

SECOND WRITTEN STATEMENT OF ZUBEDA SEEDAT
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INFECTED BLOOD INQUIRY

SECOND WRITTEN STATEMENT OF ZUBEDA SEEDAT

I, Zubeda Seedat, will say as follows: -

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Preface

- 0.1. My name is Zubeda Seedat, I was a Higher Executive Officer in the Blood Policy team of the Department of Health ('DH') from December 2002 to 2008. I don't recall the exact month that I left however, it may have been around November 2008. I provide this statement to the Inquiry in response to a supplementary Rule 9 request dated 28 June 2022.
- 0.2. I have set out below the section headings and issues in the Inquiry's request. This is my second statement that I have provided to the Inquiry. Where issues in the supplementary Rule 9 Request have already been addressed in my first statement, I have referred the Inquiry to that earlier statement.

Opening Comments

- 0.3. I would like to begin my witness statement by making a few brief opening comments.
- 0.4. Before I begin to answer the Inquiry's specific questions put to me below, I would like to inform the Inquiry of the background and to put into context some of my responses. As set out in paragraphs 8-10 of my first statement, my grade in the Blood Policy team was of Higher Executive Officer ('HEO'). Within the overall structure, this is a junior grade. At this grade, I was not responsible for formulating policy decisions. My role was to support the team as described in the duties I outlined at para 5.6 in my first statement.
- 0.5. I have however done my best to explain my understanding of what took place at the time but as stated above, due to my position in the Team, this may not reflect the knowledge or response that could be provided by Senior members of the Team who were responsible for making decisions on the relevant policy issues.

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- 0.6. I was sent a high volume of documents directly from the Inquiry and my legal representatives have carried out further searches to help me answer the Inquiry's questions as fully as possible. Whilst I have done my best to read and digest the very large number of documents in the time available, I have referred the Inquiry to the most relevant documents in providing my responses. If the Inquiry draws my attention to specific further documents, I will again do my best to assist.
- 0.7. A number of the questions raised in the second Rule 9 request were dealt with in my statement in response to the first Rule 9 request. I understand that when this was raised with the Inquiry, the Inquiry's preference was that in answering the second request I should simply indicate where questions are duplicated or have been responded to previously and I have adopted that course.

Section 1: Introduction

Q1 & Q2: Personal Details, Professional Qualifications and Career history

- 1.1. My name is Zubeda Seedat. My address and date of birth are known to the Inquiry.

- 2.1. I have been asked to provide a brief description of my career in the Civil Service including positions held and the dates I held each position. I have set out an up to date career history and my role in the Blood Policy team in my first statement to the Inquiry. I refer the Inquiry to paragraph 5 of my first statement.

Q3: Involvement with other inquiries, investigations or criminal or civil litigation

- 3.1 I have been asked to confirm whether I have provided evidence to, or have been involved in, any other inquiries, investigations or criminal or civil litigation in relation to human immunodeficiency virus ("HIV") and/or hepatitis B virus ("HBV") and/or hepatitis C virus ("HCV") infections and/or variant Creutzfeldt-Jakob disease ("vCJD") in blood and/or blood products. I have been asked to provide details of my involvement and copies of any statements or reports which I provided. I confirm that I have not given evidence as a witness in any previous inquiry or investigation. My team's involvement with the Archer Inquiry is addressed in Section 3 of this statement.

Section 3: Destruction of Papers Relating to Contaminated Blood and Blood Products

- 3.2 I have previously provided a detailed chronology of my involvement in this issue in my first statement.

Q4: First Awareness of Destruction of Papers

- 4.1 I have been asked when and how I was first made aware that papers from the Department of Health relating to contaminated blood and blood products had been destroyed. I have been referred to the following documents: **[DHSC0020720_067]**, **[DHSC0200044]** and **[DHSC0038529_017]**. I have addressed this question in my first statement to the Inquiry and have commented on these documents (albeit under separate reference numbers [WITN4912002], [WITN4912014] and [WITN4912037]). I refer the Inquiry to paragraphs 28, 46, 61 (3) respectively of my first statement.
- 4.2 I would like to emphasise that whilst there was on-going public, and parliamentary interest into the destroyed or missing documents during my time in the Blood Policy team, the documents had been destroyed many years previously. Investigations into the destruction of those documents had taken place before I joined the team.

Q5: Papers I understood to have been destroyed

- 5.1. I have been asked, to the best of my knowledge, which DH papers I understood to have been destroyed. I have addressed this matter in my previous statement. I refer the Inquiry to paragraphs 20-26. I have further detailed throughout the chronology section of my first statement the different periods of time when it came to light which DH papers had been missing.

Q6: Steps taken to discover how and why papers were destroyed

- 6.1 The Inquiry has asked me to set out what steps I took, if any, to discover how and why the DH papers relating to contaminated blood and blood products from the 1970s, 1980s and 1990s came to be destroyed. I have addressed this matter in my first statement and refer the Inquiry to paragraphs 161-170.

Q7: Steps taken to determine responsibility for destruction of papers

- 7.1 As I have explained in my first statement, I first became aware of the destruction of documents in around 2003, having joined the Blood Policy Team in December 2002. As I came to understand it, papers from the 1970s/1980s had been destroyed as a result of poor archiving after the HIV litigation. Further papers relating to the Advisory Committee on the Virological Safety of Blood (ACVSB) from May 1989 – February 1992 had been destroyed. This was investigated, and a copy of the internal audit of April 2000, has been made available to the Inquiry. The destruction of papers, and follow up on why papers were destroyed, occurred prior to me joining the Blood Policy Team. To the best of my knowledge, during my time in the team, I do not recall any discussion or action taken to identify who was responsible, and their line managers for the destruction of papers. I presume this was because the events occurred several years ago.

Q8: Briefing dated 8 December 2005 about materials to be released by the Scottish Executive (DHSC0200103)

Q8a: Knowledge of handwritten annotations on briefing document

- 8.1 I have been referred to a submission of 8 December 2005 from William Connon, the Head of Blood Policy, to the Parliamentary Under-Secretary for Public Health (PS(PH)), who was then Caroline Flint, concerning the decision of the Scottish Executive to release material under the Freedom of Information Act in relation to haemophilia patients infected with HCV [DHSC0200103].
- 8.2 I have been asked whether I know who wrote the handwritten annotations on the briefing document. The briefing appears to be a copy from Private Office which has been annotated. The handwritten note "*Caroline you will want to be aware*" may be from Jacky Buchan (Assistant Private Secretary to Caroline Flint). The rest of the handwritten notes appear to be from Caroline Flint, as there is a reference to "*see comments*" under the note from Jacky Buchan.

Q8b: Knowledge of significance of handwritten note 'before 97?'

- 8.3 I have also been referred to a series of emails from 12 December 2005 to 20 December 2005 regarding the release of information by the Scottish Executive and the proposed media handling of it by DH [DHSC6275275]. Jacky Buchan, from Caroline Flint's private office, had asked questions regarding the destruction of the documents and whether it had been acknowledged, when related Freedom of Information requests had been received, that the papers may be held by the Scottish authorities. In his response, William Connon explained he doubted whether DH had been obliged to consider documents held by Scotland in the Freedom of Information request and that the then-forthcoming self-sufficiency report had only looked into England and North Wales (the National Blood Agency's Catchment area). He also stated that it was not expected that the release of papers by the Scottish Executive would report or confirm new facts, but that given the volume of papers there was the potential that some documents could be released that held difficult or inconsistent views, but that he did not know if that was the case. In her reply, Jacky Buchan, raised a question of whether the documents were destroyed before 1997.

- 8.4 I have been asked to consider the handwritten note '*before '97?*' in the third paragraph of the briefing of 8 December 2005 [DHSC0200103] and explain the significance of this date. I do not know from my own knowledge what the significance of the date in this context is. I think the handwritten note "before 97?" may have been written because the Minister was checking if this period was prior to 1997, because it was in 1997 that we had a Labour government elected. However, I cannot state this as a matter of fact.

Q8c: Knowledge of attempts to locate copies of destroyed documents from the Scottish Executive

- 8.5 In the fifth paragraph of the briefing of 8 December 2005 [DHSC0200103] that I mention in paragraph 8.4 above, it is stated that the documents being released were likely to include documents that had been destroyed by the DH.
- 8.6 I cannot address from my own personal knowledge what attempts may have been made to find missing DH documents from the Scottish authorities in earlier periods (for example what steps were taken during the discovery exercise in the HCV litigation in 1999-2000). During my time in the team, I cannot recall anyone approaching the Scottish Executive for copies of documents which had been destroyed. I was not asked to approach them. I did not instigate this myself and I do not now know why the team did not do so. It is possible it just did not occur to us, as at this time we were dealing with Scotland post devolution. In terms of my own position, I would have been focussed on the numerous issues I was dealing with and competing priorities. It is possible that we did not turn our minds to finding out if the Scottish Executive had copies of destroyed documents for these reasons.
- 8.7 I refer the Inquiry to an email from William Connon sent to Jacky Buchan dated 18 April 2006 in response to some questions she raised in relation to a PQ [DHSC0041198_062] which may also assist. In his response William stated,
- "Q: Why didn't we check what papers the Devolved Administrations held when we found out we had destroyed some files?"*

A: I don't know and there is no way of establishing the facts now. It appears that no-one did think to check with DA's which I agree was remiss."

Q8d: Knowledge of whether applicants answering FOI requests were informed that Scottish Executive might hold copies of the destroyed documents

8.8 Due to the passage of time which has passed, I am unsure if at the time I or we as a team gave consideration to papers held by the Scottish Executive. I think it is unlikely we would have referred applicants to the Scottish Executive. I note in William Connon's email to Jacky Buchan, dated 13 December 2005 he stated,

"Under FOI we respond in terms of England not the UK therefore I doubt that we consider Scottish documents and are not obliged to do so."
[DHSC6275275]

8.9 I would say it's possible that due to this we did not consider referring applicants of FOI requests to the Scottish Executive.

Q9: Reasons for including weight of destroyed files, rather than alternative details

9.1 I have been referred to three documents which I detail below and confirm I have considered these documents.

- 1) A letter from Charles Clarke MP to Patricia Hewitt, Secretary of State for Health, dated 14 December 2005 raising questions from his constituent regarding the destruction of documents, one of them being a request for a copy of the certificate confirming destruction under the FOI Act **[DHSC6548565]**.
- 2) An email chain between Chris Gilson, Roseanne Pratt and me dated 5 January 2006 **[DHSC0200107]**.

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- 3) A draft response from Patricia Hewitt which I drafted to Charles Clarke dated 3 January 2006 **[DHSC6548564]**,

- 9.2 In the email chain above **[DHSC0200107]** I sent a draft response to Chris Gilson to check regarding the destruction certificate point on 3 January 2006 **[DHSC6548564]**. Chris made enquiries with Roseanne Pratt (Records and Information Services Manager) who responded **[DHSC6548564]**,

"We keep certificates of destruction on a working file at DRO Nelson, but I doubt there would be any useful purpose served by anyone having sight of them, as they only state that an amount (in weight) has been collected from us on a particular date and received by the recyclers and destroyed. As I said previously it forms part of the audit trail but does not give any specific details of individual files that have been destroyed"

- 9.3 The draft response above from Patricia Hewitt includes a note to Chris as follows,

*"Chris – Mr XXXXX refers to the "last line of Patricia Hewitt's letter confirming that a certificate exists". It would help to see this letter and to know who provided this line. DH does not hold certificates, but we do hold docket slips which should indicate an audit trail of what happens to a file. It would be quite time consuming to begin to identify these docket slips. Our knowledge about the destruction of papers is based on an audit report and knowledge of staff who worked in the unit" **[DHSC6548564]***

- 9.4 The Inquiry asks what the reasons were for the weight of the destroyed files only to be included in the certificates, rather than the number of, the type/nature, the content or references for the files destroyed. In order to assist the Inquiry, I can only refer the Inquiry to Roseanne's response. The actual destruction of documents was not part of my role, and I am unaware of the reason why only the weight would have been recorded. This question relates to policy on file destruction within DH generally, which would fall to another team. The Blood Policy Team was not responsible for the policy around physical destruction of files or the policy about what records of file-destruction should be made.

Q10: Knowledge of Loss or Destruction of Macfarlane Trust Waivers

10.1 I have been referred to two documents which I outline below:

- 1) An email chain from Edward Goff to Alisa Wight re PQs dated 23 April 2007 **[DHSC5468582]**.
- 2) Parliamentary Q&As encompassing specific question and suggested replies for PQs 04540, 04541 and 04542 on legal waivers **[DHSC5468584]**.

