

Witness Name: Mr Len Richards

Statement No.: WITN3705003

Exhibits: WITN3705013

WITN3705026

Dated: 30<sup>th</sup> September 2019

## INFECTED BLOOD INQUIRY

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### THIRD WRITTEN STATEMENT OF MR LEN RICHARDS

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I, Len Richards, will say as follows: -

1. Thank you for your letter of 2<sup>nd</sup> September in which you request an account of the Health Board's archiving systems, repositories and details of the organisations and agencies that have processed information for which the Health Board has control. In responding to your request the Health Board has liaised with the IT, Information Governance, Procurement and Medical Records departments, as well as asking each of the seven Clinical Boards to provide an up to date Information Asset Register which includes all repositories.

**A complete account of the Health Boards archiving system, (whether considered relevant to the Inquiry's Terms of reference or not).**

2. In order to respond to this element it is deemed relevant to describe the various iterations of health care provision in Cardiff and the Vale of Glamorgan over the period that the Inquiry is focusing on.
3. Cardiff and Vale UHB came into existence in 2009. Since the 1960s there have been a number of major re-structures of the NHS in Wales.

4. With regards to the predecessor organisations of Cardiff and Vale UHB, archive records show that there was a Hospital Management Committee in place in Cardiff from 1948 - 1974 which oversaw the delivery of services from a number of hospitals in the area. From 1974 - 1982 a District Health Authority was in existence. In 1982 – **South Glamorgan Health Authority** (SGHA) was established. This was split into a number of Units and was the only Teaching Authority in Wales.
5. In 1996 – **Bro Taf Health Authority** was established which covered the areas of Cardiff, Merthyr, Rhondda, Cynon, Taff and the Vale of Glamorgan.
6. **Cardiff and the Vale University Health Board** came in to being on 1st October 2009 through the amalgamation of three NHS Organisations in the Cardiff and Vale of Glamorgan area. These organisations were **Cardiff and Vale NHS Trust, Cardiff Local Health Board and Vale of Glamorgan Local Health Board that had been established in 2004**. The Board supports a population of around 445,000 people living in Cardiff and the Vale of Glamorgan. It oversees seventeen health centres, public health and community care services and also has a range of specialist services used by the whole of Wales.
7. In 2010, the seven Local Health Boards established the **Welsh Health Specialised Services Committee** (WHSSC) which is responsible for the joint planning of Specialised and Tertiary Services on behalf of Local Health Boards and ensuring that the population of Wales has fair and equitable access to the full range of specialised services. It is hosted by Cwm Taf University Local Health Board and commissions Haemophilia and other Hereditary Bleeding Disorders as well as hepatology services at Cardiff and Vale UHB.
8. Historically, at the inception of the NHS, National Blood Transfusion Services was initially organised on a regional basis, consisting of 12 Regional Transfusion Centres (RTCs) and later expanding to 14. In Wales the Cardiff centre was managed by the Welsh Office. A National Directorate was formed in 1988 to coordinate policy and the work of the regional transfusions centres, however, the RHAs retained management control until the establishment of the National Blood Authority (NBA) as a Special Health Authority in 1993. In 1994 the NBA assumed executive control of the English RTCs and therefore became their statutory body. The Cardiff centre did not become part of the NBA but remained under the control of the Welsh Office being directly managed by the Welsh Health Common Services Authority. With devolution, and the establishment of the Welsh Government the Cardiff centre evolved into the Welsh

Blood Service in 1997 and since 1999 it has functioned as a division of Velindre NHS Trust, the latter being the statutory body. It is responsible for the collection of blood in Wales and of the distribution of blood products to hospitals within the country, as well as other related functions. On 2<sup>nd</sup> May 2016 the Welsh Blood Service became a national service and began collecting and distributing blood in North Wales. Previous to this, the service covered Mid, South and West Wales, with NHS Blood and Transplant covering North Wales.

