

Witness Name: William Vineall  
Statement No.: WITN4688079  
Exhibits: WITN4688080 -  
WITN4688082  
Dated: 14/07/2023

**INFECTED BLOOD INQUIRY**

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**TENTH WRITTEN STATEMENT OF WILLIAM VINEALL**

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I provide this statement on behalf of the Department of Health and Social Care in response to the request under Rule 9 of the Inquiry Rules 2006 dated 1 March 2023.

I, WILLIAM VINEALL, will say as follows:

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## **Section 1: Introduction**

- 1.1. My name is William Vineall. My professional address is 39 Victoria Street, Westminster, London SW1H 0EU and my date of birth is known to the Inquiry.
- 1.2. I am Director of NHS Quality, Safety and Investigations at the Department of Health and Social Care ("the Department"), and have held this post since 2016. This is my tenth statement to the Inquiry. I refer back to my previous statements for further information about my role, responsibilities and employment history. I gave oral evidence to the Inquiry on 21 May 2021.
- 1.3. Part of my role includes oversight of on-going inquiries or investigations relating to the responsibilities of the Department. I am duly authorised to make this statement on behalf of the Department and where appropriate, reflecting the advice of the DHSC Parliamentary Clerk.
- 1.4. The team in the Department that provides evidence and information to the Inquiry has sat within my directorate since late 2018. Since early 2019 the team responsible for policy and governance of the England Infected Blood Support Scheme ("EIBSS") has sat within my directorate also. I did not work in blood policy and my directorate did not encompass blood policy. Since August 2021, I have been the senior sponsor of NHS Blood and Transplant, but wider blood policy remains outside my directorate. It should be noted that I do not have first-hand knowledge of the evidence covered in this statement and I have relied on the documentary evidence available to me and the advice of the Parliamentary Clerk, both set out below. In addition, with the permission of the Inquiry a draft of paragraphs 2.1 – 2.14 of this statement has been seen by Ms Doyle-Price, the former Minister referred to in paragraph 2.2 below. The contents of this statement are true to the best of my knowledge, information and belief.

## **Section 2: Response to criticisms by witness W1210**

- 2.1. I provide this statement in response to the criticisms of the Department outlined in the written statement, and the oral evidence, of a witness with the Inquiry reference number W1210.

### **Correcting the record in relation to Parliamentary Questions**

- 2.2. This criticism relates to the use of an inaccurate statement the Department had been using to describe the release of pre-1995 documents relating to the topic of infected blood and the subsequent actions of Jackie Doyle-Price (then Parliamentary Under Secretary of State for Mental Health, Inequalities and Suicide Prevention) to correct it. Witness W1210 believes the Department should have made a public statement to Parliament so that the Infected and Affected community ("the IAA community") were made aware of the correction.
- 2.3. On 5 March 2018 Baroness Featherstone wrote to Sir Chris Wormald, the Permanent Secretary of the Department, to express concern about a line taken by Department of Health ("DH") ministers that "*All documents up to 1995 are available through the National Archive*" [WITN6606005]. I understand that this letter was sent to Sir Chris after witness W1210 had asked Baroness Featherstone, by email on 1 March 2018, for assistance in getting the line changed [WITN1210024]. It appears that Baroness Featherstone was thus in direct communication with the IAA community, or a prominent member of it, in respect of this matter.
- 2.4. As a result of this letter an investigation was undertaken which concluded that this line should always have been nuanced to explain that all relevant files were available through the National Archives. There was inconsistency in how former DH ministers had used the line, with the investigation identifying eight instances (seven written Parliamentary Questions ("PQs") and one debate) in which Ms Nicola Blackwood and Ms Jane Ellison used this line without including the word 'relevant', and two instances where it was correctly included (both PQs – 65849 and 57809) [WITN1210027].
- 2.5. On 7 June 2018 Clara Swinson, Director General – Global and Public Health at the Department, responded to Baroness Featherstone acknowledging that an incorrect

line had been used and indicating that an amended line would be employed in future [WITN1210025].

- 2.6. To correct the inaccurate information given to Parliament, first, on 20 June 2018 Sir Chris Wormald wrote to both former DH ministers to apologise for the inaccurate line they were given to use, and to explain that from then on the line would be amended to state:

*“All files up to 1995, previously deemed to be relevant to the issue of infected blood, and which were agreed to release by The Advisory Council, were transferred to The National Archives. However, we recognise this did not include all files that may be relevant and work on identifying all additional pre-1995 files for transfer is continuing. As well as releasing these files to the public, DHSC is committed to co-operating fully with the Infected Blood Inquiry.”*  
[WITN1210027]

- 2.7. These letters included Annexes which listed the instances on which each former DH minister had used the line; the letter explained that on some of these the word ‘relevant’ was incorrectly omitted. As explained in paragraph 2.4 above there were a few occasions on which the line was correctly nuanced to read all ‘relevant’ files; however, there was inconsistency in the approach. It is not the case, as suggested by witness W1210, that the incorrect line was used in every one of the ten instances identified in the Annexes; see paragraph 2.4 above.