10.2 In the email chain above I have only been copied into one email **[DHSC5468582]**. This is an email from William Connon to Ted Goff, Strategy and Legislation Branch dated 23 April 2007 in which he stated,

"Thanks. Firstly, whilst the answers state that "There is no requirement for such waivers in relation to infection with hepatitis" the background note talks about waivers for both. Also, what is the legal position regarding the "lost" waivers given that the department cannot produce them in court (or anywhere else)? Could any potential litigant simply state that they have never signed such a waiver? If so, then how would we stand if court proceedings were initiated and there is no proof that individuals ever signed a waiver? Are we certain that the waivers were destroyed? This is not something which has been specifically identified in Linda Page's report on the "Review of Documentation Relating to the Safety of Blood Products 1970 - 1985 (Non A Non B Hepatitis)" and given timing of these PQ's and Lord Archer's inquiry, perhaps we need to consider this. The loss of the signed waivers seems to me to be a fairly critical aspect of all this. Has Sol's view been sought? Perhaps you could discuss with Linda to establish if this aspect has been directly addressed. Not clear from your email who has tabled the PQ's and it may be an MP with links to the Archer inquiry."

10.3 The Inquiry has asked, to the best of my recollection, when was it first identified that the Macfarlane Trust waivers had been lost, whether I was ever informed of the circumstances of their loss and whether they were destroyed. If so, I have been asked to set out my understanding of what took place, including when, why and by whom they were destroyed. I cannot recall being involved in any discussion surrounding the loss or destruction of the Macfarlane Trust waivers. I can't now say for sure if it was upon receipt of William Connon's email I first became aware of this issue. I may have been copied into emails, correspondence and PQs on this matter but I cannot assist the Inquiry in

identifying when it was first identified that the Macfarlane Trusts waivers had been lost.

Q11: Steps taken to discover why papers relating to the Central Committee for the National Blood Transfusion Service were destroyed in 2003

11.1 I have been referred to an email chain between me and Department of Health's Departmental Record Office (DRO) dated 1 March 2005 [DHSC0046961_052].

11.2 In this email I asked the DRO,

"I'd be very grateful if you could please let me know whether you have a record of a file on the Central Committee for the National Blood Transfusion Service. I believe this Group was set up in 1975."

11.3 On the same day the DRO responded saying,

"Zubeda sorry the file you are inquiring about was destroyed in September 2003"

11.4 The Inquiry has asked me to set out what steps I took, if any, to discover why papers relating to the Central Committee for the National Blood Transfusion Service were destroyed in 2003. I have been asked this question from the Inquiry previously and have addressed this matter in my first statement. I refer the Inquiry to paragraphs 168-169 of my first statement.

Destruction of Papers of the Advisory Committee on Virological Safety of Blood

Q12: Steps taken to discover why the Advisory Committee on Virological Safety of Blood papers were destroyed

12.1 The Inquiry has referred me to the Internal Audit Report on destruction of Advisory Committee on the Virological Safety papers [DHSC0046961_056]. The Inquiry has asked me to provide details of what steps I took to discover why the Advisory Committee on Virological Safety of Blood ('Advisory Committee') papers were destroyed.

12.2 I have been asked this question from the Inquiry previously and I have addressed this matter in my previous statement. I refer the Inquiry to paragraphs 171-173 of my first statement.

Q13: Steps taken to trace Dr Rejman and/or to discover why Advisory Committee papers still held by the Department Record Office prior to destruction were not recalled

13.1 I have been referred to paragraph 4.7 of the Internal Audit Report on destruction of Advisory Committee on the Virological Safety papers which stated,

"Two questions remain unanswered from our review:

- once the Department was aware it would need to collect relevant documentation together, Dr Rejman, who provided the secretariat role for the ACVSB, and who had previous experience of non-party discovery, began the process of collecting information. This was in 1994. However, Dr Rejman did not recall the ACVSB files from DRO, extracting information instead from other policy files. Some of the ACVSB files were still available, unrecalled, as late as 1997 and 1998 therefore. Dr Rejman retired in 1994 as part of the FMR, and we do not know why the ACVSB files, available at DRO, were not recalled;*
- although volumes 14 — 17 were destroyed, volumes 1 — 3 survive, having been assigned lengthy review periods, for example volumes 2 and 3 are due for 211 review, in 2013 and 2014 respectively. These are the sort of review periods all volumes should have had, and it has not been possible to determine why volumes 1 — 3 were treated differently". [DHSC0046961_056]*

- 13.2 The Inquiry has asked me to provide details on any steps taken to trace Dr Rejman and/or to discover why Advisory Committee papers still held by the Department Record Office prior to destruction were not recalled when the Department of Health became aware it had to collect relevant information in 1994. I have been asked this question from the Inquiry previously and I have addressed this matter in my previous statement. I refer the Inquiry to paragraphs 171-173 of my first statement.

Lord Owen's Papers and the Self-Sufficiency Review

Q14: When and how I was first made aware that papers from the DH relating to self-sufficiency had been destroyed

- 14.1 I have been asked when and how I was first made aware that papers from the DH relating to self-sufficiency had been destroyed. This issue is covered in my first statement and I refer the Inquiry to paragraphs 22-23 of my first statement.

Q15: Steps taken to establish how the DH papers relating to self-sufficiency had been destroyed

- 15.1. I have been asked to set out details of what steps I took, if any, to establish how the DH papers relating to self-sufficiency had been destroyed. To the best of my knowledge, I do not recall taking action myself to establish how the papers on self-sufficiency had been destroyed. This was known by the team before I joined, and an explanation was provided to me when I joined the Team. I do not recall any discussions, or requests to further investigate the matter and it was not raised by Senior Members of the team at the time.

Q16: Understanding of the circumstances surrounding the destruction of Lord Owen's papers

16.1 I have been asked what was my understanding of the circumstances surrounding the destruction of Lord Owen's papers and what papers I understood to have been destroyed. I have addressed this matter in my first statement. I refer the Inquiry to paragraphs 22-26 of my first statement which sets out what I was informed about this in June 2003. I further refer the Inquiry to paragraph 96 of my first statement. My response to Jacky Buchan regarding destruction of private office papers shows by April 2006 my understanding on the issues had remained as it was in June 2003 [DHSC0200119].

Q17: Knowledge of the DH's 'Ten Year Rule'

17.1 I have been asked to set out, to the best of my knowledge, if the DH has ever operated a 'ten year rule' or routinely destroyed documents after ten years. I have been asked this question from the Inquiry previously and I have provided a response in my previous statement. I refer the Inquiry to paragraphs 180-182 of my first statement.

Q18: Involvement in drafting handover note by Charles Lister for Richard Gutowski

18.1 I have been referred to the handover note put together by Charles Lister for Richard Gutowski, and the Inquiry has noted that this does not include any mention of Lord Owen [DHSC0041246_045]. I have been asked whether I was involved in the drafting of this handover note and if so, to outline why, to the best of my recollection, it does not include any reference to Lord Owen's papers. As far as I recall I was not involved in drafting this handover note from Charles Lister to Richard Gutowski. Therefore, I am unable to comment on why the handover note did not include any reference to Lord Owen's papers or the

destruction of documents. Charles would be best placed to answer this question.

Q19: Email dated 10 June 2003 from Charles Lister regarding destruction of papers marked for public interest immunity in the mid-90s

Q19a: Knowledge of explanation for destruction of documents

19.1. I have been referred to an email from Charles Lister to me dated 10 June 2003, in which he stated that one explanation for the destruction of documents was due to the fact that they were marked for public interest immunity [DHSC0020720_081]. In his email he stated,

“Unfortunately, none of the key submissions to Ministers about self-sufficiency from the 70s/early 80s appear to have survived. Our search of relevant surviving files from the time failed to find any. One explanation for this is that papers marked for public interest immunity during the discovery process on the HIV litigation have since been destroyed in a clear out by SOL {there is an email from Anita James to me confirming this}. This would have happened at some time in the mid-90s.”

19.2. I have been asked if this was the only explanation I knew of for the destruction of papers, or whether there were other explanations I was aware of, if so what were they. As far as I can now recall, this explanation from Charles Lister was the only explanation I was given for the destruction of documents.

Q19b: Email from Anita James confirming destruction of documents

19.3. Within Charles Lister’s email in the paragraph quoted above, he refers to an individual named “Anita James”, who he stated confirmed in a separate email that the documents were destroyed by “SOL” in a clear out as they were marked for public interest immunity. I have been asked if I have any further detail on the

process of how the documents were destroyed by “SOL” and whether I have a copy of the email from Anita James.

19.4. I do not have a copy of the email referred to. I also have no direct knowledge of the process of how the documents were destroyed by ‘SOL’.

Q19c: The Identification of “SOL”

19.5. I have been asked if I have any knowledge of the solicitor named as “SOL” which Charles Lister was referring to. In my experience “SOL” is used here as short form for the Solicitor’s division rather than referring to one individual Solicitor in particular.

Q19d: Knowledge of process on destroying documents

19.6. I have been asked if I was made aware of whether the “clear out” referred to in this email was a routine one or if there was another reason for this. To the best of my knowledge, I was never given details of what the “clear out” entailed, whether it was routine or otherwise. I may have assumed at the time that it was a general clear out.

Q20: Internal Review dated 2002 regarding the history of the DH’s original commitment to self-sufficiency

Q20a: Commission of the Review

20.1. I have been referred to an internal review commissioned in 2002, looking into the history of the DH’s original commitment to self-sufficiency and have been asked to provide the reasoning behind why this review was commissioned. I have been referred to a number of documents as follows which I outline in turn below. I can confirm I have reviewed the following documents to assist in answering this question:

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- 1) "For the Record: A Guide for Records Managers and Reviewing Officers" dated 1 July 1994 **[WITN3996002]**.
- 2) Submission from Jill Taylor to Sarah Whewell re: request for meeting by Carol Grayson, Haemophilia Action UK dated 22 March 2002 **[DHSC0042461_064]**.
- 3) Minute from Janet Walden to Charles Lister, cc Mary O'Mahony, Elaine Edgar, Anita James, Vicki King, re: request for chronology of haemophiliacs and hepatitis C events in the 1970s and 1980s dated 17 April 2002 **[DHSC0041379_023]**.
- 4) Minutes of NHS, Manor House Group, Haemophilia Action UK, Member of Parliament meeting dated 5 May 2002 **[HSOC0010634_093]**.
- 5) Briefing from Charles Lister to 'unknown Health Minister' (the submission was addressed to PS(PH) who at the time was Yvette Cooper) re Haemophilia and Hepatitis C: Handling issues dated 8 May 2002 **[DHSC0041379_025]**.
- 6) Minute from Robert Finch to 'unknown minister' (the minute is addressed to PS(PH) and at the time this was Hazel Blears) re meeting with Lord Owen, Lord Morris and Michael Connarty MP dated 27 June 2002 **[DHSC0041305_030]**.
- 7) Letter from Hazel Blears, Department of Health, to Sylvia Heal, House of Commons re Government policy on compensation for haemophiliacs infected with hepatitis C dated 21 January 2003 **[DHSC0004029_231]**.
- 8) Email from Charles Lister, Department of Health, to me, cc Richard Gutowski and Vicki King, re missing blood products and possible destruction of documents dated 10 June 2003 **[DHSC0020720_081]**.
- 9) Email from Bob Stock, to me re Lord Morris request dated 17 October 2003 **[SCGV0000262_116]**.
- 10) Email from me to Robert Finch, cc Jill Taylor, re Lord Owen PO on destruction of papers dated 2 December 2003 **[DHSC0004555_235]**.

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- 11) Minute from Richard Gutowski to Tony Sampson re "PO 10373890 - Lord Owen" dated 15 December 2003 [**LDOW0000138**].
- 12) Email chain between David Daley, David Reay, Richard Gutowski, Sandra Falconer re Manor House GP dated 4 June 2004 [**SCGV0000046_088**].
- 13) E-Mail from Sandra Falconer to William Connon re Haemophiliacs and public inquiry dated 25 January 2005 [**DHSC0041332_038**].
- 14) Department of Health Report "Self Sufficiency in Blood Products in England and Wales: A Chronology from 1973 to 1991 dated 1 January 2006" [**GFYF0000127**].
- 15) Email chain from Jacky Buchan to me and William Connon, re meeting request from The Manor House Group dated 18 January 2006 [**DHSC0200104**].
- 16) A suggested reply to Lord Jenkin's PQ composed by me and approved by William Connon dated 23 May 2006 [**DHSC0015839**].
- 17) Parliamentary question from Lord Jenkin and suggested reply dated 12 April 2006 [**DHSC0041198_088**].
- 18) Minutes of meeting on self-sufficiency in blood products, House of Commons dated 1 July 2007 [**DHSC0003606_083**].
- 19) Annex (A) on Haemophilia & Hepatitis C, referring to the current situation [**DHSC0041305_050**].
- 20) Annex B titled "Compensation for haemophiliacs and hepatitis C chronology [**DHSC0042461_030**].
- 21) Annex C, re: make UK self-sufficient in clotting factors and its financial implications [**DHSC0042461_031**].