9. The complexity of health care provision in the previous decades has meant that it is not possible to be assured of the archiving systems that proceeded existing Cardiff and Vale UHB processes. It is apparent that preceding organisations have made efforts to archive some corporate documentation to the National Archives, Glamorgan Archives. Glamorgan Archives are in possession of documents that span 1822 – 1997 that were archived between 1975 and 2018. A comprehensive List of all archived documents provided by Glamorgan Archives is included in WITN37050013 and WITN37050014.
10. It is not clear how decisions regarding what documents to provide to the National Archives have been made. It is however, apparent that what has been preserved is not a complete record of corporate documentation but a sample of documentation retained during this period.
11. Existing retention and destruction of information is governed by the current Cardiff and Vale UHB Retention and Destruction Protocol (WITN37050015). A Retention Schedule (WITN37050016) determines the retention period for categories of information and is derived from the Records Management Code of Practice for Health and Social Care 2016 which includes a comprehensive retention schedule.
12. In August 1999 our predecessor organisation, developed a policy for the Retention and Destruction of Personal Health Records. A letter was sent from the haemophilia centre (WITN37050017) in response stating that all patients cared for in the Haemophilia Centre who had been infected with HIV and Hepatitis C should have their records retained even after they had died. The letter states that this was because it was anticipated that a Public Inquiry might be held in the future. As a result the UHB still holds extensive medical records with regards to the haemophilia care of patients that were known to be infected by HIV.
13. In order to describe the organisational archiving processes the following policies and procedures have been provided:

- Records Retention and Destruction Protocol (WITN3705015)
- Records Retention and Destruction Schedule (WITN37050016)
- Information Governance Operational Management and Responsibility Procedure (WITN37050018)
- Information Asset Management Procedure (WITN37050019)
- Records Management Procedure (WITN37050020)

**A list of all the Health Board's repositories including those storing documents and information in hard copy, electronic format, and any other form (whether the documents and information stored within the repositories are considered relevant to the inquiry's terms of reference or not), together with an indication of the quantity of documents and information stored at each facility.**

14. A list of all health board repositories has been included in appendix (WITN37050021). In addition a recent snapshot of the directorate Information Asset Registers has been included in (WITN37050022) these registers are live documents and are therefore subject to frequent change.
15. The retention, destruction and archiving of medical records is undertaken in line with the principles of the Data Protection Act 1998, to ensure personal information is securely stored lawfully processed and not kept for longer than is necessary. Since August 2018 Cardiff and Vale UHB had ceased the destruction of all patient records in line with the direction from the Infected Blood Inquiry.
16. Figure 1 details the storage of acute medical records held by the Health Board including those that remain in use and those that have been archived. Figure 1 does not include details of speciality records, the details of these are included in the Information Asset Register.

**Figure 1 Archived and Current Acute Medical records**

Information Type	Format	Site	Volume	Availability of Original
Medical Records	Archived original hard copy	Hywel Dda Unit 1 stradey Park Llangenech	410 000	Yes
Medical records	Archived original hard copy	Logic Department Unit 2 stradey Park Llangenech	356 000	Yes

Medical Records	Archived original hard copy	Restore Datashred 14b Greenway, Bedwas	46 000	
Medical Records	Archived original hard copy	C&V Treforrest offsite storage	276 000	Yes
Medical records	Current hard copy	On site medical records storage	530 000	Yes
Medical records	Microfiche	On site medical records storage	100 000	No but records can be re constituted on demand
Medical records	Scanned to CD	On site medical records storage	46 500	No but records can be re constituted on demand
Medical records	Digitally Scanned Records	On site medical records storage	100 000	Yes
Casualty Cards	Electronically saved	Scanned to Clinical Portal	500 000	No
Total			2 364 500	

17. In September 2018 the Welsh Blood Service informed the Health Board that they had in their possession 138 ledgers entitled Blood Bank records of receipts that dated back to 1983. These records detail the provision of blood transfusions. The Ledgers are now in the possession of the Health Board.

**An account of the process for archiving the Health Boards documents and information at all places of deposit. To include, but not limited to the following information: the criteria for the transfer of Health Board Documents and Information to an archive or place of deposit; whether original documents are transferred and if so whether the Health Board retains copies; whether as part of the archiving process hard copy material is transferred to electronic format and if so whether the hard copy material is retained.**

18. The UHB archiving processes has been explained earlier in this response. The retention and destruction of documents is undertaken in line with the policies and procedures described in the health board response to question 1.

19. The health board provides services across a number of sites, the largest two being the University Hospital of Wales and the University Hospital Llandough. The majority of current acute medical records are retained within the medical records department on these two sites for the duration of the individuals care delivery. Acute medical records

are then archived in offsite storage as detailed in figure 1. The Patient Management System (PMS) records and tracks the location of all medical records in both acute and archived medical records storage.

