

Witness Name: Brendan Brown
Statement No.: WITN4496040
Exhibits: WITN4496041 - WITN4496042
Dated: 10 May 2023

INFECTED BLOOD INQUIRY

WRITTEN STATEMENT OF BRENDAN BROWN

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

1. I provide this statement in response to the Rule 9 request dated 28 March 2023, following a notification of criticism made by a witness under Rule 13 of the Inquiry Rules dated 15 March 2023. As with my other statements, this statement is based on information available to the NHSBSA from its records of the England Infected Blood Support Scheme ("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 Criticism(s) by W7082

3. My attention has been drawn to criticism made by witness W7082 to the Inquiry in relation to their experience with EIBSS. In particular, my attention has been drawn to

criticisms of EIBSS made in the witness' statement and oral evidence transcript, I have copied out these comments below for context, along with my response.

4. Paragraphs 143 – 145, page 21 of witness statement WITN7082001, states the following:

"143. They also said because of my work as a 'policeman in Singapore', there was a risk of needlestick injury! I found this incredulous. To be clear, I have never been a policeman in the UK, Singapore or anywhere else. I would have to be a citizen in Singapore to be a policeman, which I'm not. so that is completely impossible.

144. In the supporting documents I supplied to EIBSS, I had included a medical check by the Singapore police for my driving licence. This is a standard legal requirement in order to renew your driving licence. (See Exhibit WITN7082006)

145. They got the facts completely wrong. I don't think they even opened the documents I had sent, and I am sure they didn't look at my application properly."

Pages 23 – 24 of the oral evidence transcript on the 7 October 2022 state the following:

"The EIBSS called me and said , "Oh, we need additional information from you ". So I asked them , "What would you like? " I'd had a shoulder operation in Singapore . "Do you need information from the National University Hospital in Singapore ?" Because if it does , I'm going to have to pay for that, it's going to be a bit of a trek to be able to do it. They said , "No, no, no". Then they told me -- they said they didn't need any documents. I said , "But hang on, you just called me to tell me that you needed documents and now you're saying, well, you don't need them." I said, "Have you actually looked at what I've sent?" And I really feel, even now, that they didn't really look at the PDF files that I sent. I really don't believe they did.

MS FRASER BUTLIN: Your application was refused , and I just want to look at the refusal letter , at WITN7082005, please. If we just pick it up in the middle: "Unfortunately, your application has been declined. "Applications can only be authorised where there is evidence that , on the balance of probabilities , an applicant has been chronically infected with hepatitis C through treatment with NHS blood or blood products in England prior to September 1991 . "You have provided evidence that your hepatitis C

has become chronic. "There is no evidence of a transfusion being administered during your rhinoplasty operation. Our assessors believe the need for a transfusion for this type of operation is very low. "Our assessors also noted occupational exposure during the 30 years you spent in the Singapore Police Force could also be a risk factor. Police officers face elevated risk of acquiring blood -borne diseases such as hepatitis C from accidental needle stick injuries. Your dual exposure to Hepatitis and Hepatitis B supports this."

5. A senior Manager for EIBSS has investigated the application paperwork relating to the Applicant, to inform my response, including the medical experts' assessment outcomes.
6. Firstly, I'd like to re-iterate an operational point, which I outlined within my first witness statement, in relation to how many medical experts can be involved with assessing an application, which generally is two but where a consensus cannot be reached between the first two experts, a third expert will also review the application to reach a majority outcome.
7. EIBSS currently have five medical experts to assess medical based applications. So, an application will generally involve two or three of these experts to reach an outcome.
8. An overview of the assessment journey for the Applicant is shown below.
9. First application assessment took place between 6 - 10 April 2022, one medical expert approved, and the second required further information. The second expert asked the following question of the administrative support team to request from the Applicant *"Please clarify if the applicant received any medical treatment in USA or Singapore."* It is for this reason that the W7082 was contacted by email, there is no record of an outgoing telephone call to the Applicant (WITN4496041).
10. 12 April 2022: The Applicant responded to our email, confirming that the information was provided within their original application, but provided some additional information within their email.
11. A second assessment took place between 22 April 2022 and 8 May 2022, one medical expert declined, one approved and the third expert declined, part of their reasoning was *"that the time serving as a Singapore Police officer elevated the risk of acquiring blood-*

borne diseases such as hepatitis C from accidental needle stick injuries.” This resulted in a majority decision of ‘declined’ and this decision along with a summary of the reasons for this decision were provided to the Applicant by email on 10 May 2022.

