

Witness Name: Justine Gordon-Smith

Statement No.: WITN2632085

Exhibits: WITN2632086-089

Dated: 10 March 2025

**INFECTED BLOOD INQUIRY**

---

**EXHIBIT WITN2632086**

---

**Justine Gordon-Smith**

Rt. Hon Jeremy Quinn  
Paymaster General  
UK Government  
Cabinet Office  
100 Parliament Street  
London SW1A2BQ

26th of April 2023

Dear Mr Quinn

In response to the Government's statement to the House of Commons on the 19<sup>th</sup> of April 2023, we write to express our dismay and to set out reasoning to support government progress.

In your exchange with Stuart C Macdonald MP, you said in response to his question regarding registering those excluded estates with the schemes now:

'In the point about registering potential beneficiaries, I believe that the current infected blood schemes were the basis for the interim payments made last year to those infected and to bereaved partners. Sir Brian is very clear in saying that to widen registration we would need a new scheme that goes further and recognises others who have been infected but who are not included in the infected blood scheme.'

**The Second Interim Report states:**

P13, (I): The Scheme should be set up as soon as possible and before the final report of the inquiry.

P14 (S): Interim payments should be made to recognise the deaths to date unrecognised and alleviate immediate suffering. This means that bereaved parents and bereaved children who have lost their parents, (where the deaths have not already been recognised by an interim payment) should receive an interim payment.

P59 & specifically P60 specifies the eligibility for the interim payment to be made to those unrecognised estates and outlines that it will be difficult to make payment where estates arrangements are complicated. However: it states on P61.

GRO-C T: GRO-C M: GRO-C  
GRO-E: GRO-C

'These interim payments should be capable of being made through the support schemes after registration and of being achieved reasonably quickly. They can and should be achievable before the compensation scheme is operational'.

The inference in the second interim report is that the registration and clarification of the estates of the unrecognised infected deceased can be completed through the existing support schemes now, using the same mechanism of the first interim payment. The report then proposes those more complicated estates could be prioritised through the arm's length body. I can see nothing in the text that suggests that the second interim payment need be delayed to those existing registered estates by the process of establishing an arm's length body.

The second interim report clarified that the first interim payment to the partners of the deceased was to the estate and not to the individual affected partner. To accept this 2<sup>nd</sup> interim payment recommendation the government would not determine the entitlement of those affected because the interim payment is intended to recognise the deceased. The individuals who died because of infection are morally and practically already established as entitled by precedent of being registered for support when alive. Given the scope of this inquiry, it is unconscionable that, to date, the only distinguishing factor defining whether the deceased family has received an interim payment or not, is based only on the marital status of the victim at the time of death. The status quo contradicts the government acknowledgement that there is a moral case for compensation.

Equally for the government to have historically and currently deprive children of parental service, regardless of their age is harmful. What sort of state-imposed cruelty are we to contend with to be excluded from any acknowledgement of suffering and loss because the government both infected our loved ones, and refused to take responsibility for over forty years? Then adding harm and insult onto injury, failed to provide any bespoke care or award for care over these decades, specifically to HCV victims on the basis that our loved ones were single at the time of death due to the original injury?

The implication of your statement to the House of Commons, is that the government proposes to cherry pick between recommendations made by both Sir Robert Francis KC and Sir Brian Langstaff KC. Yet both Counsels determined that the estates of the deceased and those affected are legally entitled to support. The first compensation study was completed at haste, and on government instruction. The recommendations made by Sir Brian produced within the framework of a statutory body and the result of years of

GRO-C T: GRO-C M: GRO-C  
GRO-E: GRO-C

## *Justine Gordon-Smith*

investigations, on a legally constituted basis must take precedent over any of the initial recommended compensation framework.

The initial study was produced to assist the work of the inquiry and to make further the speed of the governments work to resolve the injustice exposed by the inquiry. The fact that the government seems to be seeking to use the differences in the studies as grounds to delay compounds injustice. Sir Brian has confirmed that the scope of the eligibility of parents and children are not defined in law on dependency.

Furthermore, either you lose your child when they are very young and you are forced to become a full-time carer, and or you lose them when they are older and become a carer. The parent is later denied the care they would expect from their child when they themselves became older and frailer.

In the case of children, when your parent dies when you are a dependant the child must endure the harm of orphanhood and loss of parental service. When your parent dies when you are older, you have the duty of care and support. You too lose parental service because for the duration of your life, your parent is sick. In this instance, all were kept ignorant by government of the cause of infection and its true impact. Subsequently the parent became terminally ill from sustained infection because the government / NHS did not prioritise them for virus clearing treatments, the child is forced to sacrifice his or her life to care. The state then also failed to provide specialist and or social care. Compounding that harm children were often abandoned to endure the extreme suffering of a parent and to become the full-time carer of said parent and sustain individual subsequent trauma and post-traumatic stress.

In 2022 when Sir Brian made his first interim recommendation the Government honoured that recommendation and paid those who survived this tragedy within 4 months. It only paid the estates of those that were married. In contrast before the second interim recommendation was even announced this Government decided without even knowing what the inquiry was going to recommend that the estates of the deceased victims bereaved, and vulnerable parents and children would be treated differently and discriminated against again. Your own attendance at the last APPG confirmed this, as did a letter we received before your announcement to the House from The Scottish Government. By failing to accept responsibility this government continues the same contempt towards victims that enabled the original crime.