20. Several initiatives have been undertaken in the past to manage the storage of archived medical records, these include scanning records to disc, digitally scanning records and microfiche. In these circumstances the original records are generally destroyed but a hard copy can be printed on demand.
21. In addition a number of speciality services hold specialist health records. These records remain the responsibility of the individual departments and are subject to the same retention and destruction protocols with retention periods varying according to the speciality and patient demographics.
22. A moderate volume of corporate governance documents that date from 1993 onwards are stored on site at the University Hospital of Wales. An initial review of these documents was undertaken when responding to the Inquiry's August 2018 Rule 9(2). A list of these documents is included in WITN37050023. In addition corporate governance documents relating to preceding organisations have been archived in Glamorgan Archives as explained in the response to question 1. A list of these documents is included in WITN37050013 and WITN37050014.
23. The Research and Development Department was set up in the mid 1990s, prior to this it is understood that that was no centralised record of research taking place. Health and Care Research Wales have confirmed that the Research Ethics Committees were established in 1993 and that their standing operating procedures require all study documentation to be destroyed within three years of the completion of the study. A database of all current research projects is maintained by the Cardiff and Vale UHB R&D department and records are routinely destroyed at a designated period of time relevant to the study.

**A list and Summary of all organisations and agencies that processed information (together with current contact details which may be provided separately) for which the Health Board had or has any control responsibility or oversight and material potentially relevant to the Inquiry's Terms of reference and / or List of Issues.**

24. Cardiff and Vale University Health Board Procurement Department maintains a record of all current contracts that provide services and products and those that have expired within the previous seven years. These records extend beyond organisations and

agencies that process information. After six years all information pertaining to these records is destroyed in keeping with the NHS Standing Financial Instructions, clause 8.5. A spreadsheet containing the details of all current contracts pertaining to the processing of information including those that have expired within the last seven years is included in WITN37050024.

**An account of the searches undertaken in response to the Inquiry's Rule 9(2) requested dated 15 August 2018, including the search terms used. Repositories checked and documents uncovered (whether considered relevant to the Inquiry's terms of reference).**

25. To date the following activities have been undertaken as part of this search:

- An urgent communication was circulated widely across the organisation, to inform all staff of the Inquiry and the need to retain all relevant evidence and to come forward if they believe they have any information to the Inquiry.
- The previous Medical Director wrote to all Consultants and also to specific individuals who were identified as key stakeholders within the organisation.
- The following have been reviewed:
  - All available archived minutes of South Glamorgan Health Authority Board meetings from 1974 – September 1992. The UHB is fortunate that many of these had been submitted to Glamorgan Archives in the public interest, as it is unlikely that these records would have been retained, given the timeframes and the re-structures of the NHS in Wales over this time period.
  - South Glamorgan Area Medical Committee meeting minutes from 1980 – 1986.
  - Annual Report of the Chief Administrative Medical Officer from 1983 – 1988.
  - Haemophilia Centre correspondence from February 1983 – July 1996.
  - Correspondence in relation to Haemophilia Services contracting.
  - Correspondence in relation to HIV treatment and services January 1996 – March 2000.
  - Minutes of the Inherited Bleeding Disorder Advisory Group from 2011.
  - Minutes of the Task and Finish Group for Haemophilia Services from 2011.
  - All available documentation of relevant clinical trials that have taken place within the organisation, pertaining to Haemophilia.
  - All available evidence in relation to variant Creutzfeldt–Jakob disease (CJD).
  - Relevant medical records policy and correspondence in relation to inherited bleeding disorders.
  - All electronic folders pertaining to the haemophilia service and those pertaining to hepatology care.
  - Correspondence in relation to the delivery of hepatology services.

26. In addition the following actions have been undertaken in an attempt to further identify relevant evidence:

- The Health Board met with Chair of Haemophilia Wales and one of its Trustees on 5th September 2018.
- The Health Board met with Welsh Blood Service and representatives of other Welsh Health Boards on 6th September 2018.
- The Health Board met with key stakeholders within the organisation on 31<sup>st</sup> August 2018 to review the Terms of Reference and consider sources of relevant evidence.
- The Information Technology Department carried out a word search across all open e-mail accounts within the organisation using the key words 'haemophilia' or 'haemophiliac' where the words HIV, AIDS, Hepatitis or variant CJD or Creutzfeldt-Jakob also feature in the same e-mail. The Inquiry should be advised what e-mail there were in the 1980s will have long since disappeared. The ability to store e-mails long term was not an option in that period within the then Health Authority unless the limited users copied their e-mails to alternate file structures and have since maintained them. These would not be accessible to any central e-mail searches. Whilst, in the last decade e-mail has become an intrinsic tool to many functions within the Health Board, there is no central e-mail archiving and hence no ability to search back beyond whatever e-mails currently exist in people's e-mail boxes, which essentially will be limited to a relatively small (regarding this 50-year enquiry) number of recent years. This search has identified over 1,000 e-mail account holders, many of whom will have sent numerous emails containing one or more of the key words.
- The Information Technology Department carried out the same word search across our Clinical Portal that contains a variety of correspondence in relation to patients. This has identified in excess of 28,000 letters that relate to the care of patients with haemophilia and over 1,500 which we are specifically interested in looking at in more detail as they also contain the key words HIV, AIDS, Hepatitis or variant CJD or Creutzfeldt-Jakob.