20.2. The review was commissioned before I joined the Blood Policy Team so I do not have detailed first-hand knowledge of why it was set up. I can therefore only provide a response from what I have read in the documents. To my knowledge from the documents, it was commissioned following comments about the failure

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to implement the policy of self-sufficiency in blood products. The purpose of the Report was to put together a chronology of events between 1973 – 1985 and to establish the facts around the policy on self-sufficiency in blood products. The introduction to the report sets out the purpose of the report in more detail [GFYF0000127].

- 20.3. I refer the Inquiry to an email exchange between me and Charles Lister dated 5 June 2003 [DHSC0200024] where he gave me a suggested reply for a PQ which stated,

“An informal review is being undertaken by the Department of Health to clarify- the facts surrounding the drive for UK self-sufficiency in blood products in the 1970s and 1980s. The review has been based on papers available from the time but has not addressed allegations that files from that period went missing. The outcome of the review has not yet been presented to ministers.”

- 20.4. My understanding at the time would have come from what I was told by those who were already in the Team at the time I joined, such as Charles Lister who was the Head of the Team.

Q20b: Author and consultants for the review

- 20.5. I have been asked by the Inquiry to confirm why Peter Burgin was asked to write this review, what consultants were brought in to complete the report, and why they were brought in.
- 20.6. To my knowledge, Peter Burgin provided the first draft of the internal review. He was commissioned prior to me joining the Team in December 2002. Therefore, I am not in a position to comment as to why Peter Burgin was selected to lead the review. The Head of the Blood Policy team at the time (i.e. Charles Lister) would be best placed to respond to this.
- 20.7. To the best of my knowledge the decision to bring in consultants may have been made by Ailsa Wight (G5) or Richard Gutowski (Head of Blood Policy Team

after Charles Lister left). I cannot now recall who the consultants were however from my review of the papers I refer the Inquiry to an email dated 6 May 2004 from Richard Gutowski to Gerard Hetherington [DHSC5336358]. This gives some indication as to why consultants were sought, and who they were,

“When we last met Melanie Johnson she gave us three months to sort out the problem of accusations of self-sufficiency of blood and the shredding of Lord Owen's papers. We have a report produced - the Burgin Report - but it is not in form to be published or conclusions drawn from it. We agreed I should pursue appointing a medical writer to redraft the Report in a more robust form. I am meeting Adam Jacobs from a medical consultancy next Friday to see whether they are able to take on the work. Ideally, I would have liked Hugh Nicholas to get involved in assessing whether the decisions made at the time stand up in the light of the knowledge at the time and the information available. Unfortunately, he is tied up with work on the Hep C Strategy and the Hep C Payment Scheme Application Form. If the Consultancy Firm feel that they are able to do the work the same question then applies, have we the money”.

20.8. I also refer the Inquiry to an email I sent to Becca Spavin dated 19 April 2006 which states, [WITN4912091]

“A DH official was employed for three months to complete the review of papers. A draft report was submitted to the Blood Policy Team in January 2003. Unfortunately, there were a number of outstanding issues which had to be resolved before the report could be finalised and submitted to Ministers. The report was completed by Medical Consultants from a company called Dianthus Medical Limited. The company specialises in medical writing, statistical consultancy and clinical data management services. The consultants that assisted were Dr Shanida Nataraja and Dr Adam Jacobs.”

Q20c: Delay in publication of the review

20.9. The Inquiry notes that their understanding is that this review was not published until 2006, and have asked me to outline the reason for delay in publication with reference to my time in the Blood Policy team.

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20.10. In my view the team did not have the resources which led to the delay. This was also why a decision was made to bring in external help amidst the pressure to publish the report.

20.11. Having reviewed the documents to assist me I refer the Inquiry to a PQ from Lord Jenkin [DHSC5010802]. A reply was composed by me and approved by William Connon dated 12 April 2006. In the accompanying background briefing it stated under "Delay in concluding the Review", [DHSC5010802]

"Due to a number of pressures, there has been a long delay in finalising the review report commissioned in 2002. A draft report was submitted to the Blood Policy Team in January 2003 following a three month assignment by a DH Official. However, there were a number of outstanding issues which had to be resolved before the report could be finalised and submitted to Ministers. There were a number of unsubstantiated statements in the report which had to be checked for accuracy, a lengthy list of references to the report had to be drawn up and an executive summary to be included. In 2004, officials commissioned independent consultants to analyse the papers and finalise the report. We have also consulted with colleagues in the devolved administrations, BPL, National Blood Service and some clinicians for factual accuracy.

20.12. This above confirms my recollection of the reasons for the delay in publishing the self-sufficiency report.

Q20d: Self-Sufficiency Report documents

20.13. I have been referred to the following documents which I outline below;

- 1) Email from Jack Buchan, to Rebecca Spavin, cc Ailsa Wight, Hugh Nicholas, William Connon, Liz Kendell, Vicky Wyatt, Brenda Irons-Roberts, Dani Lee and me saying there was no reason why documents referred to in the Self Sufficiency Report should not be released once anonymised [DHSC0200122].

- 2) Minute from Gerard Hetherington to Becky Spavin re Lord Jenkin PQ confirming that a large number of documents cited in the self-sufficiency report had already been made public. The minute further confirmed that, *"The report contains 158 references, of which a large proportion are published articles, as such they are already in the public domain"* [DHSC0041159_205].
- 3) A suggested reply to Lord Jenkin's PQ drafted by me and approved by William Connon [DHSC0015839]. The reply confirmed, *"We are currently considering a request under the Freedom of Information Act to release internal papers"*.

20.14. I have been asked why the documents referred to within the Self-Sufficiency Report were not released at the time of the report's publication? I cannot now recall why the documents were not released at the time of the Report's publication. However, on 20 July 2005 William Connon put a submission to Caroline Flint in relation to the 'Review of Papers: self-sufficiency in blood products' [DHSC0200084]. At paragraph 17 he stated,

"The Report contains a number of references to not only published scientific papers but also to internal documents. We see no reason why the latter cannot be released on request but for reasons of sheer volume would resist supplying a complete set of documents."

20.15. One explanation could be precisely this, that the volume of documents was such that a view was taken not to release them all at the time of publication.

Q20e: Reasoning for release of documents

20.16. I have been asked to confirm who decided initially that the Department would release documents on request but would "resist supplying a complete set", and why was this approach taken. I have no recollection of who decided this approach, and I have referred to what appears to be the relevant submission above. As the submission came from William he may be able to clarify the approach taken at the time.

Q20f: Omission of explanation on destruction of documents

20.17. I have been asked why the report did not refer to or explain how and when documents in that relevant time period were destroyed. My understanding is that the self-sufficiency report was never tasked to consider the destruction of papers. In any case this would have been determined before I joined and by senior members of the team.

Q20g: Role of the report in the decision of the Government not to hold a public inquiry

20.18. I have been asked to outline what part this report played in the Government's decision not to hold a public inquiry before now. From my own memory, I am unsure whether we cited the self-sufficiency report as a reason not to hold a public inquiry. However, having reviewed the documentation, I note a Health Protection Divisional Update dated 29 September 2004 stated that:

"Following our meeting with PS(PH), the consultant has now produced a first draft of the report, which concludes that the Department acted reasonably at the time in terms of known infectivity of blood. This reinforces our position that a public enquiry is not warranted."
[DHSC5042710].

20.19. If this was the position following receipt of the first draft of the report it is possible that this remained the position following the final report but I cannot say for certain.

Q21: Memos dated 3 February 2006 and 21 March 2006 regarding meetings with the Secretary of State

21.1. I have been referred to two minutes, the first of which is dated 3 February 2006 and outlined that the Secretary of State declined a meeting with the Manor House Group on the self-sufficiency report **[DHSC0200104]**.

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21.2. The second minute is dated 21 March 2006 and indicates that William Connon met with members of the Haemophilia Society to discuss the self-sufficiency report **[HSOC0009208]**. The minute stated under the sub heading 'Response to Govt report into self-sufficiency,

"The Society met with William Connon of the Department of Health and was able to put concerns about the inadequacy of the report"

21.3. I have been asked to provide an explanation as to why a meeting was granted with the Haemophilia Society, and not with the Manor House Group. I have addressed this matter in my first statement and refer the Inquiry to paragraph 95 of this statement.

Communications with Lord Jenkin

Q22: Relevant documentation

22.1. The Inquiry has referred me to the following documents:

- 1) Email chain between Shaun Gallagher, me, Frances Smethurst and Anna Norris, re letter from Lord Warner to Lord Jenkin on Haemophilia and Hepatitis dated 7 March 2005 **[WITN3996006]**.
- 2) Letter from Norman Warner, Department of Health to The Rt Hon. The Lord Jenkin of Roding, 10 March 2005 **[ARCH0002570]**.
- 3) Email chain between Shaun Gallagher, me, Andrew Larter, Frances Smethurst, Linda Wishart, Norma McCarthy, William Connon, Gerard Hetherington, Alisa Wright, Steve Wells, re meeting with Lord Jenkin of Roding dated 13 April 2005 **[DHSC0200058]**.
- 4) Minute from me, to Shaun Gallagher, cc Gerard Hetherington, Ailsa Wight, William Connon, Linda Wishart, Steve Wells and Frances Smethurst, re Lord Jenkin of Roding access to Papers dated 19 April 2005 **[DHSC0200082]**.

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- 5) Note from me to Sir Nigel Crisp, re request for meeting from Lord Jenkin of Roding, attaching draft letter from Sir Nigel Crisp, declining meeting dated 29 November 2005 **[WITN3996019]**.
- 6) Email chain from William Connon, to Sylvia Shearer, re PQs dated 18 January 2006 **[DHSC5399526]**.
- 7) Briefing Note from me to Sir Nigel Crisp re Correspondence from Lord Jenkin of Roding dated 6 February 2006 **[WITN3996022]**.
- 8) Parliamentary question from Lord Jenkin and suggested reply dated 12 April 2006 **[DHSC0041198_088]**.
- 9) PQ - The Lord Jenkin of Roding dated 22 May 2006 **[DHSC0004232_078]**.
- 10) A suggested reply to Lord Jenkin's PQ composed by me and approved by William Connon dated 23 May 2006 **[DHSC0015839]**.
- 11) Email chain involving me, John Chan, Rebecca Spavin, Gerard Hetherington, David Harper, Mike De Silva, Ailsa Wight, William Connon dated 23 May 2006 **[DHSC0041159_082]**.

Q23: Lord Jenkin's knowledge of destruction of DH papers

- 23.1. I have been asked to outline when Lord Jenkin was first informed about the destruction of the DH papers relating to the blood products, and if he was not informed at the time of his first enquiries about these documents, why this was.
- 23.2. Having reviewed the papers my understanding is that following receipt of a letter from Lord Warner dated 27 January 2005, Lord Jenkin called the Department expressing his concerns that the impression he received from the letter was that the Department held no records on the subject in question **[WITN3996006]**.
- 23.3. In the documents listed above to which the Inquiry has referred me is a letter of 10 March 2005 which Lord Warner wrote to Lord Jenkin in response

[ARCH0002570]. The letter sought to correct the impression Lord Warner's previous letter may have given that DH held no records "*on the treatment of haemophilia patients, blood safety and related issues.*" It said the DH Departmental Records Office held "*closed files on these areas.*"

- 23.4. A few days later Lord Jenkin asked for access to his papers from when he was Secretary of State and requested a meeting with Sir Nigel Crisp the Permanent Secretary **[DHSC0200058]**. I cannot say for certain if this was the first time he had requested access to papers from his time (as addressed below, there is reference to Lord Jenkin having made an earlier request in 1999). However, during my time in Blood Policy I can see from the documents that this exchange in early 2005 was when Lord Jenkin sought access to his papers and was being informed that some records were not available.

Q24: Meeting with Lord Jenkin

- 24.1. I have been referred to an email from Shaun Gallagher Private Secretary to Nigel Crisp, to William and me which stated,

"Just to alert you that we now have had to give in to a meeting with Lord Jenkin (sic). It is set for Wed 13 April 9 to 9:45am. Could you please provide briefing for Sir Nigel by Monday 11th, and we will need one person to attend as well please." **[DHSC0200074]**

- 24.2. The Inquiry has asked if I was aware of any reasons for hesitating to grant Lord Jenkin a meeting. I do not think there was hesitation in meeting Lord Jenkin.
- 24.3. I refer the Inquiry to an email from Shaun Gallagher to Frances Smethurst dated 16 March 2005 which states, **[DHSC0200058]**,

"You haven't heard anything from Lord J in response to the most recent letter, have you? If he really wants a meeting, I imagine we'll have to agree....."

- 24.4. Although I was not privy to any discussions on the matter, my view on reading the above is that, what was meant by this statement was that we had been

unable to resolve matters in correspondence and should therefore now agree to a meeting.

Q25: William Connon's briefing note and subsequent meeting dated 13 April 2005 between Lord Jenkin and Sir Nigel Crisp

Q25a: Briefing note

25.1. Prior to the meeting between Lord Jenkin and Sir Nigel Crisp, as requested in Shaun's email, William Connon sent a briefing note to Sir Nigel Crisp [WITN3996010]. I have been asked whether I was involved in the preparation of this briefing note. As stated in my first statement at paragraph 63 I would have drafted the initial briefing.