12. The Applicant emailed EIBSS on 1 May 2022, requesting an appeal of the decision, they questioned the source of the information relating to the Singapore police force point.
13. We received further information from witness W7082 on 11 July 2022, which included their statement to the Inquiry and supporting photos of the scar from the operation, additionally further explanation that they had used an oversimplified treatment term ‘Rhinoplasty’ in their original application and should have stated ‘Facial Cranial Reconstructive Surgery’, confirming that a revised application would be provided and supported by East Surrey Hospital, confirming the correct treatment term.
14. Further information was provided witness W7082 on 11 July 2022 and on a few occasions thereafter whilst they were awaiting their appeal to be heard, challenging the ‘Singapore Police’ evidence, as they could not and have not been part of any police force.
15. Given the repeated concerns raised by witness W7082 regarding the ‘Singapore Police’ evidence, the matter was referred to the EIBSS Team Manager for review. On the 30 September 2022 we emailed (WITN4496042) the witness advising them of the following:
“Your concerns surrounding the medical assessor’s opinion on your hepatitis C stage 1 application and the evidence received have been noted. EIBSS have reviewed the application and agrees that there is no mention of you working within the police force in Singapore, which would carry a risk of infection with hepatitis C on the balance of probabilities.”
16. Given the outcome of this review, we advised the Applicant that *“This assessor’s opinion will be disregarded, and we will be submitting your application for a separate opinion. As soon as we can advise you on the outcome of the application and the new opinion, we will be in contact.”*
17. EIBSS completed the application review on 4 October 2022 and contacted the Applicant advising them that their application had been approved.

18. Witness W0782 acknowledged our application outcome, and we replied apologising for the delay and inconvenience caused.
19. Although the delay had already been caused, I'm pleased to see that the EIBSS Team Manager intervened however, recognise that this could have happened sooner and was due to the Applicant's persistence. This intervention meant that witness W0782 did not have to wait further for the outcome of the Appeal. I can confirm that the error has been highlighted to the medical expert who made the incorrect interpretation of the evidence.
20. I am confident that the original application decision would have been overturned, if it had gone to appeal, and the correct decision reached, as three further medical experts would have independently reviewed the application and all supporting evidence afresh.
21. Unfortunately, in this instance the original decision was made in error, based upon an incorrect interpretation of a piece of evidence, which led to delay and inconvenience for W0782. I apologise on behalf of the NHSBSA (EIBSS) for this delay but am pleased to see that the right decision was subsequently reached.
22. I have asked the Senior Manager who has investigated this matter to apply appropriate service improvements, based upon the error and resulting delay to W0782's application.

Section 3: Other Issues

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23. Additionally, I would like to respond to lines 10-22 on page 29, of the oral evidence transcript on the 7 October 2022, which states the following:

"SIR BRIAN LANGSTAFF: Did they , by any chance , know that he was due to give evidence here ? MS FRASER BUTLIN: Sir, I wouldn't know . SIR BRIAN LANGSTAFF: Have you any reason to think they did? ROBERT ELLINOR: I'm sorry, I didn't hear the question . SIR BRIAN LANGSTAFF: Yes. Do you have any reason to think that they knew that you were going to give evidence here? ROBERT ELLINOR: I don't believe so. I certainly never told them anyway . SIR BRIAN LANGSTAFF: That's all I wanted to be clear about."

24. I can confirm that EIBSS were not aware that the Applicant was due to give evidence to the Infected Blood Inquiry. We were aware the Applicant had provided a witness statement, but not of their future attendance at the Inquiry.

Statement of Truth

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

Signed: GRO-C

Dated 19 May 2023

Table of exhibits:

Date	Notes/ Description	Exhibit number
Mar-22 to Mar-23	W7082- EIBSS System Notes	WITN4496041
September 2022	W7082- Reassessment Email	WITN4496042