There is no moral, practical or reasonable justification in refusing to honour the second interim report and interim payment. Many impacted families are already registered with the

GRO-C T: GRO-C M: GRO-C  
GRO-E: GRO-C

schemes and have executor accounts set up. If over 500 people have died since the existing support schemes were finally established in 2017 and the inquiry began its work, they were registered as eligible. FOIs confirm approximately half of those number will not have received an interim payment to date. Through the existing schemes the government can make this payment now and been seen to support the families of the registered deceased. Allowing bereaved families to take respite from campaigning to focus on recovery. Even unregistered core participants representing the deceased estate who have given evidence to the inquiry should be eligible. For the government to put so many families through the re-traumatisation of a public inquiry only to deny their evidence is, I would suggest, a further act of barbarism. To offer some acknowledgement at this juncture would be to the governments advantage.

We have as executors of our father's estate confirmed that he was exploited by the NHS and used in the development of British / Scottish produced blood products without his informed consent. The inquiry has established that the British Government knowingly allowed children to be exploited for the purposes of medical research. I have documents in my possession which prove that beyond the actual infected blood scandal, NHS Lothian was using even babies as young as 9 months old to test the efficacy of blood products in the early 1990's with the written consent and indemnity of a Conservative governments Secretary of State. Even though harm was shown to have been endured by these trial victims during the Tartan Studies, acknowledgement of harm or liability was never provided to these victims. To use disabled people for research and especially children without consent is a crime against humanity. The Conservative Government established all the main Haemophilia Centres as primary research hubs in 1980 and a lot of the events explored by the inquiry occurred during the tenure of Conservative Governments. We are also aware of a great deal of evidence that was not publicly presented during the inquiry's hearings or reflected upon in this letter.

You identified in your statement that it was this government that established the public inquiry and commissioned the first compensation study. Yet this government has sat on that study for over a year and despite instruction by the inquiry to act with urgency now refuses to do so. If the government would accept the recommendation to provide a second interim payment to the remaining estates, this will not only be extremely beneficial to the struggling families representing the estates of the deceased but demonstrate the proclaimed rather than what is currently selective compassion from this government.

GRO-C T: GRO-C M: GRO-C  
GRO- E: GRO-C

## ***Justine Gordon-Smith***

We were, as bereaved adult children, able to secure a funeral grant in 2021 through the existing schemes within three days because our father was a recipient, for a very short period, before he died. Like many victims and their families, he lived for decades without acknowledgement, support, or treatment for his infection. It was only when he was dying that he was able to live in any comfort. Our father attempted suicide several times after his terminal diagnoses, and we are left to live with the guilt of preventing further attempts, only for him to suffer the cruellest death imaginable. Is this government incapable of mercy, or of showing my sisters and I, and other families like ours any recognition of our state-imposed trauma and loss?

What sort of moral case is this government making when it continues to refuse to mitigate its own 'wrong doings' to address the harm it caused to decent families it forced into extreme caring responsibilities because it infected their loved ones and refused to address the harm for forty years? The message to the society it governs is that decency only merits this governments contempt. Is this really the culture the government wishes to continue to perpetrate? Is this what, 'taking back control' means?

With relative simplicity and low cost, the government could stem the growing sense of injustice at a crucial juncture for all. We urge the government to show clemency and award those unrecognised estates the second interim payment within the same four-month period. Inaction will further the damage to the current government's reputation both nationally and internationally at a juncture where the government is seeking to restore public and market confidence. Given that the second interim report acknowledges 'wrong doings' and its contents is leading to accusations of malfeasance does the government want to be seen to have done nothing at this juncture except push a scandal further into the long grass and create another scandal upon scandal?

Yours sincerely

GRO-C

Justine Gordon-Smith

**Joint Executor the Estate of Randolph Peter Gordon-Smith**

CC: Dame Diana Johnson MP, Rishi Sunak MP, Victoria Atkins MP, John Glen MP, Victoria Prentice MP, Fleur Anderson MP, Stuart C Macdonald MP, Deirdre Brock MP, Angela Raynor MP, Oliver Dowden MP, Sir Brian Langstaff KC, Sam Baker Scottish Blood Policy Unit Kate Burt, CEO The Haemophilia Society.

GRO-C T: GRO-C M: GRO-C  
GRO-C E: GRO-C



Cabinet Office

Public Correspondence  
70 Whitehall  
London  
SW1A 2AS

Ms Justine Gordon-Smith

Our reference: TO2023/06914

By email: GRO-C

28 June 2023

Dear Ms Gordon-Smith,

Thank you for contacting the Cabinet Office on 8 June regarding the Government's response to the Infected Blood Inquiry Second Interim Report.

The Infected Blood Inquiry has done a huge amount of work on this complex issue and the Government welcomes the publication of the Second Interim Report. The Government is focused on considering all the recommendations as outlined in the latest report and work is under way across all relevant departments to respond fully.

As the Minister for the Cabinet Office shared in his update to Parliament on 19 April, the interim compensation payments made in October were to a defined set of people and bereaved partners already registered on the Infected Blood Support Schemes. However, unlike the initial payments, the wider interim compensation payments recommended in Sir Brian's Second Interim Report would require a registration process which is a larger undertaking for the Government and is currently under careful consideration.

We are dedicated to ensuring that we bring resolution to those who have suffered as a result of this tragedy and we appreciate that time is of the essence. As the Minister for the Cabinet Office made clear in his statement to the House on 19 April, the Government is very focussed on being able to respond as soon as possible after the Inquiry concludes but this does not preclude earlier announcements as we progress our work. On 22nd June, the Minister also spoke in Parliament to update on the Government's approach to taking this work forward and reiterated our commitment to ensuring a fair and equitable solution.

Thank you once again for taking the time to write.

Yours sincerely,

Meg

Correspondence Officer

**Public Correspondence Team**  
**Cabinet Office**