape of

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1 that compensation are decisions that have to be made.
 2 **Q.** Last point -- and, again, it is one that I explored with
 3 Ms Mordaunt, but I put it to her on a hypothetical basis
 4 because she is no longer the minister and primarily
 5 concerned.

6 Many of those infected and affected are concerned
 7 that the Government, in full knowledge that people are
 8 dying -- and you yourself have made that point in
 9 Parliament, Mr Quin -- are kicking the question of
 10 compensation off into the long grass.

11 Now, I asked Ms Mordaunt for her views as to
 12 whether, if that were the case hypothetically, if there
 13 were that conscious dragging of feet on the basis that
 14 it is too complicated or too expensive, that would be
 15 a morally objectionable and morally repugnant course of
 16 action.

17 I want to ask you the non-hypothetical question: can
 18 you confirm, Mr Quin, that the Government is not
 19 dragging its feet on the basis it is too expensive or
 20 too complicated and that it is not kicking it off into
 21 the long grass?

22 **A.** I have not seen any evidence that there is a view in
 23 Government to kick this into the long grass. There is
 24 a determination to get this resolved. We want to get
 25 this resolved. We want to get redress for those who

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1 But it depends really on your own timetable. I am
 2 conscious that you are a busy man, amongst other things
 3 with this but also with other things. So, would you
 4 prefer a break of half an hour to field the questions,
 5 come back, answer them and then everyone have their
 6 lunch after that, or would you prefer to have the break
 7 now which would use our time a bit more productively?

8 **A.** Sir Brian, it is very kind of you to place the
 9 preference with me. My preference would be to have the
 10 half hour break and come back but I'm entirely in the
 11 hands of the Inquiry.

12 **SIR BRIAN LANGSTAFF:** Let's do that. We will have a half
 13 hour break. If any further time is needed you will be
 14 told. Sometimes a number of questions come in a little
 15 late or in some number, so we will take a half hour
 16 break.

17 We will come back, then, at 1.05 pm unless there is
 18 further notice.

19 (12.35 pm)

(A short break)

21 (1.15 pm)

22 **Questions from CORE PARTICIPANTS**

23 **MS RICHARDS:** Mr Quin, just a few further questions.

24 The first is a point about process. I think in your
 25 evidence earlier you said that, to your knowledge, the

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1 have suffered so much. Absolutely the case.

2 **Q.** Has there been any assessment by the Government, for its
 3 own purposes, of the number of further lives that might
 4 be lost before the Government responds?

5 **A.** I don't think we need further analysis, I think we all
 6 know about the ongoing toll, and I'm very aware of it,
 7 and I'm very aware of the number of people who are
 8 dying.

9 **MS RICHARDS:** Sir, those are the questions I was proposing
 10 to ask. Just over my 40-minute estimate, sorry.

11 We obviously need to take a break now for the final
 12 opportunity for Core Participants to suggest questions.
 13 I was wondering, and I appreciate it involves detaining
 14 Mr Quin beyond 1 o'clock, but if we could perhaps take
 15 half an hour now, I think that would be sufficient for
 16 questions.

17 **SIR BRIAN LANGSTAFF:** I think it really depends on you,
 18 Mr Quin. The one possibility would be for everyone to
 19 take a lunch break now, which would be about an hour and
 20 a quarter, and then come back for however long it would
 21 be. I can't, I'm afraid, tell you how long, because it
 22 depends how many questions there are for you arising out
 23 of what you have said in your statements and this
 24 morning.

25 When that's done then you are finished.

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1 small ministerial group doesn't see the minutes of the
 2 Permanent Secretary meetings. Is there a mechanism for
 3 ensuring information sharing and joined up working
 4 between those two groups?

5 **A.** Absolutely. I think I said that I wouldn't see
 6 immediate minutes of the Permanent Secretary meetings,
 7 which is not to say that my private office wouldn't
 8 receive them. So it is always what actually goes in
 9 front of me and what comes to my private office by way
 10 of circulation, there is a difference, and I can't
 11 recall ever seeing minutes of those meetings.

12 But in terms of joined up process, it would be -- it
 13 would certainly be an expectation that any views
 14 determined at the Perm Sec group would be used to inform
 15 the SMG. So I should put it that way round: that
 16 there's a -- and that the Perm Secs wouldn't be working
 17 in isolation; this would be a cross-Government effort
 18 and, ultimately, the SMG needs to receive information
 19 which can then inform the process.

20 **Q.** Have any additional resources been added to the Cabinet
 21 Office team dealing with this matter to enable the
 22 response to compensation to be delivered at pace?

23 **A.** Yes.

24 **Q.** And in broad terms, the nature of those resources?

25 **A.** So you have the two different roles, but linked: acting

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1 as sponsor to the Inquiry, there is a team that's been
2 working to support the Inquiry and make certain that
3 they have the resources that they require to conduct the
4 Inquiry, and my understanding is that the
5 cross-Government working, from -- up until my engagement
6 was primarily driven by that team. In the first quarter
7 of this year, I certainly took the view that we would
8 need to increase the resources, and we have drawn other
9 resources from inside the Cabinet Office as
10 a secretariat function, and some additional resource
11 came from there at a senior level to assist the work of
12 the Government in -- the Cabinet Office in that
13 coordinating function.

14 **Q.** And --

15 **A.** There was also a change of permanent secretaries as
16 well, as you'll be aware.

17 **Q.** Yes. I know the answer to the next question but it is
18 a question I have been asked by others to ask, so, for
19 the benefit of others, Sue Gray had been the senior
20 civil servant within the Cabinet Office dealing with the
21 question of moving forward, the response to the
22 Sir Robert Francis study, as I understand it. She
23 obviously no longer works for the Cabinet Office. It is
24 my understanding that it is the Cabinet Office Permanent
25 Secretary who now fulfils that work and that would be

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1 as the Leader of the House said yesterday, is the fourth
2 parliamentary term and there's a lot to be done in that
3 window.

4 There is -- it is usual for Government to set out
5 its intentions via the King's Speech. It does not mean
6 that the Government can't make commitments earlier if
7 they choose to do so about what they would intend to put
8 in the -- what they would wish to bring forward in the
9 next session on Parliament.

10 In terms of the time between now and the new session
11 of Parliament, there is -- that is a relatively short
12 period of parliamentary time. So there is a very narrow
13 window between now and the expected date for the
14 prorogation of this parliamentary session. So it is
15 a very -- that would be a very narrow window to get
16 legislation through.

17 **Q.** Thank you for that, and it may be that if we need to, at
18 the end of this week, we can pick that up with others.

19 We looked earlier in your evidence at a statement
20 you made in Parliament about hoping to make
21 recommendations, also hoping to make announcements or
22 provide further information on a rolling basis --
23 I think the "rolling basis" was my term rather than
24 yours -- rather than a single announcement.

25 If we look at your third statement, WITN7526005,

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1 Alex Chisholm, is that correct?

2 **A.** You are correct on both parts. So Sue Gray acted on
3 this from the outset, certainly from the point of view
4 of -- that Sir Robert Francis' report published, and
5 I assume before that, through to her departure, I think
6 on 2 March. Then Alex Chisholm, who is the Permanent
7 Secretary in the Cabinet Office, took on the most senior
8 leadership, and in addition we brought additional
9 resource in around that time to -- and subsequent to
10 that, to support the Permanent Secretary in that role.

11 **Q.** In relation to the possibility of primary legislation,
12 my understanding is that the King's Speech would be
13 November. Is it essential to await the King's Speech to
14 introduce legislation, given that if there's no
15 announcement in relation to that until November, and
16 given the possibilities of a general election next year,
17 that might create considerable further delay?

18 **A.** The specialist of this is the Leader of the House, but
19 what -- can I talk in the generality if that would help
20 the Inquiry?

21 **Q.** Yes.

22 **A.** So in the generality, there is no set date for
23 the King's Speech. That is a decision that is made.
24 The King's Speech normally sets out the programme of
25 Government for the forthcoming parliamentary term which,

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1 paragraph 10, which is page 3, we can see you say in
2 paragraph 10, bottom of the page:

3 "The Government is considering the package of
4 recommendations as a whole and has not reached on any
5 final decisions on any of the individual
6 recommendations."

7 So has there been a shift in position since the end
8 of last year, which is when I think you were indicating
9 your hope that you would be able to make announcements
10 on a more individual basis, and if so why?

11 **A.** There has been -- what I have encountered is the
12 practicalities of dealing with the recommendations, so
13 I'm very glad you have asked that question.

14 So, certainly my hope, as expressed in the letter to
15 the Chancellor back in December, would be that we could
16 go through the recommendations in Sir Robert's report
17 and pick up individual recommendations, and then try and
18 lay some of the ground works for a -- that could be used
19 for a compensation scheme, were one to be recommended by
20 the final report and then agreed to by the Government.