Q25b: Retention of Lord Jenkin's 1979 policy papers

25.2. I have been asked why it was thought these policy papers would not have been retained because they "...would not have been required either to support administrative needs or accountability".

25.3. In order to respond to this question I believe it is important to note what papers were actually being referred to and the detail in paragraph 4 of the briefing to Sir Nigel of 11 April 2005 which stated,

"We understand from colleagues that on a previous occasion, in 1999, Lord Jenkin wrote seeking access to policy papers, including unpublished research studies, that he had brought with him when he arrived at the DHSS in 1979. On that occasion, colleagues were unable to locate the documents. In fact, it is unlikely that they would have been retained, as they would not have been required either to support administrative needs or accountability." [WITN3996010]

25.4. Although I drafted the briefing note, I would have sought contributions from other DH officials. I cannot recall as to why it was thought these policy papers

“...would not have been required either to support administrative needs or accountability”. However, my natural reading of the relevant paragraph would be Lord Jenkin brought with him some personal papers to the post (including unpublished research studies) and that we had been informed that such personal papers the Secretary of State had brought with him to the Department (presumably as opposed to policy papers on decision making once he was in post) would not have been assessed as needing to be retained.

Q25c: Relaxation of rules on retention of files in 1992/3

25.5. In the background briefing referred to above it was noted that in 1992/3, the NHS Executive’s move to Quarry house led to a temporary relaxation of the rules for decision-making on the retention of files.

- (1) I have been asked to explain why this move resulted in a relaxation of these rules.
- (2) I have also been asked how and by whom it was decided that there would be a relaxation of these rules.
- (3) I have been asked how the Blood Policy team came to realise that there was a temporary relaxation of these rules.
- (4) I have been asked to outline any evidence I was given to demonstrate that there was a temporary relaxation of these rules.
- (5) I have been asked to provide my opinion on what extent I believe that the relaxation of these rules led to the destruction of the DH papers on blood products.

25.6. I have addressed some aspects of this already in my first statement and refer the Inquiry to paragraph 63. As stated in that paragraph the record management part of the briefing would have come from Linda Wishart’s team and as such I have no direct knowledge of the detail underlying what Linda’s team said to us about the temporary relaxation of rules on document

retention. These questions would be more appropriately addressed to Linda Wishart or members of her team. I was relying on those more knowledgeable about the Department's records management to provide information to include in the briefing. The NHS Executive's move to Quarry House took place before I joined the Blood Policy team therefore, I have no direct knowledge of what, if any, changes there were on document file retention around this time.

Q25d: Correlating accounts on the destruction of documents

- 25.7. I have been asked to comment on the extent to which the account given for the destruction of the documents in the briefing to Sir Nigel Crisp "relates to the account given" in a minute from Steve Wells to MS (R), MS (PH), re Blood products – destruction of records dated 11 May 2006 [DHSC0041198_026]. I am slightly unclear what this question is seeking to ask. The minute dated 11 May 2006 was over a year after the briefing to the Permanent Secretary in April 2005. While I was copied into the 11 May 2006 submission, I did not write it and do not feel that I can meaningfully comment further on it.

Q25e: Principles of good record keeping

- 25.8. I have been asked to provide my opinion on the assertion given in the background briefing, which stated that the principles of good record keeping and the advice given to staff were fairly consistent. I think the briefing was simply making the point that while there had been some recent improvements in record keeping systems (and the earlier temporary relaxation in the rules around the office move), the general principles and advice given to staff had been broadly consistent over the years and had aimed to ensure both that the administrative needs of the Department were met, and that documents were retained where required under the Public Records Act 1958/1967.

Q26: Note-taking practices in meetings

- 26.1. I have been referred to a meeting between Lord Jenkin, me, and Sir Nigel Crisp on 13 April 2005. I recall that I attended this meeting because William Connon was away on the date of the meeting. The purpose of which was to discuss Lord Jenkin's request for access to his papers from his time as Secretary of State [WITN3996011]. I have been asked to explain whether it was standard practice to take formal notes in these meetings, and if so, why notes were not taken of this meeting.
- 26.2. While a formal minute of this meeting was not produced, Shaun Gallagher, Private Secretary to Sir Nigel, circulated an e-mail the same day following the meeting summarising the key action points [WITN3996011]. At the time I had very limited experience of attending Ministerial or senior level meetings. My experience is that practices vary across Private Offices depending on the nature of the meeting with some Private Offices recording key actions to be taken. Therefore, it is not unusual for the private secretary to take a note and then circulate an email of the kind that Shaun Gallagher did on this occasion.

Q27: Knowledge of destruction of departmental and ministerial papers from the 1970s and 1980s

- 27.1. I have been referred to a briefing note from me to Sir Nigel Crisp dated 29 November 2005 [WITN3996019]. The Inquiry has asked why I had formed the "understanding" that departmental and ministerial papers from the 1970s and 1980s, that had been recalled during the HIV litigation of the early 1990s, were "not adequately archived" and had been "unfortunately destroyed".
- 27.2. I have been asked this question from the Inquiry previously and have addressed this in paragraph 170 of my first statement. I would re-iterate however that my knowledge on the matter would have come from other members of the Team. I did not have first hand knowledge of these matters

and when collating briefing, I would have requested input from other members of the Team on a particular matter.

**Q28: Lord Jenkin's letter to Sir Nigel Crisp dated 14 December 2005
[WITN3996020]**

Q28a: Discussion of destruction of documents in letter

28.1. I have been referred to a letter dated 14 December 2005 which Lord Jenkin wrote to Sir Nigel Crisp [WITN3996020].

28.2. In the letter, Lord Jenkin stated,

"You then gave me to understand that the destruction of the contaminated blood files was the result "of a decision" to dispose of them as, following the settlement of the HIV cases, there seemed to be no useful purpose in retaining them in the PRO. I am quite certain I did not misunderstand you; there was no suggestion whatever in what you said that the destruction of the files was the result of an administrative cock-up!"

28.3. I have been asked to recall whether there was reference in the meeting to the papers having been destroyed in error. Unfortunately, due to the length of time that has passed I cannot recall the discussion. I recall the meeting was quite short.

Q28b: Inability to review hepatitis C cases

28.4. I have been asked to outline how I responded to Lord Jenkin's comment that he could not see how a review of Hepatitis C cases could take place as crucial files had been destroyed. Due to the length of time that has now passed I cannot recall what my own thoughts on this criticism were at the

time, but I have addressed the reply that was sent to Lord Jenkin in my first statement at paragraph 89-90, as well as PQ answers from around this time. These emphasised that the Department had always been clear that the review was based upon the documents that survived.

Q29: Alliance between Lord Jenkin, Lord Owen and Lord Morris

29.1. I have been referred to an email chain dated 13 January 2006 which referred to stopping an alliance between Lord Jenkin, Lord Owen and Lord Morris **[DHSC5399020]**. I have been asked to outline my understanding of the nature of this “alliance”, and why was there a need to prevent an alliance. I have also been asked to outline whether any steps were taken to prevent this alliance.

29.2. Within the above document is a response from Becca Spavin, APS/MS(D) to Ruth which stated,

“I understand your office has been leading/coordinating the internal review into the destruction of papers mentioned in the Lords question and press highlight. I would be grateful if you update me on when you think the internal review will publish. MS(D) views on this are that if the internal review is not published as soon as appropriate there will be increased interest/queries into the internal handling of this review. If you look at the transcript of Lord Jenkin in Hansard you will see that he is somewhat vexed about this issue and this needs to be nipped in the bud to stop an alliance of Lord Jenkin, Lord Owen and Lord Morris of Manchester.”

29.3. I do not recall this email and it is not clear from the documents if it was copied to me. It appears to have come from the Minister’s Private Office team and sent by Becca Spavin, Assistant Private Secretary. I suspect that this would have referred to trying to minimise the pressure the team was already under in relation to ongoing questions on the issues. Perhaps it was thought an alliance between the three Lords would increase pressure on the Team. However, I have no direct knowledge of this.

Q30: Minute dated 6 February 2006 to Sir Nigel Crisp

- 30.1. I have been referred to a minute from me to Sir Nigel Crisp dated 6 February 2006, which stated that, “following Lord Jenkin’s enquiries, we established that a number of files, mostly papers and minutes of the Advisory Committee on Virological Safety of Blood were destroyed in the 1990’s” [WITN3996022]. I have been asked by the Inquiry to outline why this explanation was given, when the documents suggest that the Blood Policy Team were aware, prior to Lord Jenkin’s enquiries, of the destruction of DH documents.
- 30.2. I would refer the Inquiry to paragraphs 29, 48 and 81 of my first statement.
- 30.3. At the time of the meeting with Lord Jenkin I had not followed up the information provided by Anita James in her email to me on 22 February 2005. I requested a copy of the Audit Report much later in November 2005, several months after the meeting with Lord Jenkin. I refer the Inquiry to the email from me to Anita James dated 22 November 2005 requesting a copy of the report [WITN3996017].
- 30.4. When I stated “.... *we established that a number of files...*” this was suggesting the blood policy team had been told there was now this other destruction of documents in relation to which an audit was carried out in 2000 when it had emerged they had been destroyed. Obviously, the Blood Policy team working on this in 2000 would have been aware of the audit report at the time but I was not aware of its significance until I followed up on the reference to it by requesting a copy from Anita James.

Q31: Email to Steve Wells dated 8 February 2006

31.1. I have been referred to an email I sent to Steve Wells on 8 February 2006, which asked whether someone could help out to find which files the DH held that were not destroyed [DHSC5402137].

31.2. The email was sent to Steve Wells, in the Freedom of Information, Records and Data Protection team. In the email I stated,

"... I think it would be helpful if we could try to draw up a list of files on blood safety that we do hold by subject area i.e. committees, finance, briefings, PQs, imported plasma etc...going back to the 1970's and 1980's. It makes us vulnerable to say that we are aware of papers that have been destroyed, without having a clear understanding of what we do hold.

When we met last week, I mentioned that we are not resourced to undertake detailed enquiries about past papers. I wondered whether you would be able to identify someone to help out so that we could establish what files exist...."

31.3. I have been asked to outline if there were any attempts prior to this to establish which files were still held, and if not, why not. I cannot now recall any previous attempts by me to establish which files were held. However, I cannot say what attempts were made prior to me joining the team. I think the request to Steve Wells to establish which files we still held was all coming to a head because of the various FOI enquiries we were receiving and the heightened parliamentary interest.

Q32: Response to Lord Jenkin's Parliamentary Question

32.1. I have been referred to a document which is from April 2008, and outlined a suggested reply to Lord Jenkin's Parliamentary question, whereby he asked whether the self-sufficiency report was a complete account of the circumstances leading to the infection of patients due to contaminated blood products [DHSC0041198_088].

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32.2. The question was,

"To ask Her Majesty's Government whether the Department of Health's report Self-Sufficiency in Blood Products in England and Wales, published on 27th February, is a complete account of the circumstances leading to the infection of National Health Service patients with HIV and hepatitis C due to contaminated blood products" [DHSC0041198_088]

32.3. The suggested reply was

"The scope of the report published on 27 February was to examine key issues around self-sufficiency in blood products in the 1970s and early 1980s. The review was commissioned following comments about the failure to implement the policy on self-sufficiency in blood products during this period." [DHSC0041198_088]

32.4. I can see my suggested reply was approved by William Connon. I have been asked to comment on whether I believe that the reply answers the question Lord Jenkin asked, and if not, to explain why.

32.5. This PQ would have been one of many PQs we had surrounding the issue of contaminated blood products at that time. The suggested reply provides a factual account on the remit of the self-sufficiency report.

32.6. Lord Archer's report at Chapter 8 of the Report entitled 'The Lost Documents' quotes the final response that was given to this PQ:

"He tabled a Parliamentary question:

"Whether the Department of Health's report 'Self-sufficiency in Blood Products in England and Wales', published on 27 February 2006, is a complete account of the circumstances leading to the infection of National Health Service patients with HIV and Hepatitis C due to contaminated blood products".

Lord Warner replied on 19 April 2006:

"My Lords, the Report published on the 27 February examined key issues around self-sufficiency in blood products in the 1970s and early 1980s.

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The review was commissioned following suggestions that implementation of what was called "the self-sufficiency policy" in blood products in this period might have avoided haemophiliacs being treated with infected blood products. The report makes it clear that it was based on surviving documents from 1973, but that self-sufficiency would not have prevented infection from haemophiliacs with Hepatitis C".
[ARCH0000001]

- 32.7. I have not seen the document trail for how the reply came to be amended. However, in answer to the Inquiry's question, a lot of my drafts, as I have stated previously in my statement, were based on standard or suggested lines to take. Although I cannot recall exactly now, I would expect that this line or suggested reply would have been developed with input from other members of the Team.

