

Witness Name: Patrick Spellman

Statement No.: WITN3074001

Exhibits: None

Dated: 30 April 2019

## **INFECTED BLOOD INQUIRY**

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### **WRITTEN STATEMENT OF PATRICK SPELLMAN**

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I provide this statement in response to a request under Rule 9 of the Inquiry Rules 2006 dated 4 April 2019.

I, Patrick Spellman, will say as follows: -

#### **Section 1: Introduction**

1. I was appointed as a trustee to the Macfarlane Trust ("MFT") by the then Junior Health Minister, Hazel Blears, in July 2002. This followed my employment as a civil servant from 1963 until retirement in January 1999, serving the last 14 years in the Department of Health/NHS Executive headquarters. In 2002 the head of the branch responsible for funding MFT invited volunteers among retired senior civil servants like myself to fill vacancies on the MFT Board. I recall that six of us were interviewed formally by a panel which included the MFT chair, Peter Stevens, and an outside assessor. Two of us were appointed. I served as a trustee for over 16 year until the MFT organisation was dissolved on 28 February 2019.

#### **Section 2: Response to question**

2. I am asked to comment on criticisms made by Mrs Clair Walton at paragraph 84 of her witness statement dated 22 February 2019.
3. As a former trustee, I do not have access to the MFT's documents and records. This statement is therefore based solely on my recollection of the meeting which I

attended at Mrs Walton's house in August 2005. There is a note in my diary for Tuesday 9 August that year. It reads "MFT assignment Wood Green".

4. I recall that on 2 August 2005, after attending a meeting of the Employment Affairs Committee in the Trust's London office, I was asked by Jude Cohen to undertake an urgent task on behalf of the Trust's National Support Services Committee (NSSC).
5. The NSCC was formed in 2004 to operate a single grants programme. It was chaired by Mrs Elizabeth Boyd, a trustee appointed by the Department of Health in 2000. She was a specialist social worker at the Royal Free Hospital's haemophilia centre, in London. Members of her committee were Roger Tyrell, another Department of Health appointee, and three others appointed by the Haemophilia Society, GRO-C All papers were copied to medical trustee Dr Mark Winter.
6. As I recall, Jude Cohen was a middle ranking administrator, not a social worker, whose probationary first year with MFT was due to end in December 2005.
7. Ms Cohen told me that the MFT CEO, Martin Harvey, needed to meet a MFT beneficiary, a widow, who was close to moving to a new property while there was a legal charge on her existing home. I was told by Ms Cohen that it was important that the CEO was accompanied by a trustee, preferably not serving on the NSSC, to establish the facts and report back quickly to the Chair of the MFT and Chair of the NSSC. She herself could not attend as she had not been long enough with MFT.
8. It is important to note that in my experience Trustees have never had access to any beneficiaries' files. Moreover, office staff always redacted the names of beneficiaries in papers provided to Trustees, especially in applications for grants etc from the NSSC. Ms Cohen said I would be briefed verbally by Mr Harvey, on the day of the visit, which was set for 9 August 2005.
9. I recall that I suggested that it would be better for a female colleague to accompany Mr Harvey but Mrs Boyd had commitments at the Royal Free and the NSSC wanted an independent view from a trustee such as myself. I agreed to accompany Mr Harvey on condition that the beneficiary herself was supported by a friend or relative. I was assured that she would be.

10. I recall that on 9 August 2005 I boarded the 07.26 train from Harrogate to London King's Cross. This was the train I normally caught to attend morning meetings of the MFT Board of Trustees and of the Eileen Trust Board of Trustees every year. I met Mr Harvey at London St Pancras mid-morning and we travelled by tube train to Wood Green. Mr Harvey briefed me in very generalised terms and said that it would better if he handled discussions. I was not in a position to disagree as I had no detailed knowledge of the issues.
11. I recall that we were admitted to the beneficiary's house by her mother. Mrs Walton was laying semi upright on a sofa surrounded by three chairs. It was immediately clear to me that she was very unwell and I recall that Mr Harvey asked if we should postpone the meeting.
12. I recall Mrs Walton saying words to the effect that there wasn't much time left as she was close to completing her move, so we should get the business over with. As Mrs Walton's statement to the Inquiry says, she wanted to be close to her mother in Warwickshire on health grounds.
13. As I recall, Mr Harvey did not have any papers with him and neither he nor I made any notes in front of the two ladies. I recall that during the meeting, Mrs Walton had to make a number of visits to bathroom, at which times her mother busied herself in the kitchen. I recall that Mrs Walton said she should not have been made to sign an equity agreement and then talked about her career as an archive conservator, and the achievements of which she was justly proud.
14. To the best of my recollection, neither Mr Harvey nor I asked her to disclose the figures involved in her selling and buying the two properties in London/Warwickshire.
15. I think it was Mrs Walton's mother who asked Mr Harvey and I to go outside while she spoke to her daughter. Whilst outside, Mr Harvey asked for my opinion on the case. I recall saying that I believed Mrs Walton's poor health needs should take priority over everything else and that in my view our legal advisers should be asked whether the existing charge could be applied to the Warwickshire property. If so, that seemed to be the best course of action.
16. When readmitted to the house, Mr Harvey said that he would discuss that and other options with other trustees and senior MFT staff. I have no recollection of him

agreeing to take off any profit, nor did he make any firm promises because he did not have delegated authority from the chair of the MFT to act in such a way.

17. I recall that Mrs Walton's mother let us out of the house and asked if we could do our best for her daughter. We said we would try to sort things out.
18. I then travelled home to North Yorkshire. I do recall that a couple of days later I emailed a short "note for the file" (which I expect was no more than about half a page of A4) to the CEO, summarising the facts I have laid out above.
19. I do not have a copy of that note but have asked the Inquiry Team's solicitors to produce it. At the time of making this statement I have not received it. I do not believe it says anything which supports Mrs Walton's view that I held her in contempt.
20. I do not have the benefit of accessing Mrs Walton's MFT files but the Inquiry Team will be able to establish what other communications, if any, passed between Mr Harvey or his staff and Mrs Walton after our visit to her. As Mr Harvey is now dead it is important to clarify the allegations against him about only writing off "profit from the London house" despite an earlier promise to do otherwise.
21. As Mrs Walton acknowledges, the outcome of our visit on 9 August 2005 was MFT's transfer of the equity share which enabled her to move closer to her mother.
22. I am aware that Mrs Elizabeth Boyd also died a few years ago.

**Statement of Truth**

I believe that the facts stated in this witness statement are true.

Signed GRO-C

Dated 30/04/2019