21 There is a -- there are quite significant issues
22 that need to be resolved and decisions that need to be
23 made, which may sound quite -- but are important, for
24 example around -- I won't go into the details of
25 specifics, but some of them I have referred to in

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1 Parliament; for example, having an ALB which would not
2 have ministerial involvement, and I totally understand
3 why that's a recommendation, and I totally, totally
4 understand that absolute independence, but as I said to
5 Parliament, that would be an unusual approach because
6 there wouldn't then be a minister responsible to
7 Parliament for the actions of that ALB, and the role
8 would be for taxpayer's funds to go to the ALB and for
9 then the rules to be determined by the independent
10 committee. So I totally understand that recommendation,
11 but that is the kind of issue that needs to be worked
12 through and resolved.

13 So some of the things that I might have wished to
14 have said, or we as a Government might have wished to
15 have said, do depend on decisions that need to be
16 determined which are quite significant.

17 **Q.** That's, if I may say so, a useful example in terms of
18 the next question I'm proposing to ask, which is this,
19 and then I will explain what I mean by the link with
20 what you have just said.

21 You told us about significant practical issues in
22 responding to the second interim report. Practical
23 issues, issues of implementation and structure, are not
24 the same as the principles of the scheme or are not
25 necessarily the principles of the scheme. And the

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1 So the two do -- I totally understand that there is a --
2 they are two different things and yet they are -- their
3 effect is to be conflated.

4 **Q.** Just a couple of further matters then.

5 The first is just to go back to the question of
6 waiting for the final report. In circumstances where
7 the Government has accepted the moral case and where
8 ministers, including yourself, have repeatedly
9 recognised the impact of the scandal, what else does the
10 Government need to understand in order to take its
11 decisions and communicate them on compensation?

12 **A.** The Government needs to take decisions on what form that
13 compensation should take, all the ramifications of that,
14 and so that is work that is ongoing and is separate from
15 what the final report would say. So there is
16 decision-makings, as I said earlier. I don't want you
17 to think that we have come to a conclusion and are just
18 waiting. We are not. I'm afraid there is work that
19 still needs to be done and decisions that do need to be
20 taken.

21 There are -- whatever the Government's conclusion,
22 I have no doubt that -- well, I will start again if
23 I may.

24 The recommendations in the report are wide-ranging
25 and far reaching and I totally understand the rationale

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1 question I'm asked to put to you is: why is the
2 Government not able to commit at least to some
3 principles at this stage?

4 And by that I mean, let's say you can't, at this
5 stage, commit to the form of arm's length body for the
6 reasons you have just given. You can't commit to a date
7 on which the first payments might be made because of the
8 need to set up a legislative framework. But that
9 doesn't mean you can't say, does it -- that you can't
10 commit to the principle of paying compensation broadly
11 along the lines identified by both Sir Robert and
12 Sir Brian and broadly to the categories or cohorts of
13 people identified in the Second Interim Report?

14 Those would be examples of differences between some
15 of the practical workings out which you might need still
16 to do more work on and some statements of principle
17 which might provide enormous reassurance to those
18 infected and affected.

19 **A.** I totally understand the distinction that you are
20 making. I think the -- in the reality of formulating
21 policy you inevitably apply end up working out the
22 practical consequences if you agree a principle, and
23 therefore the two do get conflated. So if we are on
24 principle to do this, what are the practical
25 consequences of a decision to work on that principle?

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1 behind the recommendations that are being made. The
2 Government, if it was to go down that route, to do so
3 against the backdrop of the findings I think is
4 a helpful thing for Government and for Parliament and
5 for the country as a whole to say these are the wrongs
6 that took place -- as I have no doubt this Inquiry will
7 conclude -- these are the findings of the Inquiry and
8 for us to respond to be able to say we understand all of
9 that, we have read the final report, we appreciate the
10 context in which decisions have to be taken, even more
11 than we did, from the Second Interim Report and from
12 Sir Robert's study, and on the back of that this is what
13 we will be doing on compensation and either this is our
14 response to the other recommendations or when we will be
15 responding to those recommendations.

16 **Q.** Can I just see if I understand what you are suggesting
17 there, Mr Quin.

18 Are you saying that you need to have -- that you
19 don't think you would get a scheme through Parliament
20 without the findings of a final report? This is not
21 a party political issue, is it? It is an issue on which
22 Members of Parliament on all sides have spoken
23 passionately and eloquently over decades. Is there any
24 reason to think that you need a final report to get
25 either the public or Parliament on your side?

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1 **A.** I sincerely hope -- and I've said this in the House of
2 Commons -- that if there is a requirement for primary
3 legislation, which I think is not absolutely certain but
4 is more likely than not, I would sincerely hope that
5 that would have the support -- absolute support in both
6 Houses of Parliament. As a Government minister,
7 I sincerely hope that that would be the case. But that
8 does not mean to say that being able to put Government
9 proposals into the context of a final report and all the
10 findings regarding the errors that took place and the
11 scandal that happened would not be appropriate and
12 helpful.

13 **Q.** It might be said that whilst it would be helpful and, in
14 the ordinary course of events, one might understand why
15 you might wait for a final report, but it might be said
16 given everything else that's happened, that in this
17 particular context, waiting for a final report is
18 compounding those very wrongs that you are expecting to
19 see articulated in that final report.

20 **A.** I appreciate the point and I do appreciate that there is
21 ongoing loss of life as a result of the scandal, and
22 I do understand that.

23 **Q.** Very final question, then, is just to return to this
24 question of the possibility of registering those so far
25 whose loved one's deaths have not been recognised.

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1 inquiries -- often make recommendations; sometimes those
2 recommendations are said by the Government of the day to
3 be accepted, and some people think, from their
4 experience, that they then sit on the shelf and never
5 get implemented. Acceptance is one thing,
6 implementation is another.

7 There may be a fear, based upon past assurances --
8 you have been very clear that you don't want to give
9 an assurance which is broken because it creates the
10 wrong dynamic. There may be a sense that, going from
11 personal experience of those who have been infected and
12 affected, promises are made too easily and broken rather
13 more easily over time.

14 What system do you suggest, from your experience as
15 a coordinating minister of other departments, should
16 Government -- or would in Government, if introduced to
17 Government, best enable Parliament or the public to hold
18 the Government's feet to the fire when it comes to
19 implementing -- accepting or rejecting, but implementing
20 those recommendations which are actually accepted?

21 **A.** On the generality, if I may, and then maybe come back to
22 this Inquiry. On the generality, this has been some --
23 there has been some debate on this, so -- and I'm not --
24 this is not a reflection of Government policy, this
25 is -- but there has been some -- some of the -- some

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1 Can the Government not set up or agree to the
2 registration of recipients, whether through the existing
3 schemes or otherwise, without committing as to whether
4 that would be registration for an interim payment or for
5 the final compensation which the Government has
6 recognised is inevitable?

7 **A.** You are asking a theoretical question as to whether it
8 could happen? Of course. So of course the Government
9 could ask potential beneficiaries to register in advance
10 of a decision being taken.

11 I'm always very keen that there should be certainty
12 when dealing with all the communities, and I know they
13 have not had certainty. I would much rather say, "This
14 is what's happening, can you please register", than say,
15 "Can you please register and we will tell you what is
16 happening". But you ask a theoretical question, and
17 absolutely that could be the case.

18 **MS RICHARDS:** Sir, those are the questions I'm proposing to
19 ask, and Mr Maxwell-Scott has no questions of his own.

20 Is there anything that you would wish to ask
21 Mr Quin?

22 **Questions from SIR BRIAN LANGSTAFF**

23 **SIR BRIAN LANGSTAFF:** Just this, really: quite a lot of
24 people, speaking very generally, have the view that
25 inquiries -- again, speaking about all sorts of

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1 think pieces have been raised on exactly these sort of
2 issues, and I think there has been discussion in the
3 liaison committee of the -- which is a select committee
4 of the House of Commons, as to how this could be
5 monitored.

6 So the point you are raising, Sir Brian, is one that
7 has been subject to parliamentary interest, and I'm
8 thinking back -- this is not something I prepared for,
9 for this session, but I think I previously on behalf of
10 the Government expressed a view that that is something
11 that is best dealt with by parliamentary select
12 committees as part of their scrutiny of the Government
13 of the day; that they are in possession, having received
14 the report, to be able to summon ministers, which they
15 can do, to then test how the Government has implemented
16 promises that it has made, they can do that over the
17 generality, and that includes doing so over Inquiry
18 recommendations that the Government has accepted.

19 So I believe that -- from my recollection, that that
20 was how I responded to a particular question on that
21 issue quite recently, saying that it is for Parliament
22 to hold ministers to account, which they do, regarding
23 the implementation of such -- of Inquiry's
24 recommendations.