Q33: Email from Claire Walsh dated 6 July 2006

- 33.1. I have been referred to an email from Clare Walsh dated 06 July 2006 which refers to a suggestion that there be an independent investigation into the destruction of papers **[DHSC6548517]**.

- 33.2. Firstly, I should clarify that the email from Clare Walsh does not contain a suggestion from her that there be an independent investigation. In her email Clare was forwarding an external letter to me which made the suggestion, and was asking for my contribution to a reply. Her email stated,

"Attached is the letter we spoke about, suggesting that there should be an independent investigation into the destruction of papers."

- 33.3. This was a Private Office case, the relevant letter being from John Austin MP to Caroline Flint, dated 28 June 2006 **[DHSC6548520]**. The letter stated,

"Thank you for your letter of 20 June in response to mine of 5 June regarding the above.

I appreciate the government does not accept that any wrongful practices were employed and I note your comment that papers were destroyed in error. Whilst I do not allege that papers were destroyed to frustrate litigation, I do not believe those affected and in particular the victims will

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accept that without some form of independent investigation. I am not necessarily suggesting a full public Inquiry but I think it could be in the government's interest, if there was no wrongdoing, for an independent assessment."

- 33.4. The Inquiry has asked me to outline to the best of my knowledge whether such an investigation was considered. By now we would have been receiving a high volume of correspondence on this issue. I suspect we would have had a standard line on this to include in our response. In the background note which accompanied the draft response it stated, **[DHSC6548520]**,

"MS(PH) will be familiar with the request for the Government to hold a public inquiry into the issue of haemophilia patients infected with hepatitis C through contaminated blood products. MS(PH) will also be aware of the sensitivity around the destruction of past papers on blood policy.

In view of the parliamentary interest on this subject, we have recruited a member of staff to carry out a full examination of relevant papers, both registered and unregistered, to classify and record all the papers on this subject that are still in existence. We will also be considering how to make available papers within the context of the Freedom of Information Act.

John Austin's comments are very helpful. However, at this stage we do not recommend that we give details about this work, as this may raise public expectation about the release of documents.

We hope to undertake this work by the end of October."

- 33.5. The response itself stated **[DHSC6548518]**,

"John Austin MP

"Thank you for your letter of 28 June suggesting an independent assessment around why past papers were destroyed.

I am grateful for your comments on how you consider the Government should respond in relation to requests from the Haemophilia lobby groups, and I will consider your comments.

With regards to the files that were marked for destruction, you may find it helpful to know that an internal review was undertaken in 2000 to establish the facts around the destruction of these papers.

You may also be aware that in May this year, a number of documents that were disclosed by the Department in the HIV and Hepatitis C Litigation were returned to Departmental solicitors. The Department of Health has commissioned an independent analysis of the documents and will be considering which documents can be released."

- 33.6. Upon review of the documents above I can see that clearly some form of assessment was being considered (this was I think the assessment of the further papers that had been recovered) and reference was made to the internal review in 2000, however neither were independent but were due to be or had been carried out internally by DH staff.

Q34: Lord Jenkin's comment on the manner of Mr Connon regarding the destruction of files

- 34.1. I have been referred to Lord Jenkin's statement of 20 April 2007, in which he stated at paragraph 9 that he had met with William Connon before he had begun his initial search of files and that "*There was something in Mr Connon's manner when speaking to me about this that led me to suspect that he may have known more about the destruction of these files than he was prepared to disclose to me.*" [ARCH0002968]. I have been asked to comment on this observation drawing from my own experience on working with William Connon.
- 34.2. The issue around the destruction of papers took place before William and I started. At the time, our understanding was based on what Charles Lister would have told us. I have no knowledge of any reason why William would not have disclosed what we were informed about on this subject.
- 34.3. Beyond this, I cannot comment on the observation made by Lord Jenkin as I was not present at the meeting.

Documents to be returned to the Department of Health from External Solicitors

Q35: Documents disclosed by the DH in the HIV and hepatitis C litigations were retained by several firms of solicitors and returned to the Department in 2006

35.1. The Inquiry has listed the following documents in this question which I have considered and outlined below:

- 1) Policy note from DH about early documents missing from DH archives or known to have been destroyed c.2006. The note details handling of documents returned by solicitors; documents that have been destroyed; waiver of litigation rights and finally the lines to take in discussion of the Macfarlane and Eileen trusts. **[DHSC0041159_228]**
- 2) Email correspondence between me, Veena Kavia, Linda Percival, MB-DH-FOI-Request, and William Connon dated 9 February 2006. **[DHSC6697600]**
- 3) Email chain between me and Stephen Castello, re sending the documents back to DH from Blackett Hart & Pratt for HIV haemophilia litigation dated 21 February 2006. **[DHSC0015858]**
- 4) Email chain between Ailsa Wight, me and Darren Hughes re HIV, haemophilia and Hepatitis C litigation dated 17 May 2006 re the returned papers. **[DHSC5412535]**
- 5) Email chain between me, Vicky Wyatt, William Connon dated 19 May 2006 where I detailed what documents had come back from which Solicitors. **[DHSC0015834]**
- 6) PQ - The Lord Jenkin of Roding dated 22 May 2005 enquiring about the returned papers and what they contain. **[DHSC0004232_078]**
- 7) Email chain from me, John Chan, Rebecca Spavin, Gerard Hetherington, David Harper, Mike De Silva, Ailsa Wight, William Connon

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dated 23 May 2006 with suggested response to PQ.
[DHSC0041159_082]

- 8) A suggested reply to Lord Jenkin's PQ composed by me and approved by William Connon dated 23 May 2006. [DHSC0015839]
- 9) Extract of published response re Lord Jenkin's PQ on the returned papers dated 24 May 2006. [DHSC0041304_052]
- 10) Email from William G Connon, to Gerard Hetherington, Ailsa Wight, Denise O'Shaughnessy, me, Darren Hughes, Hugh Nicholas, Lindsey Davies, re action points from a meeting with Caroline Flint and Lord Warner re FOI on returned documents and public inquiry dated 25 May 2006. [DHSC0200125]
- 11) Email correspondence between Gerard Hetherington, Clare Simpson, Rebecca Spavin and me dated 26 May 2006 re revised briefing on Lord Jenkin's PQ. [DHSC5286062]
- 12) Email chain between Gerard Hetherington, Rebecca Spavin and Jacky Buchan, attaching draft letter re Lord Jenkin of Roding and self-sufficiency in blood products dated 2 June 2006. [DHSC5414762]
- 13) Various internal Department of Health correspondence between Linda Page, Stephen Fay, Zubeda Seedat, Jacky Buchan, Ailsa Wight, and Jill Moorcroft dated 12 June 2006 discussing the release of the returned papers following an internal review. [DHSC0103400]
- 14) Email chain between Brian Bradley, Katie Robinson, Gerard Hetherington and Linda Page, with suggested line to take re haemophilia files enquiry dated 21 August 2006. [DHSC5429693]
- 15) Review of Documentation Related to the Safety of Blood Products: 1970-1985 dated 3 January 2007. [DHSC0004232_037]

Q35a: Knowledge of external solicitors' retention of documentation

35.2. I have been asked to outline when I was first made aware that several firms of solicitors had retained documents from the HIV and Hepatitis C litigations. I

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refer the Inquiry to a briefing document dated 23 May 2006 **[DHSC0015839]**.

The briefing stated,

"In January this year we were contacted by Carol Grayson, under the Freedom of Information Act, seeking DH agreement to DH disclosure of Departmental documents held by the solicitors who were involved in the HIV and Hepatitis C litigation."

- 35.3. I would also refer the Inquiry to the briefing document dated 28 February 2007 prepared by Linda Page regarding the review of documents related to contaminated blood products with NANBH **[DHSC6359060]**. The background note to the briefing (Annexe B) stated at paragraph 2.2,

*"Following publicity surrounding the loss of documents relating to HIV and hepatitis C a firm of solicitors acting for claimants advised that they held documents relating to the HIV litigation." **[DHSC6359060]***

- 35.4. We suggested that Carol Grayson should contact the Solicitors and ask that papers are returned to the Department. We were notified on 17 May by the Solicitor's Division that papers from Blackett Hart and Pratt (BHP) Solicitors had been returned. It would have been around this time that I first became aware that a firm of solicitors held papers.

Q35b: Investigation of returned documents

- 35.5. I have been asked to outline what investigation or analysis was undertaken to establish whether any of the returned documents included any documents which Lord Jenkin or Lord Owen were previously informed had been destroyed.

- 35.6. My recollection, having read the papers made available to me, is that an independent Counsel was asked to review these papers to check whether they should be excluded from publication on FOI exemption grounds. In a background note to the PQ reply to John Austin it states, **[DHSC6548519]**,

"Ministers have indicated that we should give high priority to examining the files which have been returned to the Department by Blackett, Hart and Pratt (Solicitors). We arranged with SOL to commission an initial

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analysis of what the returned papers contain to be carried out by an independent legal expert (panel counsel). This work has been completed and we will shortly be looking at the papers with a view to releasing documents under the Freedom of Information Act. We will keep Ministers informed on progress.”

35.7. I note in the policy document I have been referred to it states,
[DHSC0041159_228]

“At the request of both MS(PH) and MS(R) officials are giving high priority to examining the files which have been returned to the Department by Blackett, Hart and Pratt (Solicitors). The work of existing staff in the Division has been reprioritised to accommodate this but the work required to examine the returned documents, together with several other related tasks, represents a major undertaking. This will require extra staff from elsewhere in the department, which are currently being recruited We have also arranged with SOL to commission an initial analysis of what the returned papers contain, to be carried out by an independent legal expert (panel counsel). We will also pursue MS(PH)'s suggestion of seeking assistance from the Information Commission.”

35.8. In a PQ from Lord Jenkin I provided a suggested reply which was approved by William Connon dated 23 May 2006 which stated **[DHSC0004232_078]**

“We have established that a number of documents which had been disclosed by the Department in the HIV and Hepatitis C litigation were held by Blackett Hart and Pratt solicitors. They agreed to return the papers to our solicitors who are now considering these with other Department officials. Advice has yet to be given to Ministers on the significance of the returned files.

35.9. From my review of the documents I note on 17 August 2006 Linda Page responded to Colin McDonald, FOI Manager in the Customer Service Centre stating, **[DHSC5429552]**,

“I believe the request refers to papers returned to the Department by external solicitors and we have had other requests for release of these documents under FOIA. We are looking to release as many as possible, we are processing them in line (but not under) the Act.”

35.10. In the email chain between Ailsa Wight, Darren Hughes and I dated 17 May 2006 William states in his response to an email from me, **[DHSC5412535]**

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"Thanks, and I am glad to hear that the files have now been returned. This is all part of the ongoing need for additional resources to look at this whole area of work, which will be discussed with ministers next week. As you know Darren will be looking at the other papers requested under FOI on Monday and we are then meeting on Tuesday to discuss how to proceed. I suggest that the need to examine these papers be included on the agenda for that meeting and I will then take our conclusions to the ministerial meeting on 24th."

35.11. On reviewing the papers now, my understanding is that the focus was on an initial assessment to release the documents in line with the FOIA but there were also discussions taking place on how to take forward a full assessment of the documents.

Q35c: Knowledge of copies of destroyed files

35.12. I have been asked if I am aware if any of the documents that were returned by external solicitors were believed to be copies of those that had been destroyed within the Department files.

35.13. Again, my understanding is an initial assessment was being carried out with a view to the release of the documents but there was to be a fuller assessment and analysis of the papers to be done.

Q35d: Public Interest Immunity documents

35.14. I have been asked to outline what investigation or analysis was undertaken to establish whether any of the returned documents included any documents which had been marked for Public Interest Immunity in the HIV litigation.

35.15. Again, my understanding is an initial assessment was being carried out with a view to the release of the documents but there was to be a fuller assessment and analysis of the papers to be done.

Q35e: Missing documents

35.16. I have been asked to provide details as to what investigation or analysis was undertaken to establish which documents were still missing. My understanding is from the review of the documents that in addition to the initial assessment being carried out to release the papers, discussions were taking place between Department officials to carry out an evaluation of the content of the returned documents. I have been referred to the background briefing about the release of DH documents [DHSC0004232_078]. The background briefing stated,

"We do not know what proportion of the papers returned, include documents which have been destroyed".

35.17. However, I can see that William Connon sent an email on 25 May 2006 with action points following a meeting with Caroline Flint and Lord Warner [DHSC0200125]. In the email he stated,

"Destroyed documents: although not explicitly requested, I think it would be helpful to compile a definitive list of all the sets of documents which have been destroyed. There are two sets and we know more about one than the other), when they were destroyed (if we know), circumstances of destruction and likelihood of the documents which have just been found by the solicitors being copies of some the destroyed documents. We have this info but just need to pull it together in a crib sheet. We should also perhaps attach the list of documents (of which there are thousands) recently released by Scotland."