- 2.8. Second, on 28 July 2018 Jackie Doyle-Price wrote to the House of Commons Library requesting that the letters from Sir Chris Wormald to both Nicola Blackwood and Jane Ellison be deposited in the Library in the interest of transparency [WITN6606006].

- 2.9. Advice had been given to the Minister that a written ministerial statement (“WMS”) could be used to correct inaccurate written answers given in response to PQs but that the need for it was “marginal”. See paragraph 13 of the ministerial submission of 21 May 2018 [WITN4688080]. The Minister, Jackie Doyle-Price, then considered the most effective and appropriate way of correcting this error. She asked for additional advice from the DHSC Parliamentary Clerk as to whether a WMS was a necessity.

- 2.10. The Minister received an email in response [WITN4688081]. The advice from the DHSC Parliamentary Clerk at the time was that it was ultimately the Minister's decision as to whether to issue a WMS. The Parliamentary Clerk recommended issuing a WMS as the PQs (and debate) in question were answered and took place in a previous Parliamentary session and so it was not possible to correct them by other means. The Parliamentary Clerk suggested that, if a WMS was not issued, then the letters should be deposited in the Library to ensure that there was a public record of the correction available to other Members of Parliament. See email of 6 June 2018 [WITN4688081].
- 2.11. The advice of the current DHSC Parliamentary Clerk is that the advice given at the time – that a WMS was recommended for correcting written PQs and debates from a previous Parliamentary session – remains best practice. However, it is now, as it was then, also the case that the final decision on whether and how to correct inaccurate information given to Parliament is always that of the relevant minister.
- 2.12. Following the advice detailed in paragraph 2.10, the Ministerial decision was to deposit the letters in the Library. This is evident from the emails of 6 June 2018 at 08:48 and 17:00 in [DHSC0050380]. However, the Minister also decided that a letter should be sent by her to Dame Diana Johnson MP; the letter sent was also copied to Sir Peter Bottomley MP. These MPs were the co-chairs of the All-Party Parliamentary Group on Haemophilia and Contaminated Blood ("the APPG"). See the copy letter at [DHSC0050381]. Ms Doyle-Price did this in "...the spirit of openness" (see the email of 6 June 2018 at 08:48 in [DHSC0050380]). Dame Diana Johnson had asked five of the seven PQs to which the inaccurate line was used in response; appreciating this fact, the Minister wished to make Ms Johnson aware of the correction [WITN1210027]. In addition, writing to the APPG chairs, both about the error but also about what was being done to identify files for the Infected Blood Inquiry, was aimed at sending relevant information to those most directly interested, including those with links to the IAA community. The inaccurate response had been given to Dame Diana Johnson in a number of PQs, and I have been advised by Ms Doyle-Price that this was the method that the Minister considered to be the most effective in order to highlight the error to the IAA community.

2.13. The criticism made suggests that the Department was wrong to deposit the letters in the House of Commons Library as a means of correcting the record in relation to written PQs and debates as it did not give appropriate publicity to the issue. I have addressed this criticism further below.

2.14. As stated above, the ultimate decision on whether and how to correct inaccurate information given to Parliament is always that of the relevant minister and is likely to be influenced by the specific circumstances of the situation. In this instance the decision to deposit the letters in the Library was made alongside other actions taken to ensure that the IAA community were informed of the inaccurate line and how it had been corrected. That is, the documents that I have referred to suggest that the response to Baroness Featherstone and the decision to write to the co-chairs of the APPG reflected the desire to make the correction known to key Parliamentarians who had an interest in the matter and who also had a connection to the IAA community.

#### **Freedom of Information requests**

2.15. This criticism relates to the Department's handling of Freedom of Information ("FOI") requests made by witness W1210 under the FOI Act 2000 ("FOIA").

2.16. On 4 June 2018, the Department sent a FOI response to witness W1210 in relation to some of his FOI requests [WITN1210026]. The FOI response related to 49 FOI requests made by witness W1210 outlined in the letter and the Annex to the letter. The Department informed witness W1210 that the information that the Department might hold relevant to witness W1210's FOI requests was being withheld under Section 22 of the FOIA.