25 **SIR BRIAN LANGSTAFF:** One of the suggestions made to me in

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1 the course of our hearings about possible
2 recommendations was that there should be a duty upon the
3 administration, so speaking generally of Government, to
4 report to the public every so often as to the
5 implementation of the recommendations such as are
6 accepted. Would that work? Would it help? Because
7 that would enable perhaps the public to help to keep the
8 Government of the day's feet to the fire?

9 **A.** There is a -- this is interesting constitutional
10 territory. There is a -- Parliament has got a very
11 powerful role in holding the Executive to account. That
12 is their purpose, and we shouldn't deflect from that,
13 and there have been Parliamentarians who have been
14 extraordinarily effective, and you know who I mean,
15 Sir Brian, amongst others who have really pushed
16 successive governments on this issue and have shown the
17 effect of Parliament in being able to bring something
18 really up into the public domain.

19 So there is a mechanism there. If it was -- if
20 an individual inquiry made recommendations that
21 governments should respond and provide a report-back
22 mechanism on a certain basis, and the Government then
23 accepted that recommendation, then that would put
24 an onus on Government to issue statements on a regular
25 basis as committed to through that recommendation.

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1 Government in addition to the work that Sir Robert has
2 done.

3 **SIR BRIAN LANGSTAFF:** Well, thank you very much.

4 **MS RICHARDS:** Mr Quin, is there anything you wanted to add?

5 **A.** I think -- I almost said it in those remarks, that there
6 is a huge depth of suffering from those infected and
7 those affected. There is an absolute determination that
8 this is resolved. I'm very grateful for the work that
9 this Inquiry has done. As you highlighted, we have
10 accepted there is a moral case for compensation. I'm
11 deeply committed to continuing to pursue this through my
12 role in the Cabinet Office, as I know my colleagues are
13 elsewhere in Government, and I really do look forward to
14 us getting to a resolution, but I know that that has
15 been a very, very long time coming.

16 **MS RICHARDS:** Thank you.

17 Sir, that concludes this witness's evidence.

18 **SIR BRIAN LANGSTAFF:** For my part, can I thank you for
19 giving evidence and giving us as much of an insight as
20 you can into the workings of Government around this
21 particular issue and thank you for your expressions of
22 commitment. Thank you very much.

23 **THE WITNESS:** Thank you, sir.

24 **MS RICHARDS:** So, sir, that's now I think time for a lunch
25 break which will obviously need to be a reasonable

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1 Now, if that's helpful, I don't know, but that -- of
2 course, if there was a recommendation that, in order
3 to -- particularly in this particular case, taking it
4 from the generality to the specifics, where there is
5 a huge amount of scepticism and cynicism, for very
6 understandable reasons, from the communities affected
7 about the way successive governments have acted, if that
8 was a recommendation, that Government should report to
9 Parliament on a certain periodic basis about the
10 progress that they have made, then that would obviously
11 be free to you, sir, and the Inquiry to make that
12 recommendation.

13 **SIR BRIAN LANGSTAFF:** So that should perhaps be my first
14 recommendation, should it?

15 **A.** Sir Brian, I wouldn't dream of telling you what your
16 recommendations should be. But I really do recognise
17 that given the depth of suffering, over a very long
18 period of time, that the absolute desire to see redress
19 and a conclusion and that there is a deep nervousness
20 and scepticism is -- it took me a period of time to
21 realise quite how deep rooted that was, it was meeting
22 members of the community that made me realise what the
23 legacy has been over many, many years and decades. The
24 Second Interim Report has been extremely helpful in
25 getting people's -- getting us all focused on -- in

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1 period of time and then we have the evidence of Ms Dunn,
2 and my apologies to her for keeping her waiting, but she
3 will be genuinely a much shorter witness, so we will
4 come back for her evidence whenever you consider it
5 appropriate.

6 **SIR BRIAN LANGSTAFF:** Do you suggest 3 o'clock is too late?

7 **MS RICHARDS:** No, I don't. I think that's perfectly
8 reasonable.

9 **SIR BRIAN LANGSTAFF:** 3 o'clock.

10 (1.41 pm)

11 (The short adjournment)

12 (3.00 pm)

13 **SIR BRIAN LANGSTAFF:** Now, Ms Dunn, let me explain the
14 arrangements. I'm sorry you have been kept waiting,
15 first of all. That's because of the unpredictabilities
16 of timing. But we are now ready to start. In this room
17 you will see a room in front of you full of
18 participants, people who have a very particular interest
19 in the outcome of this Inquiry in general. To your left
20 there are lawyers. At the very back there are
21 representatives of the press. There is a room
22 downstairs where there is an overflow, and you will be
23 talking to a rather greater number online because every
24 word you say will be streamed once Ms Richards starts
25 asking you the questions.

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1 But first, Mary will invite you to take the oath.
 2 Mary.
 3 **MS SHONA DUNN (sworn)**
 4 **Questioned by MS RICHARDS**
 5 **MS RICHARDS:** Ms Dunn, you have been a civil servant since
 6 1995, I think?
 7 **A.** That is correct.
 8 **Q.** You were in the Cabinet Office between 2016 and 2018,
 9 but as far as you are aware you didn't have any
 10 involvement in matters relevant to this Inquiry during
 11 that time?
 12 **A.** That is correct.
 13 **Q.** But since April 2021 you have been the Second Permanent
 14 Secretary at the Department of Health and Social Care?
 15 **A.** I have.
 16 **Q.** And it is in that capacity that you have been asked by
 17 the Inquiry to give evidence.
 18 Can you just tell us briefly what the nature of the
 19 post is of Second Permanent Secretary and what kind of
 20 role and responsibilities you are expected to fulfil?
 21 **A.** So in general terms the role of a Second Permanent
 22 Secretary varies quite a lot across Government. So
 23 there are different types of Second Permanent
 24 Secretaries, to put it bluntly, in different types of
 25 departments.

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1 an intention on the part of ministers is an appropriate
 2 use of public funds, and I am accountable to -- on those
 3 points -- to Parliament. So I will go before the
 4 Parliamentary Accounts Committee in my own right as
 5 an accounting officer to account for how public money is
 6 spent.
 7 **Q.** Now, you had some involvement on behalf of the
 8 Department of Health and Social Care with the question
 9 of compensation in relation to those who were infected
 10 and affected, is that right?
 11 **A.** I have.
 12 **Q.** Can I ask you to look at your statement.
 13 It is WITN7714001, and if we could go, please,
 14 Lawrence to page 9.
 15 I just wanted to pick up a handful of matters,
 16 starting at the bottom of the page, paragraph 5.5. You
 17 say this:
 18 "Day to day policy work on Infected Blood, including
 19 engagement with ministers, and with the Cabinet Office,
 20 has largely been led by the responsible Senior Civil
 21 Servants ..."
 22 Can you assist with an idea of the numbers of senior
 23 civil servants who are involved on behalf of the
 24 Department of Health and Social Care with day to day
 25 policy work first of all on infected blood generally?

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1 **SIR BRIAN LANGSTAFF:** Can I ask you to stop there for
 2 a moment. If you slow down a bit it is easier for
 3 people to hear, because the acoustics are not brilliant.
 4 **A.** In the Department [for] Health and Social Care, the
 5 nature of the Second Permanent Secretary role is one
 6 almost of a deputy to the group Permanent Secretary, the
 7 principal Permanent Secretary.
 8 I hold specific responsibility in the Department for
 9 the teams that consider strategic matters, who consider
 10 all matters to do with people and finance within the
 11 organisation, and I run those teams that provide the
 12 enabling services for the organisation.
 13 **Q.** And amongst your responsibilities at the Permanent
 14 Secretary level is matters related to infected blood to
 15 the extent that they require Permanent Secretary input,
 16 if I can put it that way?
 17 **A.** That is correct.
 18 **Q.** You are also an accounting officer. Again, could you
 19 tell us in a sentence or two what that means?
 20 **A.** As an accounting officer it means that I hold the
 21 particular responsibility for ensuring that public
 22 funds, that public money is spent appropriately, and
 23 there are a series of tests set out in managing public
 24 money, which is a document owned by the Treasury, that
 25 I adhere to when I am considering whether a proposal or

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1 **A.** In the main there is a director level senior civil
 2 servant and a deputy director level senior civil servant
 3 who will draw on other input as necessary but there will
 4 be at any one point at least two, at times possibly
 5 three, there's also -- apologies for the Civil Service
 6 hierarchy points here -- there is a director general
 7 also between the director and me but we won't -- not all
 8 the senior civil servants will be involved necessarily
 9 at all points.
 10 **Q.** Then I will come back to some of the involvement of
 11 senior civil servants in a little while.
 12 Then if we could turn over the page, please, to
 13 paragraph 5.7. You say this:
 14 "With respect to Infected Blood, I have empowered
 15 the responsible SCS with undertaking all day to day work
 16 including briefing ministers, as needed. However,
 17 I expect to be, and have been, consulted and briefed by
 18 colleagues on any aspects which have strategic
 19 implications for the work of the Department."
 20 Can you assist in our understanding of what aspects
 21 of the compensation issue are regarded as having
 22 strategic implications for the work of the Department?
 23 **A.** So the question about whether Government decisions with
 24 respect to the compensation scheme would have strategic
 25 implications for the Department is difficult to answer

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1 without those decisions having been made, but of course
 2 the Department is the sponsor body for the NHS Business
 3 Services Authority. We are, therefore, the sponsor for
 4 the support scheme and, therefore, any decisions with
 5 respect to compensation will have -- could have some
 6 bearing on services we already provide, and therefore
 7 have significance for the Department.