35.18. This indicates analysis was being undertaken and Ministers were being kept informed.

35.19. I have been referred to the action points following Lord Jenkin's PQ in the House of Lords [DHSC5286062]. At page 498 of this document point 6 stated,

"A joint paper to MS(PH) and MS(R) that can be sent to SofS that
- sets the scene - reviews the content of the returned files
- provides information on the returned files (i.e. what % are they of the destroyed volumes
- discusses the possibility of conducting a Public enquiry."

35.20. I refer the Inquiry to a further document which is an email from Jacky Buchan to Gerard Hetherington dated 2 July 2006 [DHSC5414762] which stated,

"MS(PH) said we also spoke at the meeting about someone independent listing the documents we receive so there can be no question of documents going missing - this is not clear in the letter."

Wellington House Files

Q36: Discovery of 47 boxes of unregistered files in Wellington House.

Q36a: Knowledge of Wellington House files

36.1. I have been referred to the following documents which I outline below;

- 1) Email correspondence between Linda Page, me and William Connon regarding an FOI request under case reference number DE00000137509 dated 12 September 2006. There is a reference of 45 boxes having been discovered which William has stated is incorrect. [DHSC0004232_029]
- 2) Email from Linda Page, to William Connon, re Lord Jenkin's phone call dated 29 September 2006. [DHSC5435079]
- 3) Email chain between Sophie Longbottom, Linda Page, Rebecca Lloyd, Jacky Buchan, William Connon, re contaminated blood files dated 5 October 2006. [DHSC5435884]
- 4) Email chain between Sophie Longbottom, Linda Page, Rebecca Lloyd, Jacky Buchan and William Connon, re contaminated blood files dated 5 October 2006. [DHSC5435885]
- 5) Email from William G Connon, to Elizabeth Woodeson re Contaminated blood products files dated 9 October 2006. [DHSC5154769]

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- 6) Minute from William Connon, blood policy, to Lord Warner, re Lord Jenkin's query regarding papers on blood policy dated 9 October 2006 [DHSC0200135].
- 7) Review of Documentation Related to the Safety of Blood Products: 1970-1985 dated 3 January 2007 [DHSC0004232_037].
- 8) Email from Rowena Jecock to Linda Page re: NANBH report dated 2 April 2007 [DHSC5465598].

36.2. I have been asked to outline when I first became aware of the discovery of the Wellington House files. Due to the passage of time that has now passed I cannot say with certainty when I first became aware of these files.

36.3. However, upon review of the documents I can see I emailed William on 12 September 2006 and copied in Linda Page asking how to respond to an FOI. Linda responded to my email the same day stating, [DHSC0004232_029].

"My initial reaction is to state that the documents uncovered relate to those returned by a firm of solicitors. As previously advised we are in the process of reviewing these documents with a view to release as many as possible in line with, but not under, FOIA as Section 12 applies in this instance. Apart from the documents returned by the firm of solicitors no further documents have been found the reference in the article to the finding of 45 boxes of documents is incorrect".

36.4. I cannot say for certain, but it is possible I may have first become aware when the FOI request came in as I was enquiring with other team members on how to respond.

Q36b: David Burke's role in the discovery of the files

36.5. I have been asked to describe what I was told about the circumstances in which David Burke discovered the 47 boxes of files. I cannot recall exactly from memory but refer the Inquiry to an email chain between Sophie Longbottom, Linda Page, Rebecca Lloyd, Jacky Buchan, William Connon, re

contaminated blood files dated 5 October 2006 [DHSC5435884]. In the response from Jacky to William (to which I was copied in) it was stated,

"Lord Jenkin has called to say he and one of his campaigners have received letters from an official with the surname 'Burke' - assuming this is David from CSC who leads MS(PH)'s correspondence team. He is under the impression that DH has had the 47 boxes of files/or has 47 boxes of files now."

Q36c: Consequential investigations/enquiries

36.6. I have been asked to confirm whether the discovery of the Wellington House files led to any further investigations or enquiries into other unregistered files within the Department, and if not, why.

36.7. Due to the passage of time that has now passed, whilst I am aware further files were discovered, I cannot recall whether the discovery of the initial Wellington House files led to any further investigations or searches for further files.

Review of Documentation Relating to the Safety of Blood Products

Q37: Project Plan for the review drafted on 3 July 2006

Q37a: Commission of the review

37.1 I have been referred to a project plan, which was first drafted on 3 July 2006, which I commented on and then was distributed to me amongst others [DHSC0004232_030]. I have been asked to outline why and by whom this review was commissioned. Clearly at this point, there was intense interest in the issue around the destruction of documents, and the discovery of papers (papers returned from solicitors and the additional papers discovered in Wellington House, and a growing number of FOI requests requesting papers. To the best of my knowledge, the review was commissioned so that we could

be transparent about what information we held, and to provide an inventory of papers, and be able respond to the growing requests for access to papers.

Q37b: Selection of Linda Page

37.2 I have been asked to confirm why Linda Page was asked to write this review. William, and other senior officials in the Directorate were aware at this time of the pressures within the team, and the limited resource we had. It is possible that it was Ailsa Wight, the G5 who made the decision to bring in additional resource.

37.3 I am not aware why Linda Page was selected to write the review. I cannot recollect Linda's background. It is possible that she was identified by our HR team at the time. This may be a question William Connon, Ailsa Wight, or Linda Page herself would be best placed to answer.

Q37c: Decision to curtail review to 1985

37.4 I have been asked to provide an explanation on why it was decided that the review would cover documents on HCV only up to 1985.

37.5 I suspect that the review covered the period up to 1985, as that is the year that heat treatment was introduced **[GFYF0000127]**.

Q37d: Risk Plan

37.6 I have been referred to the last page of the document **[DHSC0004232_030]**, to a section entitled "Risk Plan". I have been asked to set out why it was considered a risk for new information to be identified in relation to the safety of blood products, through the review. I have also been asked to provide an explanation as to why it was also considered a risk for documents assumed to have been destroyed to be located. The reference at point 6 that the Inquiry

refers to reads, "*Files/documents assumed destroyed could be located, provision to review these files have not been included in the project plan*". I have no recollection of this but on reading it now, I think this may just be making the point that the resourcing of the project had not included any further time that would be required if yet more documents were located and thus this was a resource or time risk for the project.

Q38: Disclosure of documentation

38.1. The Inquiry has suggested I look to certain documents when providing an answer to this section, and I can confirm I have done so as follows:

- 1) Review of Documentation Related to the Safety of Blood Products: 1970-1985 dated 3 January 2007 **[DHSC0004232_037]**;
- 2) Minute of the Project Board of the Review of Documents Related to the Safety of Blood Products: 1970-1985 dated 16 January 2007 **[DHSC0004232_031]**;
- 3) Email from Linda Page to me re 'Solicitors documents released' dated 6 February 2007 **[DHSC0103399_065]**;
- 4) Various internal Department of Health correspondence between Linda Page, Stephen Fay, me, Jacky Buchan, Ailsa Wight, and Jill Moorcroft dated 12 June 2007 **[DHSC0103400]**;
- 5) Email chain between Laura Kennedy, Patrick Hennessy, Linda Page; Elizabeth Woodeson, Ailsa Wight, William Connon, Hugh Nicholas and me dated 26 June 2008 **[DHSC5528801]**;
- 6) Email chain between Colin McDonald and Linda Page dated 21 August 2006 **[DHSC5429552]**;
- 7) Email from Linda Page, Department of Health, to Anne Mihailovic dated 22 November 2006 **[DHSC0015758]**;
- 8) Email from Jacky Buchan to Alexander Ord dated 21 May 2007 **[DHSC5473468]**.

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- 38.2. I have been asked to provide details of why documents reviewed for the report were not all disclosed in one tranche, and why some documents initially withheld from disclosure.
- 38.3. I was not involved in the assessment of the papers, and this question would be better directed to Linda Page. It may be that the volume of documents and / or the need for them to be reviewed against FOI exemptions meant that they could not all be released in one tranche.

Q39: Review of documentation for the report

- 39.1. I can confirm I have looked at the following documents the Inquiry suggested to assist me:
- 1) Minute from William Connon, blood policy, to Lord Warner, re Lord Jenkin's query regarding papers on blood policy dated 9 October 2006 **[DHSC0200135]**;
 - 2) Internal review at the Department of Health conducted by Linda Page dated 2007 **[DHSC0015740_001]**;
 - 3) Briefing document prepared by Linda Page regarding the review of documents related to contaminated blood products with NANBH dated 28 February 2007 **[DHSC6359060]**;
 - 4) Note from Liz Woodeson to Caroline Flint and Lord Hunt re attached report on review of papers on policy in relation to contaminated blood products of non -A, non -B hepatitis (hepatitis C) dated 24 April 2007 **[DHSC0041193_026]**;
 - 5) Email between Linda Page, Elizabeth Woodeson, Ailsa Wight and William Connon dated 25 April 2007 **[DHSC5137401]**;
 - 6) Email correspondence between Linda Page and Bradley Smythe, re Report on Hepatitis C dated 8 May 2007 **[DHSC5471137]**.
- 39.2. I have been asked to confirm if I am aware of precisely which documents and how many were reviewed, and how many were then considered for the

report. I was not involved in the assessment of the papers; this question would be better directed to Linda Page.

Further Discovery of Files in Wellington House

Q40: July 2008 discovery of 41 unregistered files

40.1. In July 2008, a further 41 folders of unregistered files were discovered in Wellington House [DHSC5533007] and [DHSC5532594]. I can confirm I have considered the documents the Inquiry has referred to me as outlined below in consideration of answering this question.

- 1) Email between Laura Kennedy, Ailsa Wight, William Connon, Elizabeth Woodeson and others re Update about the Lord Owen documents found in the folders dated 21 August 2008 [DHSC5061894].
- 2) Email chain between Laura Kennedy, William Connon, Veronica Fraser, Paula Cohen, Steve Well dated 30 September 2008 [DHSC5544778].
- 3) Letter from William Connon to Lord Archer of Sandwell QC dated 8 October 2008 [DHSC6700949].

40.2. I have been asked to provide my understanding of how these further files came to be discovered and why were they not previously identified. I cannot now recall how the discovery of these files came about. At this point Linda Page, Patrick Hennessy and, it would appear from the papers, Laura Kennedy were involved in work to establish the papers we held. The e-mail from Laura Kennedy to William provides some explanation [DHSC5532594].

Q41: Email from Laura Kennedy dated July 2008

41.1. I have been referred to an email chain from September 2008, which includes an email from Laura Kennedy, stating, *"I expect that many of these documents will be exempt from release under the FOIA act because they will*

be commercial in confidence and I am hoping that we can exempt all of them as a group under legal professional privilege” [DHSC5562807]. I have also considered the suggested documents the Inquiry referred me to as outlined below:

- 1) Letter from Liz Woodeson to Kenneth Clarke, re: release of correspondence under the FOIA on the HIV litigation dated 28 April 2008 [DHSC6407940].
- 2) Letter from Kenneth Clarke MP to Ms Woodeson, Director of Health Protection dated 28 April 2008 [DHSC5042275].
- 3) Letter from Liz Woodeson to Kenneth Clarke MP re FOI request dated 1 May 2008 [DHSC5516763].
- 4) Email from William Connon to me re draft letter to Kenneth Clarke dated 6 May 2008 [DHSC6700836].

41.2. In light of these documents, I have been asked to explain what my understanding was of the DH’s position in relation to the disclosure of documents, specifically whether the starting point was to disclose documents or to find reasons to withhold them, and if it was to withhold, to explain why. At this point in time (October 2008), I think the starting point was to release information, but under the terms of the FOI act. We had already made available a huge volume of documents.

39. Section 3: Engagement with the Archer Inquiry

Q42: Page 9 of Archer Inquiry Report dated 23 February 2003

Q42a: Responsibility for engagement with Archer Inquiry

42.1. I am asked a series of questions about the Department’s engagement with the Archer Inquiry. I wish to stress that I was not responsible for deciding the

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Department's level of involvement with the Archer Inquiry. I have reviewed the documents provided to me by the Inquiry and my legal advisers in order to assist the Inquiry. The Inquiry will be aware that William Connon was Head of the Blood Policy Team and from my review of the documents it appears he was leading the Department's response on the Archer Inquiry as a result he would be best placed to answer the questions below. However, in order to assist the Inquiry, despite my limited involvement, I have reviewed the documents and answered the questions as best I can. But I do stress that this is based largely on my current review of the documents, rather than my actual involvement at the time at what was a relatively junior grade.

42.2. I have been referred to page 9 of the Archer Inquiry report, which stated,

"The Department of Health maintained its view that the Inquiry was unnecessary, and declined to provide witnesses to give evidence in public, but they supplied documents which we requested, and responded to questions from us and sent representatives to three private, informal and unminuted meetings" [ARCH0000001].