2.17. Section 22 of the FOIA provides that information is "exempt information" under the FOIA if:

*"(a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),*

- (b) *the information was already held with a view to such publication at the time when the request for information was made, and*
- (c) *it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a)."*

2.18. The FOI response explained to witness W1210 how Section 22 operates and why the information the Department might hold relevant to witness W1210's FOI requests was being withheld under this Section of the FOIA:

*"Section 22 is a qualified exemption, and we are required to assess as objectively as possible whether the balance of public interest favours disclosing or withholding the information.*

*In general, there is a strong public interest in information being made as freely available as possible. However, as there is wider public interest in the files that have been created by DHSC in relation to blood policy, it is important that this information can be accessed simultaneously by the general public, rather than releasing information file series by file series.*

*As an assurance process is ongoing, early release of the requested information could be misrepresentative of the status of the files that we hold relating to blood policy. It is in the public interest that the assurance process is able to conclude before making this information available to the public, to ensure confidence and accuracy in the information disclosed.*

*Therefore, we consider that, on balance, the public interest is better served by withholding this information under section 22 of the FOIA at this time."*

**[WITN1210026]**

2.19. In his oral evidence at the Inquiry, witness W1210 stated that the Department had "cancelled" his FOI requests **[INQY1000128, page 83]** and that the Department was

amongst “the worst” in Government for answering his FOI requests [INQY1000128, pages 89-90], which I understand have extended to other Government departments.

- 2.20. Witness W1210’s oral evidence also covered his inclusion on internal Cabinet Office “round robin lists” in relation to his FOI requests [INQY1000128, pages 86-87] and his concerns about this process. On this topic, witness W1210 commented:

*“...I came into possession of a number of these lists and, sure enough, my name appeared multiple times within these lists from different Government departments, where I could make an FOI to virtually any Government department, and my FOI was then referred to Clearing House at the Cabinet Office. Basically, no matter what it was. And so I had entered this list. I’ll leave it to others to decide whether it’s a blacklist or not.”* [INQY1000128, page 87]

#### **The Department’s handling of witness W1210’s FOI requests**

- 2.21. The Department has a central FOI Team that handles all FOI requests for the Department. The FOI Team works with policy leads from across the Department to ensure that consistent advice is given, based on ICO guidance, and statutory deadlines are met. In preparing this response I have sought advice and information from the Department’s FOI Team and I have set out below where the evidence provided is based on that advice and information.
- 2.22. In relation to witness W1210’s allegation that his FOI requests were “cancelled” by the Department, I understand from his oral evidence that this is a reference to the FOI response of 4 June 2018 that informed witness W1210 of the Department’s decision to withhold information that it might hold relevant to witness W1210’s FOI requests under Section 22 of the FOIA [INQY1000128, pages 82 to 86; WITN1210026]. I understand from the FOI Team that advising a requestor that information is considered to be “exempt information” under a stated section of FOIA, and is therefore being withheld, is not a “cancellation” but a substantive response to that FOI request (triggering the usual rights to internal review and appeal).
- 2.23. I also understand, based on information provided to me by the FOI Team, that we are not aware of any FOI requests from witness W1210 that have not received a



substantive response. The FOI Team have searched the records from January 2018 to confirm this position. From the FOI requests identified believed to be from witness W1210, all have been responded to by the Department. Where internal reviews are requested by witness W1210 they are undertaken and, when complete, the outcomes are communicated to witness W1210. As far as the Team is aware, no cases have been brought before the ICO by the witness for formal investigation by the external regulator.

#### **Cabinet Office Clearing House and round robin lists**

- 2.24. I understand that the written statement of Brian Williams dated 3 November 2021 addressed the criticisms raised by witness W1210 in his oral evidence addressed towards the Cabinet Office in relation to FOI and round robin lists. This statement included an explanation of the function of the Cabinet Office Clearing House and its history, and I do not have any further comments to add to this explanation [WITN6941001, paragraphs 7 to 14].
- 2.25. The Cabinet Office statement mentions an internal assessment of the role of the Cabinet Office Clearing House “...to identify if or where guidance might be improved or clarified and to support best practice across all Government departments” [WITN6941001, paragraph 14]. The Inquiry may be interested to note that in April 2022, the then Cabinet Office Minister Lord True appointed Sue Langley OBE to undertake the Cabinet Office FOI Clearing House Internal Review, which reported with a series of recommendations [WITN4688082]. All twenty Central Government Departments participated in the Review, including DHSC (see Annex E of the Review).

#### Statement of Truth

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

**GRO-C: William Vineall**

Signed.....

14 July 2023

Dated.....

**Table of exhibits:**

Date	Notes/ Description	Exhibit number
21/05/2018	Ministerial Submission on Infected Blood Document Release - Response to Baroness Featherstone	WITN4688080
06/06/2018	Email Chain regarding Ministerial Submission on Infected Blood Document Release - Response to Baroness Featherstone	WITN4688081
2022	Freedom of Information Clearing House Review, Cabinet Office	WITN4688082