8 **Q.** What, if any, involvement do civil servants within the
 9 Department, the Department of Health and Social Care,
 10 have with the question of principle of whether there
 11 should be compensation and, if so, to what groups of
 12 individuals should it be paid?

13 **A.** So the Department has, in my experience, and since
 14 I have been there as Second Permanent Secretary, been
 15 very respectful of the decision that the Government had
 16 made that the sponsor department for this Inquiry should
 17 be the Cabinet Office and not the Department of Health
 18 and Social Care. So the Department has limited itself
 19 in that period to responding to and making
 20 a contribution to the work of the rest of Government,
 21 rather than seeking to put itself in a lead
 22 decision-making role.

23 **Q.** Can we then move -- it is the bottom of the page in
 24 fact -- to paragraph 5.8.

25 You were asked about your own knowledge of the issue

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1 therefore, has information and expertise to bring to
 2 bear on this subject, but was very clear on the role
 3 that it was expected to perform, which was to make
 4 contributions to the work being coordinated and guided
 5 elsewhere in Government, and that being a conscious
 6 decision of the Government.

7 **Q.** So would it be right to understand, then, the answer to
 8 the question is: no, the Department didn't start
 9 planning for the possibility of compensation?

10 You have given us a reason why that might be the
 11 case, which is the Department having stepped back in
 12 terms of coordination and leadership. So the Department
 13 itself did not embark upon any work on its own
 14 initiative to explore how compensation might look?

15 **A.** The Department was always only undertaking work as part
 16 of a wider cross-Government effort and under the
 17 guidance of others.

18 **Q.** And between that point, the point at which Mr Hancock
 19 made that statement to this Inquiry on oath, and the
 20 point at which -- I think March 2022 -- the Cabinet
 21 Office received the compensation framework study from
 22 Sir Robert Francis, was the Department, as far as you
 23 can recall, asked by the Cabinet Office to do any
 24 background work on or information gathering, evidence
 25 gathering, in relation to the possibilities for

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1 of compensation and how it arose, and you refer there to
 2 the evidence given by the then Secretary of State for
 3 Health and Social Care, Mr Hancock.

4 If we go over the page, you refer there and you set
 5 out his evidence that:

6 "... what I can say to you is that we will respect
 7 the outcome of the Inquiry and if the Inquiry points to
 8 compensation, as opposed to a support scheme, in the
 9 future then the Government will pay compensation."

10 Now, that was obviously an important statement by
 11 the Secretary of State for Health.

12 It was also potentially an opportunity to start some
 13 preparatory work on the question of information
 14 gathering or looking to explore some of the issues that
 15 you refer to later in your statements, some of what you
 16 said are the complexities; work with devolved
 17 administrations and so on.

18 Was any attempt made by the Department of Health and
 19 Social Care at that stage, Mr Hancock having made that
 20 statement, to begin to prepare for the possibility of
 21 compensation?

22 **A.** So I repeat, I guess, the point I just made, which was
 23 that the Department holds certain information. The
 24 Department obviously is the Department with policy
 25 responsibility for matters to do with health and,

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1 compensation?

2 **A.** I personally don't have any recollection of that, but
 3 I wouldn't necessarily expect to -- I wouldn't have
 4 expected, as per my witness statement, to have seen
 5 those requests, if they existed. Officials will have
 6 been in contact and there will have been discussions,
 7 but I am not aware of Cabinet Office having asked for
 8 anything specific.

9 **Q.** Then if we look a little further down that page to (c),
 10 you will see there we have got the reference to
 11 Sir Robert Francis providing his report. You explain
 12 that you were advised, in your role as Second Permanent
 13 Secretary in the Department, by the responsible senior
 14 civil servants of the recommendations in Sir Robert
 15 Francis' study, and you refer to the work being
 16 coordinated there by the Cabinet Office.

17 Did the Department at that stage have any
 18 involvement, whether at the request of the Cabinet
 19 Office or otherwise, in analysing and considering
 20 Sir Robert Francis' report?

21 **A.** Certainly Cabinet Office will have asked my officials
 22 questions, they will have asked for input, they will
 23 have asked for information, and officials in the
 24 Department of Health and Social Care will have provided
 25 that. I think it will have been on that basis: Cabinet

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1 Office would have asked questions and we would have
2 provided responses where we held that information.
3 **Q.** Now, you will I think know from documents that you have
4 looked at and no doubt from your overall knowledge of
5 matters that the then Paymaster General in March 2022
6 had said that the Government would provide its response
7 to the Sir Robert Francis Compensation Framework Study
8 in advance of Sir Robert giving evidence to the Inquiry
9 in July 2022, and you will also know that that didn't
10 happen and the Government's position changed.

11 Did the Department or did you have any involvement
12 in that decision-making process, about whether or not to
13 publish the Government's response?

14 **A.** I do not recall having any -- taking any part in that
15 decision-making process.

16 **Q.** The Department would no doubt have been aware of
17 Sir Robert's terms of reference and the nature of the
18 issues that he was expected to cover. You have referred
19 in your statement I think to something our previous
20 witness said in a later ministerial statement about the
21 complexity and wide range of factors thrown up by
22 Sir Robert's report. Was the Department, as far as you
23 can recall, taken by surprise by the complexity and
24 width of Sir Robert's report or did it understand it to
25 be a faithful response to its terms of reference?

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1 to the Chair of the Public Accounts Committee, and then
2 in the text of the letter you set out the recommendation
3 that was made by the Chair. You explain in the next
4 paragraph that the Prime Minister was due to be
5 announcing the following day that the Government would
6 be accepting the recommendation in full.

7 There is then an estimate of the cost of that.
8 Estimated to be in the region of 434.4 million and then
9 if we go further down the page, you say this:

10 "Announcing these interim payments will create
11 an unquantifiable contingent to liability. This is
12 because it may reasonably be presumed that by accepting
13 the recommendation for an interim payment, government
14 intends to accept future recommendations relating to
15 further payments to the same beneficiaries or additional
16 persons. Ahead of the final report and understanding
17 the scope, level and timings of any such recommended
18 payments, and a decision by ministers about the extent
19 to which these are agreed to, it is not yet possible to
20 quantify the scale of any liability."

21 Can you just help us understand what it was that had
22 led you to write in these terms and what you meant by
23 identifying an unquantifiable contingent liability.

24 **A.** So, as I explain in my witness statement, because the
25 decision had been made by Government, on deciding to

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1 **A.** I'm -- I certainly don't recall anything which I would
2 say -- which I would characterise as surprise. I think
3 there was a reflection of the fact that the
4 recommendations were thorough, detailed. They were
5 certainly all in -- you know, sort of captured within
6 the terms of reference of the -- so I don't think there
7 was anything that the Department thought: how has that
8 made its way into the recommendations? So all in line
9 with the terms of reference but certainly a reflection
10 that it was thorough and rigorous and detailed.

11 **Q.** Looking further into your statement, paragraph 5.9, you
12 then refer to your role as accounting officer -- you
13 have told us what that is -- and then to the interim
14 payments that were made following the announcement in
15 August 2022 of the Government's acceptance of the
16 recommendation made by the Chair in his first interim
17 report.

18 Now, that led to you writing a letter to Parliament.
19 I wonder if we can just look at that and if you could
20 perhaps just explain to us what that's about.

21 It is JEVA0000263, please.

22 We can see it is a letter of 16 August 2022. If we
23 just go to the bottom of the second page.

24 We can see it is from you. Then, if we go back to
25 the first part of the letter we can see it is addressed

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1 make the interim compensation payments, that the way to
2 get those payments to individuals was through the
3 existing mechanism for which I am the relevant
4 accounting officer, it fell to me, therefore, then to
5 undertake the normal processes that would be involved in
6 such a payment, both with respect to engagement with the
7 Treasury and with respect to any engagement necessary
8 with the PAC.

9 This is the -- as I say in the letter, the process
10 of notifying Parliament where a department intends to
11 take on a contingent liability is something that will
12 generally emerge through the conversations that
13 an official like myself will have with the Treasury
14 colleagues when I am finalising the agreement for the
15 funding for such a policy.

