

Witness Name: BRENDAN BROWN

Statement No.: WITN4496034

Exhibits: N/A

Dated: 29 November 2022

## **INFECTED BLOOD INQUIRY**

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### **WRITTEN STATEMENT OF BRENDAN BROWN**

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I, Brendan Brown, Chief Operating Officer of National Health Service Business Services Authority ("NHSBSA"), will say as follows:-

1. I provide this statement on behalf of the England Infected Blood Support Scheme ("EIBSS") in response to the request under Rule 9 of the Inquiry Rules 2006 dated 11 November 2022. As with my previous twelve statements, this statement is based on information available to the NHSBSA from its records of the EIBSS and the knowledge of members of the EIBSS team. I have made clear where the information is from my own personal knowledge.

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

2. My full name is Brendan Craig McMahon-Brown (known as Brendan Brown), and I am the Chief Operating Officer at NHSBSA as from 1 February 2022. Prior to this date, I was the Director of Citizen Services at NHSBSA, and this fact is reflected in my previous statements. My role is based at Stella House, Goldcrest Way, Newburn

Riverside, Newcastle Upon Tyne NE15 8NY. Details of my professional background and career are set out in my first statement.

## **Section 2: Response to points raised by the Inquiry**

3. I set out below information in response to the points raised by the Inquiry, which includes supporting information, EIBSS website links and supporting exhibits from the EIBSS scheme Specification, with the aim of providing the Inquiry with the most comprehensive response possible. I have structured my response below in a question-and-answer format, setting out each part of the Inquiry's question into separate headings, for ease of reference and completeness.

4. The Inquiry asked the following:

***“What is the eligibility criteria for registering as a bereaved partner for the EIBSS scheme? In particular please set out what the eligibility criteria is:***

***(i) For a bereaved partner where neither they, nor their deceased partner have ever registered with either EIBSS or one of the AHOs.”***

If the deceased individual was not a member of EIBSS or a previous UK scheme, their bereaved partner can apply to EIBSS on the deceased's behalf to receive HIV and/or Hepatitis C payments. We set out the three key steps in this process below.

### **Step 1:**

5. On being contacted by a possible bereaved partner, EIBSS will first check if the relevant deceased individual is registered with EIBSS. If the deceased is registered with EIBSS, the bereaved partner applicant should follow the process outlined in step 3 below.
6. If the deceased is not registered with EIBSS, EIBSS directs the bereaved partner applicant to Russell-Cooke Solicitors in the first instance, to be sure that such applicant's deceased partner was not previously registered with an Alliance House Organisation (**AHO**).
7. If the deceased was previously registered with an AHO scheme, the bereaved partner applicant shall liaise with Russell-Cooke to obtain those records, which could then be used to support the bereaved partner's application to the EIBSS. If records were held these would allow the bereaved partner applicant to follow the process outlined in step 3 below.

## **Step 2:**

8. If the deceased was not previously registered with EIBSS or an AHO scheme, the bereaved partner applicant shall then be required to apply to the EIBSS on behalf of the deceased, completing either a Hepatitis C or HIV application form.
9. The bereaved partner applicant will need to establish that the deceased had been infected with Hepatitis C and/or HIV from NHS supplied blood or blood products within the eligibility timings, in accordance with the scheme Specification set out in Annex A (WITN4496032).
10. The relevant application forms are available from the EIBSS website, links to the appropriate sections are provided below:

<https://www.nhsbsa.nhs.uk/who-can-join-scheme-and-how-apply/people-infected-hepatitis-c-stage-1-payment>

<https://www.nhsbsa.nhs.uk/who-can-join-scheme-and-how-apply/people-infected-hiv>

11. If the application submitted on behalf of the bereaved is successful, then the bereaved partner applicant can go on to complete a bereaved partner payment application form, as outlined in step 3 below.

## **Step 3:**

12. The bereaved partner applicant shall be required to complete an application form, which can be found at the 'bereaved partner payments' section of the EIBSS website, the link to which is set out below:

<https://www.nhsbsa.nhs.uk/families-deceased-beneficiaries>.

13. EIBSS will assist the bereaved partner applicant throughout the application process, to ensure that the bereaved partner applicant receives the right advice and help to provide the information required, for an application to be assessed.

***"[...] (ii) For a bereaved partner where neither they nor their deceased partner have ever registered with either EIBSS or one of the AHOs, but where there has been a successful estates claim on behalf of the deceased's estate."***

14. As set out above, in order for a bereaved partner application to be successful, if the deceased was not previously registered with EIBSS or an AHO scheme, the bereaved

partner shall then be required to apply to EIBSS on behalf of the deceased, completing either a Hepatitis C or HIV application form.

15. Similarly, no estates claim can be successful without the estate having first proven that there was a primary beneficiary (the deceased) entitled to join the EIBSS or an AHO scheme.
16. On the basis of the points set out in paragraphs 12 and 13 above, I am not able to answer the Inquiry's question (ii) as posed further, as a successful estates claim is contingent on the deceased being registered with EIBSS or an AHO scheme.
17. I suggest from the wording of part (ii) of the Inquiry's question that you may have intended to ask about the ability of a bereaved partner to receive ongoing support from EIBSS, where that bereaved partner has previously been the recipient of a successful estates claim, and so also answer this question below at paragraphs 16-20 below in order assist the Inquiry.
18. For an estates claim to be successful, the applicant must have provided evidence that the deceased person had been infected with Hepatitis C and/or HIV from NHS supplied blood or blood products within the eligibility timings, in accordance with the scheme Specification.
19. Following a successful estates claim, the relevant information in relation to the deceased is retained by EIBSS as the deceased is now registered with EIBSS, which will make the application for bereaved partner payments possible.
20. Obviously, where no previous evidence is held, the applicant would follow the process outlined at part (i) of the Inquiry's question.
21. The applicant, in response to part (ii), would need to complete an application form, which can be found at the 'Bereaved partner payments' section of the EIBSS website: <https://www.nhsbsa.nhs.uk/families-deceased-beneficiaries>. The existence of a successful estates claim does not change the process which a deceased beneficiary should follow as set out in part (i) to the Inquiry's question, though Step 2 set out above is unlikely to be relevant as EIBSS will already have the deceased's details.
22. On a related point we would make the Inquiry aware that as part of the parity payment changes in 2021, we wrote out to all beneficiaries, who were receiving discretionary support payment types (1) income top-up and/or (2) winter fuel payments. This was to

inform them of the change to bereaved partner payments, inviting them to complete an application form to receive these payments moving forwards.

***“[...] (iii) For a bereaved partner who registered with one of the AHOs but where neither they nor their deceased partner have ever registered with the EIBSS and their deceased partner did not register with one of the AHOs.”***

23. EIBSS does not expect there to be any bereaved partners registered with an AHO, where there is not a record of a registered deceased partner. EIBSS does not know this for sure, as we can only confirm the processes relating to our scheme administration since the 1 November 2017.

**Statement of Truth**

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

Signed \_\_\_\_\_ 

GRO-C

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Dated \_\_\_\_\_ 29 November 2022 \_\_\_\_\_