42.3. I have been asked to provide details of my responsibilities and involvement regarding the Department of Health's engagement with the Archer Inquiry, and to confirm the names and job titles of any individuals in the Department of Health who had responsibility for engaging with the Archer Inquiry. I cannot recall having specific duties in relation to the Archer Inquiry. In my role within the team, I would have been responsible for responding to any PQs, and correspondence, and contributing to briefing requests which related to the Archer Inquiry. Whilst I was copied into most of the correspondence involving the Archer Inquiry my memory is limited surrounding this topic.

42.4. I cannot recollect whether anyone specifically in the team was asked to lead in relation to engaging with the Archer Inquiry. As I have set out above, the policy on this would have been considered at William Connon's level and above.

- 42.5. On 19 February 2007, Jacky Buchan sent an email to me, Brad Smythe, and William Connon enquiring about lines to take in relation to media reports that there was to be an independent public inquiry into the supply of contaminated blood products. Brad Smythe, a press officer at the DH, responded noting that the DH provided a response the day before on 18 February 2007. Ms Buchan responded by advising Mr Smythe that a briefing and lines to take had now been provided by Mr Connon **[DHSC5255332]**.
- 42.6. Referring to media coverage, Sylvia Shearer emailed William Connon on 19 February 2007, asking for details on reporting that an independent inquiry would be set up into transfusions **[DHSC5457905]**.
- 42.7. On 19 February 2007 William Connon sent an email to Andrew McCleod. The email referred to media coverage surrounding the launch of an independent inquiry and confusion as to whether this has been launched by the Government. William stated that he would send 'lines to take' later in the day **[DHSC5457916]**.
- 42.8. I have been referred to a note dated 19 February 2007 from William Connon to MS(PH) Caroline Flint MP and Lord Hunt. The briefing referred to media reporting of the launch of an independent inquiry and the 'lines to take' in response **[DHSC5457976]**. The Inquiry has also referred me to another version of this document with handwritten annotations. One annotation is addressed to "*Caroline*" and refers to the DH response to the media coverage. The other requests further information about the Archer Inquiry. Having reviewed the document I can only assume that this note is from Jacky Buchan, to Caroline Flint. The briefing would have gone from our team to Private Office and Jacky was one of Caroline Flint's Private Secretaries **[DHSC0041155_023]**.

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- 42.9. On the morning of 20 February 2007, William Connon sent an email marked 'URGENT'. Within the email chain copied to me, William sought advice from a number of people within the DH as to how to respond to Lord Archer's letter to the Secretary of State dated 16 February 2007. He asked Simon Rogers specifically,

"Following our discussion yesterday, SofS had received the attached letter from Lord Archer and a reply has been requested by Pr Off, by tomorrow. I am not at all clear how I should respond, given that this is not an independent inquiry in the normal sense and we are therefore, I assume, not obliged to take any part in the proceedings. However, the department would not wish to appear uncooperative, for obvious reasons. In his letter Lord Archer appears to be requesting that a DH representative appears before his inquiry. Can you advise on what action we should take, if any, and provide a form of words which I could use when replying to Lord Archer?" [DHSC6700786]

- 42.10. Within the same email chain, in response to William's request for advice, Joe Neanor confirmed that the *"..... Inquiries & Investigations Unit has no locus here, as "The Independent Public Inquiry" is not an official DH or government inquiry"* And *"We cannot advise about DH involvement in the inquiry- this would be a matter for the relevant policy branch."* [DHSC6700786].

- 42.11. Based on this email exchange, I believe that the Blood Policy team would have been involved in advising Ministers on how to respond to Lord Archer's request.

- 42.12. On 20 February 2007, William Connon sent an email to Simon Rogers and Bradley Smythe. I was copied into this correspondence. The email attached a draft response to Lord Archer's letter to the Secretary of State concerning the Department's involvement with the Archer Inquiry. Within the email, William stated:

"Following my earlier email, I sent sometime [sic] contemplating how to respond to Lord Archer, having read his statements on the Haemophilia Society website.

I cannot see how we can become involved given the stance DH, on behalf of successive Governments has taken in stating that an inquiry is not

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justified. Given that position it would be difficult to justify becoming involved in any form of inquiry. I thought about offering a written statement however I again feel that this could simply open the door for further involvement.

I think that by offering to send Lord Archer the report which is being drafted by Linda Page on the review of all papers combined with the release of as many documents as we can make available we have done all we can.

I would be grateful for comments on the attached draft by close today, if possible please.” [DHSC5264793].

42.13. The Inquiry has referred me to an email exchange between Karen Arnold and William Connon which took place later the same day. The exchange concerned Ms Arnold’s comments and thoughts on William Connon’s draft reply to Lord Archer, referred to above. I was not copied into this correspondence and would not have seen it at the time **[DHSC5458311]**, **[DHSC5458364]**. Within the email, William suggested that he should speak with Ms Arnold around 2:30 pm that day.

42.14. Following the above email exchange, later on 20 February 2007, William sent an email asking for comments on the draft response to Lord Archer to be provided to him by midday on 21 February 2007. Within that email, he said that he has discussed and agreed a draft with Karen Arnold. I was included in this email requesting any further comment on the draft response **[DHSC6323081]**.

42.15. I cannot now recall whether I responded to William’s request for further comment on the draft. I have not been shown any documents by the Inquiry or by my legal advisers which suggest I responded to the email.

42.16. On 21 February 2007, Gregory Hartwell (Assistant Private Secretary to Hugh Taylor, Permanent Secretary) sent an email to William Connon in response to William’s request for comments the previous day. Mr Hartwell attached a document containing a “*few small changes to your draft*” made by the

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Permanent Secretary. I was not copied into this correspondence and would not have been aware of it at the time [DHSC6323081].

42.17. On 21 February 2007, William Connon, after receiving suggested changes from the Permanent Secretary, provided Jacky Buchan (Assistant Private Secretary to Caroline Flint) with a draft response to Lord Archer's letter for approval [DHSC5460426]. I was copied in to this email. As part of the same email exchange, William sought an update on the status of the draft response on 6 March 2007. I was not sent this further correspondence [DHSC5460426].

42.18. The papers provided to me by the Inquiry and my legal advisors, set out above, indicate that William Connon was leading the DH's response to the Archer Inquiry. William was the Head of Blood Policy at the time. Those who have contributed to the draft response sent by William are at a much more senior level than I was at the time.

Q42b: DH view on the Inquiry

42.19. I have been asked to provide details to the best of my knowledge as to why the DH considered that "the Inquiry was unnecessary", and to identify who within the Department came to this conclusion and adopted it as the Department's position.

42.20. From the documents I have been referred to, William Connon's email of 20 February 2007 appears to set out why he believed the DH could not become involved with the Archer Inquiry [DHSC5264793]. The contents of this email is set out above at paragraph 42.12. My involvement in the Archer Inquiry was very limited and I do not believe that I was involved in the relevant decision making on this.

Q42c: Opinion on DH position

42.21. I have been asked to outline if I agreed with the DH position at the time and to explain my reasoning for my view. I have also been referred to a number of documents to assist in my answering, and can confirm I have considered these documents, listed below:

- 1) Letter dated 19 February 2007 from William Connon to Lord Hunt entitled “Allegation of a Public Inquiry into Contaminated Blood”, which outlined the different lines he proposed to take in response to the proposed Inquiry **[DHSC5457976]**;
- 2) Email chain dated 20 February 2007 between Joe Neanor and William Connon re, “Re: URGENT- Lord Archer/ Contaminated NHS blood and blood products - Deadline: Wednesday 21 February”, in which William outlined his concern that the Department should not become involved in an inquiry “*through the back door*”. Mr. Neanor outlined that the Inquiries & Investigations Unit had no locus, and therefore could not advise about DH involvement **[DHSC6700786]**;
- 3) Email chain dated 19 February 2007 between Jacky Buchan, Bradley Smythe, William Connon, and me regarding the reporting of the Inquiry in the press, and confusion over the DH’s role in the Archer Inquiry given that it is not an official public inquiry **[DHSC5255332]**;
- 4) Email dated 19 February 2007 from Sylvia Shearer to William Connon. With Ms. Shearer querying if William had any further detail on the Inquiry as ‘her Minister’ had agreed to an inquiry in Scotland **[DHSC5457905]**;
- 5) Minute dated 19 February 2007 from William Connon to Lord Hunt entitled “Allegation of a public inquiry into contaminated blood” **[DHSC0041155_023]**.

42.22. I have briefly summarised the documents to which the Inquiry has referred me. At my level (HEO) I would have maintained the existing policy lines in

my daily work, policy can of course be reassessed if new evidence or information came to light. But the decisions on such changes of policy would be for those more senior than me.

Q43: Minute relating to Archer Inquiry

43.1. I have been referred to a submission dated 19 February 2007 prepared in relation to the establishment of the Archer Inquiry from William Connon to Caroline Flint and Lord Hunt. I have been referred in particular to a quote which stated,

“...the Government of the day acted in good faith, relying on the technology available at the time...” [DHSC0041155_023].

43.2. I have been asked what was the basis for this statement.

43.3. To the best of my recollection, this was already the position taken by the Department at the time that I joined the Blood Policy Team. My general recollection is that this conclusion was thought to be supported by the self-sufficiency review and by the 2007 report but I cannot now recall in any more detail what the precise basis for the statement was.

Q44: Letter dated 16 February 2007 to Secretary of State Patricia Hewitt

Q44a: Lord Archer’s view of the role of the Department in the Inquiry

44.1. I have been referred to the letter from Lord Archer to Secretary of State, Patricia Hewitt dated 16 February 2007 [DHSC0041193_056]. The letter stated,

“It will be much appreciated if someone from the Department can be available, on a mutually agreed date, to say what its position has been and is; and to lay before us any further facts, of which you think we should be aware.”

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44.2. I have been asked to provide my own interpretation of Lord Archer's request and expectations of the Department at the start of his Inquiry. I have also considered the suggested documents from the Inquiry in answering this question, each outlined in turn below:

1) Letter dated 16 February 2007 from Lord Archer to Patricia Hewitt, Department of Health, in which he outlined that he was chairing an independent inquiry, and requested Department of Health assistance with the inquiry **[DHSC0041193_056]**.

2) Email dated 20 February 2007 from William Connon to Simon Rogers and Bradley Smythe and others discussing the stance that they should not become involved in the Inquiry **[DHSC5264793]**. Mr William Connon noted,

"I think that by offering to send Lord Archer the report which is being drafted by Linda Page on the review of all papers combined with the release of as many documents as we can make available we have done all we can".

3) Draft letter dated 20 February 2007 from Patricia Hewitt to Lord Archer, regarding holding a public inquiry in relation to Hepatitis C and HIV viruses **[DHSC5458312]**.

4) Email correspondence dated 20 February 2007 between Jacky Buchan and William Connon re, *"Public Inquiry in to Contaminated Blood Products: Lines to take"* in which William Connon outlined his concern that they will be implicated in the inquiry should they engage with Lord Archer or the Haemophilia society **[DHSC5152770]**.

5) Email dated 20 February 2007 from William Connon to Karen Arnold regarding the Lord Archer Inquiry, in which William Connon outlined his view saying,

"I am not keen to send a holding reply as I feel that all the issues have been debated in the past and are, as you say all in the public domain...The essential message I want to get across is simply that the Government does not feel an Inquiry id (sic) justified" **[DHSC5458364]**.

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- 6) Email dated 21 February 2007 between Aileen Keel and William Connon, which discussed the draft letter to Lord Archer. Aileen Keel stated her view, *"...and let's hope this business doesn't develop too many legs"* [DHSC5458735].
- 7) Minute dated 20 February 2007 from Jacky Buchan to Caroline Flint regarding publicity criticising the lack of engagement from the Government in the Archer Inquiry [DHSC0041155_017].

The minute stated that:

"Also, to be aware, Lord Archer has written asking for someone from DH to take part in the inquiry - officials are presently seeking advice on this but the last email exchange I saw between officials suggested that while they will cooperate providing factual information where requested, they would not want DH to be drawn into the inquiry given that we have said an inquiry is not justified."

44.3. I do not recall having formed my own interpretation of Lord Archer's request at the time. From the documents that I have been referred to, it seems officials were clearly of the view that:

- a) What Lord Archer was requesting was for a senior official to give oral evidence at the inquiry; and this request should be declined;
- b) The Department of Health should provide the documents it held to assist the independent Inquiry.

Q44b: Consequential meetings

44.4. I have been asked to confirm if there were any meetings or discussions which took place among ministers and/or officials on receipt of Lord Archer's letter. I have also considered the documents which are outlined at 44.1 in answering this question.

- 44.5. I have already referred to the email exchange between William Connon and Karen Arnold on 20 February 2007, in which Ms Arnold provided comments on a draft response to Lord Archer. As I have outlined above at paragraph 42.13 and 42.14 it appears from the email exchange that William and Ms Arnold discussed the draft response [DHSC5458311] and [DHSC6323081]. Beyond this exchange, I cannot now recall whether any other meetings took place between Ministers and/or officials on receipt of Lord Archer's letter.