16 So with something like this, ministers will make
17 a decision and there will be an understanding of how
18 that will be funded and what it is likely to cost, and
19 a conversation with Treasury will then determine: are
20 there any unusual aspects to this that we need to take
21 account of and meet any responsibilities on?

22 So as the letter says in this particular instance,
23 by making an interim compensation payment, the
24 Government isn't making a commitment to any future
25 payments of any sort, but it is inevitably -- it is

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1 raising the prospect that such payments may be repeated
2 at some point in the future, and when Government does
3 something like that, it creates what's described here as
4 a contingent liability; something which is a liability
5 that may be payable in the future, depending on the
6 outcome of a future event. So it is not something that
7 points to a future decision; it is simply a recognition
8 of the possibility of a future decision, and under
9 certain circumstances, where that reaches a certain
10 threshold, that needs to be notified to Parliament.

11 As my letter says in this instance, because it was
12 not only an unquantifiable contingent liability, but it
13 was also one step further removed than the normal sort
14 of contingent liability, because under normal
15 circumstances, a minister would make a commitment to
16 something that might cause a cost to fall in the future
17 but not know what that cost is. In this instance,
18 ministers weren't actually making a commitment; they
19 were making a commitment that pointed to the possibility
20 of a future commitment, which is why the circumstances
21 were slightly different.

22 I apologise, this is a long and technical
23 explanation, but it is why the circumstances were
24 slightly different and why, in this particular case,
25 Parliament didn't need to be fully informed 14 sitting

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1 of any future funding for further payments, interim or
2 final in nature, is there any significance to the fact
3 that you, as in the Second Permanent Secretary and
4 accounting officer in the Department of Health and
5 Social Care, is writing this? Does that create -- mean
6 that there is an expectation that any future payments
7 will be payments from DHSC monies? DHSC budgets?

8 **A.** No, it says nothing at all about future arrangements.
9 It is purely a reflection of the arrangements that were
10 put in place for the payment of interim compensation.

11 **Q.** I don't think we need to go back to your statement for
12 present purposes, but you go on to tell us you have
13 attended the Permanent Secretary meetings which Mr Quin
14 told us about earlier today. And the first Permanent
15 Secretary meeting, we understand, was on
16 30 November 2022. Now that's obviously some months,
17 around eight months, after Sir Robert Francis has
18 delivered his report. It is about a year and a half on,
19 perhaps a little less than that, from when Mr Hancock
20 gave his evidence to the Inquiry.

21 Do you know why there was no earlier meeting at
22 Permanent Secretary level to discuss the question of
23 compensation?

24 **A.** I think -- so I think it is probably worth setting out
25 again that there will, of course, have been lots of

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1 days in advance of the announcement, because Treasury
2 officer of accounts, as the letter describes, had
3 indicated that wasn't necessary.

4 **Q.** Just two questions arising from that, if I may.

5 You use the terminology in the letter:

6 "... it may reasonably be presumed that by accepting
7 the recommendation ... government intends to accept
8 future recommendations relating to further payments ..."

9 I just wanted to understand what you had in mind in
10 saying that.

11 There's potentially two ways of looking at it. One
12 is to say: Government has accepted the first set of
13 recommendations; reasonable to assume it may accept
14 further recommendations. The other is to say:
15 Government has accepted interim payments, interim
16 payments by their very nature are not final payments,
17 and so the expectation is that there will be further
18 payments made because, I think to use the phrase the
19 ministers have used, it was a beginning and not an end.

20 Did you mean it in both of those ways or one or
21 other of those ways?

22 **A.** For the purposes of this letter I meant it in the former
23 way. That's not to dispute the latter way but for the
24 purposes of this letter it was the former.

25 **Q.** Then is there any significance -- in terms of the source

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1 official level engagement at earlier points. So it will
2 not have been the case that there was no engagement at
3 other levels. So this was the creation of the Permanent
4 Secretary level group. It is probably worth stating at
5 this point that putting a Permanent Secretary level
6 group in place is not commonplace, so it is not
7 something that you would do with respect to all
8 significant cross-Government issues. It is quite, in
9 that sense, an unusual step. There aren't many
10 Permanent Secretary level coordination groups that
11 I attend, for example.

12 So I can't speak for Cabinet Office as to why
13 Cabinet Office colleagues chose not to put a Permanent
14 Secretary meeting in in advance of that, I can only say
15 that I don't think that should be taken as an indication
16 of the fact that there wasn't cross-Government work
17 under way and that it was quite a significant step when
18 it was done.

19 **Q.** If we look at your statement again, WITN7714001,
20 page 13. You say this in paragraph 5.13:

21 "My level of involvement on the issue of
22 compensation began to increase once Cabinet Office-led
23 Permanent Secretary meetings began."

24 Then you refer to attending the first of those.

25 Then you say this:

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"At that meeting I committed to DHSC working closely with Cabinet Office colleagues as they developed their understanding of the practical, legal and financial aspects of the recommendations made by Sir Robert Francis, with the intention of enabling Government to be ready to respond when the Infected Blood Inquiry reported (expected then in the summer 2023)."

What work, to your knowledge, had been undertaken, if any, by the Department of Health civil servants prior to this point on the practical, legal and financial aspects of the recommendations? Had there been any involvement by the Department at that stage on those matters?

A. So, as I said before, I think there will have been questions that Cabinet Office colleagues will have asked of DHSC colleagues at various points during the course of that year that colleagues will have answered where they were able to provide relevant information.

It probably won't be a surprise to note that, given the work that had been going into both the practicalities and then the implementation of delivering the interim compensation payments, a lot of the Department of Health and Social Care's officials' time will have been focused on making sure that those

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expertise and resource of a number of other teams elsewhere in Government in order to perform that work. The analysis is, as you would expect, taking account of all of the available evidence to think about the modelling, the costings, the approach to options for compensation.

Q. I will come back to a couple of those matters in a little while, but just in terms of the work of that team, analysing cost and scale of implementation of a compensation scheme, is that work complete now and that information been handed over to the Cabinet Office, or is it still ongoing?

A. So I would say that, with a piece of work like this, which is broad and complex, it is not the case that you would ever -- I would certainly ever expect to sort of put an end date on the piece of analysis and say: we are going to hand this completed sort of set in stone piece of analysis over to you. The development of a piece of work like this is a very iterative one, and is very iterative in terms of its engagement with ministers as well. So I would expect that analysis to keep on evolving, to be refined as new evidence and new data comes to light or becomes clearer. So I would expect that analysis to keep on developing.

Officials will provide their best advice to

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payments and -- that the processes that needed to be put in place to make sure those payments could be made and that the payments were then made was the focus of their attention up until the end of October. But they will have answered questions.

Q. It is my understanding from Mr Quin's statement, his second statement, that in the early part of this year it was agreed that the Department of Health and Social Care would establish a new team to undertake analysis of the cost and scale of implementing a compensation scheme.

Can you tell us what the work of that team involves and what the size of that team is?

A. So there was already a team in the Department who take responsibility for the Department's input on infected blood. We have added another component to that team, which is the reference to the new team, associated with delivering the analysis and modelling work that the department has undertaken to do.

Those people, we put that team in place to work with colleagues in other departments, so they work with colleagues in Treasury, they work -- they have drawn on expertise, for example, from the Government Actuary Department and the Government Legal Department. They draw on others. So it is a team -- in DHSC, it is a small additional resource, but it draws on the

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ministers at any particular point in time based on the development of the evidence to that point. Ministers normally will provide steers, ask questions or make decisions, depending on where they are in the process, and that will feed, then, the next stage of the work.

So, forgive me, but I -- it is not the case that we sort of put a deadline on it and say all the work will have been done by then and we will hand it over and you can then make decisions. It is a much more iterative process than that.

Q. I understand what you say about iterative processes. The difficulty, potentially, with that, though, is that of course you never get to a point at which decisions can be taken. So how -- can I put it this way, how far advanced is the work -- so, you know, accepting it is not -- can't be complete and signed off for the reasons you have given -- has the bulk of the work that the Cabinet Office asked of the Department of Health and Social Care been undertaken so that ministers should now have a reasonable idea of the cost and scale of implementing a scheme that met the Inquiry's recommendations?

A. I think I would need to just repeat what Mr Quin said this morning. Mr Quin said this morning that ministers had the building blocks necessary for those decisions.

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1 He also reiterated the fact that there is, of course,
 2 always work to do and there is still work to do in terms
 3 of thinking about some of the sort of practicalities and
 4 the implications of delivery. But Mr Quin himself said
 5 that the building blocks are there.

6 **Q.** If we then go on to page 17 of your statement. Very
 7 bottom of the page, paragraph 7.9.

8 You talk about:
 9 "The meetings described here ..."

10 And that's a reference I think to the small
 11 ministerial group meetings and the Permanent Secretary
 12 meetings as well.