27. Following these reviews the Health Board provided the Inquiry with the following information :

- South Glamorgan Health Authority and Bro Taf Health Authority Meeting Minutes
- Haemophilia Centre Correspondence
- Haemophilia Centre/Solicitors Letters
- Haemophilia Centre/Solicitors Letters
- Inherited Bleeding Disorder Advisor Group Minutes March 2011 - June 2011
- Inherited Bleeding Disorder Advisor Group Minutes October 2011 - October 2015
- Haemophilia Centre Electronic Folders

- Hepatology correspondence
- Skipton and McFarlane Fund applications
- Variant Creutzfeldt-Jakob Disease
- Haemophilia centre research documents
- Hard back A4 book of results
- Correspondence between the Haemophilia Centre and lawyers in relation to litigation around individual claims relating to infected blood products
- Archived documents from Glamorgan Archives.

28. In addition to the provision of information above the UHB brought to the attention of the Inquiry the existence of Social Work records of people infected and affected by HIV and HCV (Hepatitis C) when responding to the August 2018 Rule 9(2). These records are held by Cardiff City Council and are not the property of the Health Board despite the social work post being funded by the Health Authority and many of the records being held on Health Board property. These records will provide evidence of the Social Worker role which provided support around the psycho-social impacts on patients but it is not within the gift of Cardiff and Vale UHB to provide these records.

29. Since the submission of the initial cohort of information in September 2018, the UHB has continued to work with clinicians and departments across the health board in an attempt to identify further information. Meetings with Immunology, Haematology, Infection Prevention and Control and Blood Borne Virus services have taken place to discuss historical and current service provision and the availability of documentary evidence to support the Inquiry. In addition the Health Board continues to respond to Subject Access Requests from individuals infected and affected by contaminated blood and blood products.

**An account of the Health Boards retention and destruction policies, both past and present, together with an account of any material known to have been destroyed with potential relevance to the Inquiry's Terms of reference and or lists of issues. Please also provide copies of all destruction policies past and present, as exhibits to the written statement.**

30. The UHB Retention and Destruction Policy has been provided in the response to question 1 and makes reference to destruction schedules for clinical and corporate information. To ensure effective version control preceding policies and procedures are deleted from the Health Board intranet. Two past iterations have been provided in WITN37050025 and WITN37050026 and correspondence relating to the 1996 Retention and Destruction Policy is included in WITN37050017.

31. The Patient Management System (PMS) records and tracks the location of all medical records in both acute and archived medical records storage. In 2011 one offsite storage unit referred to as Unit Seven was decommissioned. The majority of records were transferred and tracked to a separate storage facility and approximately 5000 sets of historical records were destroyed in line with the retention and destruction of medical records procedure. The destruction of these records was not recorded in accordance with current standards.
32. The Health Board is unable to give full assurance that information that would have been relevant to the Inquiry's Terms of reference has not been destroyed in the past decades. While it is clear that the staff in the Haemophilia Centre have been proactive in retaining all relevant documents since the mid 1990s the relevance of information held in other departments across the Health Board would not have been realised at the time leading to documents being destroyed in line with record keeping guidance.
33. Whilst the Health Board seeks to comply fully with the requirements of the inquiry, providing a record of all of the information sources that exist within the Health Board brings with it significant risks from a cyber-security perspective. The Health Board therefore asks the Inquiry to consider maintaining confidentiality around the information relating to the list of repositories and asks that the Inquiry does not make this information available publically.
34. Every effort has been made to provide the Inquiry with a full record of Health Board information assets and to describe current and historical archiving processes. It is not possible to give full assurance that what has been provided is a complete record of all repositories but the Health Board will continue to search for all relevant information and will make the Inquiry aware of new evidence as it is identified.

**Statement of Truth**

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

Signed

**GRO-C: Len Richards**

Dated

15/9/20