13 "... and the underlying policy work supporting them
 14 are working to resolve a number of the complex issues
 15 relating to compensation that arise from the
 16 recommendations."

17 Then you have set out a number of matters. I'm not
 18 going to ask you the details of options being considered
 19 or pros and cons, both because this is still a matter,
 20 as we understand it, of active decision-making and
 21 because any decision ultimately is for ministers and not
 22 for civil servants. I wonder if you could just assist
 23 us with a sense of the extent to which these are
 24 complexities where the work has been substantially done
 25 or whether they are complexities where things are still

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1 Secretary, the Northern Ireland Department of Health
 2 from the Northern Ireland perspective -- in June and
 3 July of this year.

4 From your own knowledge, had the Department been
 5 involved in any -- at official level -- any
 6 coordinational work with the devolved administrations
 7 itself prior to that?

8 **A.** The Department at official level engages with officials
 9 in the devolved administrations with respect to the
 10 administration of the support schemes. It does not
 11 engage beyond that.

12 **Q.** The next, then, bullet point is the financial
 13 commitments and potential contingent liabilities.

14 That's, as you described, an area in which the
 15 Department has had some work of its own to contribute
 16 through the team that Mr Quin mentioned. You have said
 17 there:

18 "... it is complicated by a number of uncertainties
 19 such as the numbers of potential claimants."

20 And you've referred to what the minister said in
 21 Parliament about the statistical group.

22 I just want to ask you a little more about that.
 23 Did you hear Mr Quin's evidence? I think you probably
 24 did --

25 **A.** I did.

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1 at an early stage.

2 So I just wanted to look at each of these in turn
 3 and just see the extent to which you are able to assist
 4 us in relation to these matters. It may be you are not
 5 able to.

6 The first point you refer to is:
 7 "... form and location of any Arms' Length Body ...
 8 including its sponsorship arrangement."

9 First of all, to what extent has that been a matter
 10 that the Department has been involved with or has that
 11 primarily been an issue for Cabinet Office and others,
 12 in general terms?

13 **A.** So in general terms the focus of the contribution of the
 14 Department has been on analysis and modelling to
 15 underpin options for the compensation scheme. It has
 16 not been beyond that. Of course the Department has some
 17 insight and knowledge, given its involvement in delivery
 18 of services already, so where it is able to make
 19 a contribution it makes a contribution, but that has not
 20 been our significant --

21 **Q.** So the answer is that's not the focus of the
 22 department's contribution. The second point you refer
 23 to is involvement of devolved administrations. Now, we
 24 heard from Mr Quin that there had been meetings at
 25 a ministerial level -- or obviously involving Permanent

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1 **Q.** So you will have heard me raise with him the importance
 2 of any decision-making being based on a realistic
 3 assessment of the likely number of claimants and not
 4 based upon what the outer reaches of statistical
 5 modelling might suggest were the numbers infected over
 6 dates.

7 In terms of the Department's own work, it will
 8 presumably have had available to it information about
 9 the numbers registered with the schemes across the
 10 United Kingdom, and information about the number of
 11 interim payments made last autumn across the
 12 United Kingdom. The Department would presumably also
 13 have available to it information about the numbers of
 14 beneficiaries who were registered with the Alliance
 15 House Organisations prior to the current schemes.

16 Would you accept that those are going to be the best
 17 guide to the broad parameters of numbers of individuals
 18 from whom claims might be expected, and that it is
 19 implausible to think that there will be thousands of
 20 individuals coming out of the woodwork at this late
 21 stage to say, "Aha, I was infected"?

22 **A.** So they are very, very important inputs. Extremely
 23 important inputs. I think it is important -- I mean,
 24 I think the first thing I would say is, from the point
 25 of view of being the accounting officer in the

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1 Department of Health and Social Care, certainly I have
2 no interest in and I see no motivation on the part of
3 any official or minister to sort of see exaggerated
4 numbers in the analysis. It is not in keeping with the
5 values of how our work should be done, professionally or
6 otherwise, and it is not helpful in terms of guiding
7 good public policy making and delivery. So it is very
8 important that we emerge with a realistic assessment.

9 The analysis that is being undertaken will
10 absolutely take account of those inputs. It will take
11 account of a number of other inputs as well. But it
12 will and is being heavily quality assured and
13 independently scrutinised within Government as well to
14 make sure that there's no -- that we don't end up
15 falling into the trap of taking unrealistic
16 expectations. But it is important that we do look at
17 the full range of possible outcomes.

18 **Q.** If we go to the top of the previous page, page 19:

19 "Funding. Any costs associated with the
20 compensation ... will require substantial new funding to
21 be secured from Government funds."

22 Is that a matter on which the Department has been
23 directly involved?

24 **A.** To the degree that we are undertaking the analysis and
25 presenting that data, it is -- and that those are --

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1 you are aware of to how registration could be affected
2 to enable those who are not currently registered with
3 the schemes, but who might benefit if ministers decide
4 that there will be further interim payments, how -- any
5 discussions about a system of prior registration and the
6 practicalities of that?

7 **A.** I'm afraid I think I can only refer you to what the
8 minister said this morning. The minister talked about
9 questions of registration and the balance of questions
10 associated with that, so you would have got from his
11 evidence that he has been engaged in discussions of that
12 sort. I don't think I should add a great deal to that.

13 **Q.** I'm not trying to ask you about the pros and cons of
14 whether that should happen. It is really do you know if
15 there have been discussions with the existing support
16 schemes as to how that could be effected in the event
17 ministers decide to go down that route or is that work
18 that would still have to be done at a future stage?

19 **A.** There have been discussions about a variety of practical
20 questions associated with the recommendations of the
21 Second Interim Report with support schemes and we have
22 utilised our department -- the Department utilised its
23 understanding of how those support schemes operate now
24 to engage with those questions certainly.

25 **Q.** You say in your statement -- I don't think we need to

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1 that those are issues inevitably that ministers will
2 have to make decisions on, the Department, as part of
3 that small ministerial group, will be involved in those
4 decisions, but they will be collective decisions. It is
5 not something the Department has a particular position
6 on.

7 **Q.** Then the last of the bullet points you have identified
8 in the statement was -- well, there was a reference to
9 a potential legislative basis. Is that work that the
10 Department has been involved with directly?

11 **A.** So, the Department, again, can make some input to that
12 because it has knowledge of -- one of the questions that
13 you need to engage in is: what is the existing
14 legislative basis that exists? So the Department has
15 some knowledge to input to that, but it is not something
16 the Department leads on.

17 **Q.** In relation, then, to the question of the making of
18 interim payments to those who did not fall within the
19 cohorts of individuals who received the interim payments
20 last autumn -- and obviously the question of whether to
21 make such payments is a matter for ministers, not
22 a matter for you or Civil Service colleagues. But given
23 that the English Infected Blood Support Scheme is a body
24 that the Department has a close relationship with, have
25 there been any discussions with or consideration that

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1 put it up on screen but for your reference it is
2 paragraph 16 -- that all those are working quickly and
3 effectively. Is there a time frame to which you are
4 working? How do you gauge that something is -- that
5 this work is being done quickly and effectively? I am
6 sure you don't need me to repeat the overarching
7 chronology and the matters I explored with Mr Quin this
8 morning.

9 **A.** Indeed. So when I made that statement in my witness
10 statement, it was a reflection of both the day-to-day
11 effort and the motivation that I see on the part of
12 officials engaged in this matter to progress it as
13 quickly as they can. So, utilising the information they
14 have available. I mean, there are certain aspects of
15 work that inevitably just take some time but I have
16 seen -- I have certainly witnessed over the time that
17 I have been engaged with this issue officials in all
18 departments that are involved with this issue trying --
19 doing their very best within the confines of their sort
20 of working existence to move it forward as quickly as
21 they conceivably could.

22 **Q.** Could I then ask you to look at a newspaper article.
23 It's RLIT0002317.

24 This particular article is the Financial Times,
25 10 May 2023. There is a later article in the Sunday

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1 Telegraph I think at the beginning of this month.

2 You will see, Ms Dunn, this puts forward a suggested

3 quantum of the compensation bill. That's said to be

4 according to officials and described as a "further blow

5 to the UK stretched public finances". And if we go

6 a little way down the left-hand column it says:

7 "Given the tight nature of public finances the

8 officials from the Treasury and the Department of Health

9 have been holding recent talks over how a compensation

10 scheme would be structured. 'We are working through the

11 options,' said one government insider.

12 "Another official added, 'People are very worried

13 about the cost.'"

14 Then I won't take time taking you to it but you will

15 have seen from the second article, it is to similar

16 effect but the suggested cost is now quadrupled or

17 doubled, depending on which figure you take.

18 Was this a briefing to journalists by the Department

19 of Health civil servants?

20 **A.** I have no knowledge whatsoever of the source of either

21 of -- the information in either of those two articles.

22 It is clearly a leak that is clearly not anything that

23 any civil servant, if indeed it was a civil servant,

24 should engage with, and it is not something that is

25 either helpful or would ever be something I would expect

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1 a mis-communication, which was, I am told, then -- and

2 sincerely hope was -- corrected.

3 **Q.** Can we then look at a letter from Ms Caulfield.

4 JEVA0000186.

5 So this is 2 June 2023. You will see if we look

6 down the page there is reference in the fourth paragraph

7 on to the moral case for compensation.

8 Then there is reference to the interim payments

9 recognising the urgent need of infected people and

10 bereaved partners enrolled in the existing support

11 schemes and so on.

12 Then, if we go on to the next page, we can see in

13 the penultimate paragraph the question of registration:

14 "Regarding registering bereaved families with the

15 EIBSS, we are considering the second interim report's

16 recommendation to make interim payments to bereaved

17 families alongside the report's other recommendations.

18 This complex matter may require coordination across the

19 four nations' respective support schemes. I understand

20 that time is of the essence for the infected and

21 affected community, and we are progressing with this

22 issue as a priority."

23 Now, the natural reading, I think, of that paragraph

24 from the minister is that the issue that's being

25 progressed as a priority is that question of

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1 any civil servant to do.

2 **Q.** Can I then ask you to look at JEVA0000264. We're going

3 to have to zoom in on that.

4 First of all, can you tell us the post that

5 Maria Caulfield holds?

6 **A.** She is the Minister of State in the department with

7 responsibility for this matter.

8 **Q.** Now this is a communication -- I'm sorry, this doesn't

9 show the date, I do have the date somewhere -- but it is

10 obvious -- or very shortly after the publication of

11 a Second Interim Report, and it is a communication from

12 Ms Caulfield to an individual, I think probably

13 a constituent. It says in the last paragraph:

14 "... Government is looking at all the

15 recommendations and will be responding shortly. Just to

16 confirm the Government will not be waiting for the final

17 report before responding and will respond to Sir Brian's

18 recent recommendations as soon as possible."

19 Are you able to assist us in understanding why

20 that's said?

21 **A.** My understanding is that this is a communication from

22 Minister Caulfield's constituency office to

23 a constituent and my understanding was it was an error

24 on the part of the constituency office and their

25 misunderstanding of the position, and therefore

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1 registration, and there's reference to it being complex

2 and potentially requiring coordination across the four

3 support schemes.

4 Has the question of coordination across the

5 respective support schemes -- has work been undertaken,

6 do you know, in relation to that in order to progress

7 the issue as a priority, or is that work still to be

8 done?

9 **A.** So the officials in my department that are responsible

10 for the support schemes have engagement with the

11 officials responsible for support schemes in the

12 devolved administrations. As I say, the question of

13 registering is related directly to ministerial decisions

14 on that and other recommendations, and so to that

15 effect, that work will be done alongside decisions

16 associated with it.

17 **Q.** I understand entirely the question about

18 decision-making. Just in terms of the coordination that

19 your officials have had with the other officials in the

20 other devolved schemes.

21 Simple question of fact: has that coordination

22 involved the specific issue of how you might go about

23 registering bereaved families?

24 **A.** I can't answer that question from my direct knowledge,

25 my apologies.

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1 Q. Just a couple of general questions, then, before I turn
2 finally to a slightly different topic.

3 The Inquiry has heard evidence from a number of
4 former ministers across different administrations about
5 their experiences of what's been described in a range of
6 different terms, groupthink, institutional resistance on
7 the part of civil servants within the Department of
8 Health, and you have already made reference to the fact
9 the decision was taken that the Cabinet Office and not
10 the Department of Health should be the sponsoring
11 department for this Inquiry. There may, as a result, be
12 a lack of confidence on the part of those most closely
13 affected by these matters in the Department's
14 contribution to and involvement in the Government's
15 consideration of compensation.

16 You told us about the nature of the Department's
17 role, but is there any other comment you can make or any
18 assurance that you can offer in light of the evidence
19 that people have heard about a degree of historic
20 resistance to issues such as having an inquiry in the
21 first place or providing compensation?

22 A. So for reasons you will understand, I've -- because it
23 is not within my own knowledge, I can't reflect on the
24 truth or otherwise of those statements from prior to my
25 involvement.

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1 a chronology of events which takes us from a former
2 Paymaster General undertaking to provide a response from
3 Government alongside the publication of Sir Robert
4 Francis' study, March 2022, you then have, if we move
5 matters forward, an internal deadline, an internal plan
6 late last year to work towards -- at Permanent Secretary
7 level, to work towards the Government being in
8 a position to respond by May of this year, and we are
9 now in late July and there are no decisions that we are
10 aware of, other than the ministerial write around in
11 relation to the moral case for compensation.

12 From your perspective as a civil servant, do you
13 have any comments to make on the length of time it
14 appears to be taking? And I have in mind some evidence
15 the Inquiry has heard, I think it was from
16 Sir John Major, who was talking about the Government
17 generally, I think, and not just the Civil Service, but
18 about it being like a large tanker in terms of trying to
19 get anything done with any speed.

20 Do you have any observations to make about that,
21 from a Civil Service perspective, about whether
22 things -- why things take so long in Government?

23 A. So I would say certainly things can take a long time in
24 Government. They don't always take a long time in
25 Government and -- but they can sometimes, particularly

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1 What I can say is, I think, things I have said
2 already: (1) the Department feels, I think, quite
3 acutely the evident lack of trust and fear about the
4 approach that the Department will take on these matters
5 from the infected and affected, and that has driven it,
6 and I think rightly, to be very respectful of the
7 decision that was taken. The Department is not going to
8 shift that perception or belief by not respecting that
9 position.

10 I think, though, it has also led the Department --
11 and certainly this has been my experience since I have
12 been in the Department -- certainly led the officials in
13 the Department today who I know are involved in this
14 issue today, to be -- to demonstrate no matters -- no
15 evidence of institutional resistance or scepticism or
16 anything of that type. I have witnessed nothing but
17 officials trying to do their very best, most
18 professional role as fast as they can.

19 Q. My next question then is not about the work of the
20 Department of Health specifically or your involvement in
21 that but is more drawing on your overall experience as
22 a senior civil servant, bearing in mind, for this week's
23 evidence, you are the only civil servant that we are
24 hearing from.

25 It will seem perplexing to many that when you have
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1 when sort of other events absorb time and energy. I'm
2 not talking about other issues associated with the
3 infected blood, but other wider, you know, sort of
4 political changes or otherwise. So certainly these
5 things -- and from the perspective of -- and
6 particularly the perspective in this instance, where it
7 has been so widely evidenced -- the sort of deep concern
8 that the infected and affected have with the time that
9 it is taking and the impact that that is having.

10 So that -- I can absolutely see from that
11 perspective why it would feel like it is taking a very,
12 very long time. In the case -- in this case, I am
13 seeing certainly at official level, and also at
14 ministerial level, a real desire to get this to
15 a conclusion and, as the minister said this morning, to
16 reach a resolution as quickly as possible.

17 As I said at the start of this, the recommendations
18 that have been provided are thorough and rigorous and
19 detailed, and ministers have looked at them in the round
20 and sought to understand them in the round, and
21 therefore you heard from Mr Quin this morning that
22 that -- dealing with the detail and understanding how
23 that plays out is taking more time than he would like
24 but he is keen to get to a conclusion as quickly as
25 possible.

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1 I think in answer to your question, things can take
 2 a long time in Government. There is a lot of consider
 3 both in terms of the principles and the practicalities
 4 and collective agreement to be reached. In this
 5 particular instance I think ministers and officials are
 6 all pointed in the same direction in terms of trying to
 7 get to a conclusion on what's a complicated set of
 8 questions as quickly as possible.

9 **Q.** I'm going to turn to a different and final topic now,
 10 Ms Dunn, which is the recommendation in the Chair's
 11 second report in relation to psychological support in
 12 England.

13 As I understand it -- please correct me if I'm
 14 wrong -- that's something of which you have some
 15 knowledge; it has not been something in which you have
 16 been closely involved. Is that correct?

17 **A.** That is correct.

18 **Q.** Could you help us, however, to the extent that you are
 19 able to, with at what stage things are at in terms of
 20 consideration of the recommendation that there should be
 21 a bespoke psychological service for victims of infected
 22 blood in England, as there is in Wales and Scotland and
 23 Northern Ireland?

24 **A.** Of course. The Department -- in recognition of the
 25 issue, the Department commissioned some research. That

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1 **A.** There is not. Ministers are being kept closely in touch
 2 with each stage of the process as we develop it, and
 3 I know they are keen to make sure that we reach
 4 a conclusion on that as soon as possible.

5 **Q.** The distress -- I don't think it is too strong a word to
 6 say -- the trauma or re-traumatisation that may be
 7 caused by the ongoing delay in the Government addressing
 8 the question of compensation may reinforce the need of
 9 those infected and affected for psychological support.
 10 Is that something that the Department understands, and
 11 is that something that can be fed back to ministers,
 12 that this is a time of enormous stress and anger amongst
 13 the infected and affected community and they need every
 14 assistance they can?

15 **A.** I certainly undertake to feed back anything the Inquiry
 16 would wish me to to ministers, directly or indirectly.
 17 I think the Department does understand the strength of
 18 feeling that has been expressed on that point, and it
 19 will have come out, I don't doubt, in the research.

20 **MS RICHARDS:** Sir, those are the questions I am proposing to
 21 ask Ms Dunn, but if we could have a break to enable
 22 suggestions to be received in the ordinary way from
 23 legal representatives of Core Participants.

24 **SIR BRIAN LANGSTAFF:** Yes, certainly.

25 You probably heard me say before, I suspect, but if

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1 research was commissioned last year. That research has
 2 now concluded. My expectation is that research will be
 3 published within the first part of August, I think in
 4 the first or second week of August. That research has
 5 looked at both the existing services, the experiences of
 6 the infected and the affected, the experiences of the
 7 clinicians offering the services that are out there at
 8 the moment and what more or different is required.
 9 I think there is an engagement this coming -- later in
 10 this week to look at the details of that research and to
 11 determine the next stages of this -- of the process.

12 So we are advanced in terms of the -- what a service
 13 could look like, and that will now go through a next
 14 iteration of engagement with those that need to input to
 15 the design of that service.

16 **Q.** Would it be right to understand the decision about
 17 commissioning a bespoke service would be a decision
 18 taken at ministerial level?

19 **A.** Yes.

20 **Q.** Is that a decision that is a decision that does fall to
 21 ministers within the Department of Health and Social
 22 Care?

23 **A.** Yes, it does.

24 **Q.** And do you have -- is there as yet a determined
 25 timescale for that decision?

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1 not I shall say it again anyway, those who are Core
 2 Participants have a right, through their legal
 3 representatives, to ask counsel to ask questions of you.
 4 Plainly they don't know what those questions will be in
 5 advance. They have to listen to what questions are
 6 asked and your responses and see what more they might
 7 want to have you asked. So we have to give a chance for
 8 that to happen.

9 We will take half an hour, which I think it will be
 10 sufficient. If it isn't, we will let you know. I can't
 11 tell you how long you will be after that, but when it is
 12 finished, it is finished. Let's take a break now until
 13 4.35 pm.

14 **MS RICHARDS:** And the usual warning to the witness for the
 15 record.

16 **SIR BRIAN LANGSTAFF:** Yes, you should know what that is as
 17 well, I hope, by now. You do. Well, don't talk to
 18 anyone about anything which you think you may be asked
 19 or may yet be asked, whoever that person is.

20 4.35 pm.

21 **(4.05 pm)**

22 **(A short break)**

23 **(4.35 pm)**

24 **Questions from CORE PARTICIPANTS**

25 **MS RICHARDS:** Ms Dunn, just four matters. The first relates

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1 to the newspaper articles that -- we looked at one of
2 them, I know you have seen both of them. Has there been
3 any investigation into whether any civil servants did
4 leak that information to journalists?

5 **A.** I am not aware of one. If there were to be one, it is
6 likely that it would have been led out of Cabinet
7 Office, but I'm not aware of there having been one.

8 **Q.** Then the second question: having regard to the figures
9 that were being bandied about in those newspaper
10 articles, are you able to assist us with what the main
11 elements are of the modelling that's taken place? So
12 what are the main elements that are being taken into
13 account?

14 If you are not able to answer that from your own
15 knowledge it may be something we can follow up in
16 writing with an appropriate member of your department?

17 **A.** I'm more than happy to do that if it is helpful. In
18 general terms it will be the sorts of things you
19 would -- anyone would expect to go into such analysis,
20 such as the numbers of individuals infected and
21 affected, as far as we are able to determine that; the
22 degrees of severity; the number who may seek
23 compensation; the scale of awards, those sorts of things
24 but more than happy to follow up.

25 **Q.** Thank you.

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1 **A.** So my understanding is that there was a period of time
2 during which options for developing and introducing such
3 a service were considered possibly for delivery through
4 other routes, and I think departmental officials were
5 engaged with NHSBSA, for example, on questions about how
6 such a service could potentially be embedded in the
7 existing services. So I think there was a process of
8 ongoing dialogue where it became apparent that more
9 information was needed in order to make sure that the
10 service that was developed properly and fully reflected
11 the needs of potential service users.

12 So I think there was a process that was gone through
13 that then concluded that further research was needed.

14 **MS RICHARDS:** Sir, those are the further questions I'm
15 proposing to ask.

16 Do you have any questions for Ms Dunn?

17 **Questions from SIR BRIAN LANGSTAFF**

18 **SIR BRIAN LANGSTAFF:** I put it in question form but it is
19 really an observation.

20 I expressed the hope in writing more than once, but
21 particularly more recently in public, but I hoped that
22 in my final report I would be able to acknowledge that
23 there was in England a bespoke psychological service to
24 match the services doing such good work, as we have been
25 told, in Wales, Scotland and Northern Ireland.

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1 Then the last two questions arise out of what
2 I asked you about specialist psychological support.
3 When you referred to the research that has been
4 undertaken being published, does that mean it will
5 become publicly available?

6 **A.** I believe so. Sorry, now you ask that question
7 I realise -- but I believe so. And certainly because it
8 will be made use of in dialogue with both clinicians and
9 with potential service users, I would certainly expect
10 the content of that research to be publicly available.

11 **Q.** Do you know when -- I think you said August --

12 **A.** I believe it is in the second week of August.

13 **Q.** Again, it may be we can follow that up with a request
14 for the research to be provided to the Inquiry.

15 Then lastly, in relation to the question of
16 psychological support, the issue of lack of specialist
17 psychological report was raised by this Inquiry, by the
18 Chair, in early 2020, obviously before you moved to the
19 Department of Health and Social Care. My understanding
20 is that the research that you referred to was
21 commissioned in 2022. Why, do you know, did it take so
22 long to get to that stage even of commissioning
23 research? Research was obviously thought to be
24 necessary, for whatever reason that might have been, but
25 why did it take two years or so to get to that stage?

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1 I hope I'm not going to be disappointed, but the
2 question is: you said you would take matters back to the
3 minister; will you take that back?

4 **A.** Of course I will, Chair.

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

6 **MS RICHARDS:** Sir, Ms Grey has no questions.

7 Ms Dunn, is there anything that you wish to add?

8 **A.** I think the only thing to add, because it is the key
9 message that I would hope to leave, is a message of
10 confirmation that there is every effort that I'm seeing
11 on a daily basis, every effort amongst officials and
12 ministers, to bring matters to a resolution as quickly
13 as possible, and I just want to re-state that point
14 because I feel it very strongly. So thank you.

15 **MS RICHARDS:** Sir, that concludes the evidence for today.

16 **SIR BRIAN LANGSTAFF:** Well, can I thank you very much for
17 giving us the perspective of the Second Permanent
18 Secretary in the Department of Health and Social Care.
19 It has been very useful for us to listen to you and what
20 you have been able to tell us.

21 Can I say something more generally. Tomorrow,
22 Ms Richards, timing?

23 **MS RICHARDS:** So we are hearing from the Prime Minister at
24 2 o'clock.

25 **SIR BRIAN LANGSTAFF:** Yes, I was going to say you didn't

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1 need to tell me who we were hearing from.
 2 **MS RICHARDS:** Fair enough.
 3 **SIR BRIAN LANGSTAFF:** But there is one particular matter
 4 which I hope you will forgive me, because a lot of you
 5 will already know. Some of you may be checking out of
 6 your hotels tomorrow, and the checkout time is normally
 7 about 11.00. You may expect to bring your luggage here
 8 and leave it here. Tomorrow, for perhaps obvious
 9 security reasons, you won't be able to leave any luggage
 10 here.
 11 If it helps, you will be able to leave it at
 12 Aldwych House. That will be open to receive luggage at
 13 10.00 and until shortly after, perhaps, 11.00. So, if
 14 you have luggage which you want to leave somewhere,
 15 please make other arrangements if you don't want to take
 16 advantage of the Aldwych House situation.
 17 Otherwise, I look forward to seeing you, those of
 18 you who wish to be here, tomorrow pm for the PM.
 19 **MS RICHARDS:** Thank you.
 20 **(4.45 pm)**
 21 **(The Inquiry adjourned until 2.00 pm on Wednesday,**
 22 **26 July 2023)**
 23
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