Q45: Introductory Letter dated 16 February 2007 to Secretary of State Patricia Hewitt

Q45a: Lord Archer's request and expectations of the Department

- 45.1. I have been referred again to the letter dated 16 February 2007, in particular to the following quote,

"It will be much appreciated if someone from the Department can be available, on a mutually agreed date, to say what its position has been and is; and to lay before us any further facts." [DHSC0041193_056].

- 45.2. I have also been asked to consider certain documents by the Inquiry in considering my answer, which I will outline in turn below;

- 1) Emails dated 20 February 2007 between William Connon, Simon Rogers, and Bradley Smythe, Karen Arnold, with Ailsa Wight and Jonathan Stopes - Roe copied in, regarding the Lord Archer Inquiry. William Connon outlined that he did not know how they will become involved in the inquiry "given the stance of DH, on behalf of successive Governments has taken in stating that an inquiry is not justified" [DHSC5458311].
- 2) Email chain dated 20 February 2007 between Jacky Buchan, William Connon, Rebecca Lloyd regarding the lines to take in relation to the

public, with Jacky Buchan asking if William Connon was aware of how the inquiry is being funded. **[DHSC5238049]**.

3) Email correspondence dated 21 February 2007 between Gregory Hartwell, William Connon, Ailsa Wight, Zubeda Seedat, Linda Page, and Mike De Silva and others regarding a draft reply created with “*Karen in Sol*” in which Mr. Connon described the response as “*short*” and “*hold[ing] a robust line*” **[DHSC6323081]**.

4) Letter dated 17 February 2007 from Caroline Flint to Lord Archer outlining the Government’s reasoning for not conducting a public inquiry into individuals with hepatitis C infection **[DHSC0006752]**.

45.3. I have been referred to a number of documents which have already been detailed in this witness statement, and confirm I have considered these and the above in respect of the inquiry’s sub-questions on this topic **[DHSC6700786]**; **[DHSC5264793]**; **[DHSC5458312]**; **[DHSC5152770]**; **[DHSC5458364]**; **[DHSC5458735]**. I have been asked to provide my own interpretation of Lord Archer’s request and expectations of the Department. The question largely duplicates the issues I have addressed in the section above, and I do not feel that I can add to what I have set out at paragraph 44.3 above.

Q45b: Consequential meetings

45.4. I have been asked to confirm if there were any immediate meetings or discussions which took place among ministers and officials upon receipt of Lord Archer’s letter.

45.5. I have addressed this question above at paragraph 44.5.

Q45c: William Connon's view on Inquiry

45.6. I have been referred to a document in which William Connon stated:

"...we do need to be very careful and ensure that we do not become involved in an inquiry 'through the back door' given that ministers across the UK have consistently declined requests for an inquiry." [DHSC6700786].

45.7. I have referred to this email exchange in greater detail at paragraphs 42.9 and 42.10.

45.8. I have been asked to explain to the best of my knowledge if this approach taken by previous ministers was ever questioned by me or others in the Department.

45.9. The issues the team were dealing with were historical and at my level (HEO) my focus would have been on dealing with the day to day implementation of the decision or policy. I do not recall whether those who worked in the team during my time offered a different viewpoint on the position we should take.

Q46: William Connon's email regarding the Inquiry

Q46a: Email from William Connon dated 21 February 2007 and draft response to Lord Archer

46.1. I have been referred to two documents, a draft response to Lord Archer and advice from William Connon dated 21 February 2007, and have been asked to confirm whether I had any contribution to the content of either of these documents [DHSC0006752 and DHSC5460426]. I will deal with each of these documents in turn below.

- 1) The first document is a letter dated 17 February 2007 from Caroline Flint to Lord Archer outlining the government's reasoning for not conducting an independent inquiry [DHSC0006752]. Due to the length of time that

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has now passed I simply cannot recall if I was involved in drafting this letter.

- 2) The second document is an email chain dated 6 March 2007 between Jacky Buchan and William Connon attaching a draft letter from Caroline Flint in response to Lord Archer's letter to Patricia Hewitt on 16 February 2007. The draft letter in summary outlined the opposition to becoming involved in the Inquiry **[DHSC5460426]**.

46.2. The second document is one which I have referred to earlier in my statement at paragraph 42.17. The most relevant portion of the email was sent by William Connon on 21 February 2007. The email contained a brief cover note, as opposed to a fuller submission due to the urgent nature of the request. The relevant portion of the email stated:

- *"It is recommended that no DH officials appear before this informal inquiry*
- *The Inquiry is being launched by Lords Archer, Morris and Turnberg.*
- *I am told that the inquiry is not directly linked to the Haemophilia Society, although Lord Morris is the President of the Society.*
- *I have no specific information about the terms of reference, location, funding or what form exactly the inquiry will take.*
- *I would not advise that we make any contact with those launching the inquiry to request further details.*
- *The draft does offer to provide Lord Archer with a copy of the report currently being compiled on all the documentation available to OH. You will be receiving a submission on this in the next few weeks. The report should be ready by the end of March*
- *I will continue to monitor the situation and keep everyone fully informed of any developments.*
- *I am copying this to the DA's for information, as I believe they will be taking a similar line.*

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- *I am also copying this to Bushira Shafi and Michelle Lucas so that this reply can also be sent to Douglas Alexander, who has received a similar letter.”*

46.3. I cannot recall now whether I contributed to this draft but my expectation is that it was dealt with at a more senior level to me. I have not been shown any documents by the Inquiry or my legal advisors which suggest I contributed to the ‘email cover note’ or the draft letter attached.

Q46b: Advice on Inquiry

46.4. I have been referred to paragraph two of William Connon’s email which stated: *“The advice is that we should not become involved in Lord Archer’s inquiry at all”* [DHSC5460426]. I have been asked to clarify whether this was William Connon’s advice, or the collective advice of others and if the latter, to identify who gave this advice.

46.5. As mentioned above, I was not involved in leading the DH response to the Archer Inquiry. I have set out to the best of my ability in view of the time that has passed, how this email and the draft response, came to be formulated. In William’s email he also states,

“The attached draft, which has been cleared by Perm Sec and Sol, takes a fairly robust line.”

46.6. From the email correspondence, it appears that Ms Arnold had input to the response, and some comments from the Permanent Secretary, Hugh Taylor, were reflected in the reply. This question is better directed to William Connon as Head of the Policy Team.

Q46c: View on engagement with Inquiry

- 46.7. I have been asked for my view on why there was a need to take a “robust line” against engaging with the Archer Inquiry.
- 46.8. I understand this to be a reference to William's email dated 20 February 2007 in which he says “As you can see I want to keep this short and hold a robust line on this matter.” [DHSC6323081]. I have set out this email in a wider context above.
- 46.9. I did not draft this email and therefore cannot speak directly to what William intended by this or why he felt it was necessary. However, I can see from the documents which have been provided to me that William was concerned that significant direct DH involvement in the Archer Inquiry would undermine the long-held DH position that an inquiry was not justified [DHSC6700786]. Again, this is a question best directed to William Connon.
- 46.10. In an email dated 9 May 2007, William appears to have elaborated further on why a robust line should be taken. In response to a request for advice to Sir Joseph Smith, William stated:
- “I explained that we are offering assistance to the inquiry team, at SofS's request and will provide Sir Joseph with any reasonable assistance we can. I have spoken to Sir Joseph and explained that as the inquiry is non-statutory he is not compelled to appear. ... It is precisely because of this type of approach that I initially advised ministers that the department should stand back from the inquiry and not take part. As we have been asked by minsters to be as helpful as possible we are inevitably becoming more involved than I would have wished.”* [DHSC6701136].

Q47: Private meetings between the Archer panel and DH

Q47a: Attendees of meetings

47.1. I have been referred to three private meetings referred to on page 9 of the Archer Report, between the Archer panel and representatives of the Department of Health, which took place on 25 April 2007, 19 September 2007 and 12 June 2008. I have been asked to confirm who attended the meetings on behalf of the Department, their role within the Department and the reason they were selected to attend. I can confirm I have reviewed the following documents:

- 1) Email correspondence dated 16 April 2007 between William Connon, Elizabeth Woodeson, Jacky Buchan, Jonathan Stopes, Alisa Wight, and Gregory Hartwell and others, regarding a request from the Inquiry asking to meet with Department of Health officials for the Inquiry. Mr. Connon emailed Ms. Woodeson upon receipt of this requesting representation from "Sol", and someone from "*Colin's team to advise on investigations...however I do not want to appear to be overly defensive by having too many people at the meeting*" [DHSC5193222].
- 2) Email dated 19 April 2007 from William Connon to Vijay Mehan confirming the details of the meeting between the Department of Health and Arche Inquiry staff [DHSC5468140].
- 3) Email dated 24 April 2007 from William Connon to Elizabeth Woodeson regarding arrangement of representatives at the meeting with the inquiry team, with William Connon noting that he felt that the number of suggested Department of Health officials could be seen as excessive [DHSC5468879].
- 4) Email chain dated 28 August 2007 between Peter Garwood, William Connon and Patricia Hewitt regarding arrangements of a confidential meeting regarding the Inquiry between Lord Archer's team and NHS Blood and Transplant Service ("NHSBT") [DHSC5485698].

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- 5) Email dated 12 September 2007 from Vijay Mehan to Judith Willets and Lord Archer regarding the NHSBT confidential meeting **[ARCH0001026]**. In this email, Mr Mehan described William Connon as a,

“clog in the wheels...we have met with Mr Connon before and although he did not come across as particularly obstructive, he was not exactly forthcoming with offers of help.”

- 6) Email chain dated 12 May 2008 from William Connon to Alisa Wight, Elizabeth Woodeson and Patrick Hennessy regarding arrangements for proposed further confidential meeting in June 2008. William outlined his view that they should discourage the *“Archer Team from entering into further, detailed discussions about minutiae, on the day”* **[DHSC5518489]**.

- 47.2. In addition, I have been shown a calendar entry for the meeting on 25 April 2007 with Lord Archer **[DHSC6701118]**. I received a copy of the invite, but the invite does not appear to be directed to me. I infer from this that I was not one of the officials that was expected to attend this meeting.

- 47.3. In the email dated 19 April 2007 from William Connon to Vijay Mehan **[DHSC5468140]** it states,

“I can confirm that we will come to the House of Lords, Peers Entrance next Wednesday 25th April at 2pm for the meeting. Just to confirm the DH team will be:

Myself (Head of Blood Policy)

Ms Liz Woodeson (Head of General Health Protection Division)

Ms Shibani Rahulan (Departmental solicitor) and most probably also

Dr Hugh Nicholas (DH Consultant Hepatologist)”

- 47.4. I have also been shown an email chain from 19 September 2007 which lists the attendees to the meeting. I am not one of the officials that was expected

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to attend that meeting [DHSC5487727]. The attendees listed are Peter Garwood, Tim Wallington, Patricia Hewitt and William Connon.

47.5. I did not attend any of the above meetings. I cannot now independently recall who attended the meetings and why. From the documents I have been referred to by the inquiry, it appears that William attended the meeting on 25 April 2007 and 19 September 2007 with other officials from the DH.

47.6. Again, this is a question best directed to William Connon.

Q47b: Meeting conditions

47.7. I have been asked to provide my knowledge on what, if any, conditions were attached to these meetings, and who requested them if there were any.

47.8. I was not involved in arranging the meetings with the Archer Inquiry. I do not know if there were any conditions attached to the meetings. The documents I have been referred to do not refer to any conditions. William would be best placed to answer this question.

Q47c: Record of meetings

47.9. I have been asked to explain why there was no written record of these meetings, and again to outline who made this decision. I did not attend any of the meetings so I am unable to confirm why there is no surviving written record of these meetings.

Q47d: Recollection of meetings

- 47.10. In the absence of a contemporaneous record of the meetings, I have been asked to recall, to the best of my ability, what was discussed at these meetings, and any further action requested by Lord Archer and/or his team.
- 47.11. I did not attend any of the meetings I have been referred to. Therefore, I cannot assist the Inquiry with a recollection of what occurred at the meetings.
- 47.12. However, I refer the Inquiry to an email from William Connon to Lord Archer on 20 September 2007. In this email William seeks to clarify the position, as he had agreed to do in the meeting, regarding Government policy and funding of the initiative to become self-sufficient in blood products in the 1970's. [DHSC5488367]. This indicates to me there must have been some discussion on this.
- 47.13. I have been shown an email from William Connon to Terry Male and Peter Garwood and Chris Hartley dated 26 April 2007. I note it records in brief what occurred at the meeting with Lord Archer on 25 April 2007 [DHSC5469319]. The email stated:

"We were asked by SofS to meet with Lords Archer and Turnberg (plus others from the inquiry team) to discuss how the department could assist them with their inquiry. We did this yesterday and the meeting went well. It has not been agreed that DH will appear before the inquiry but ministers are keen that we are as helpful as possible, without actually participating in the inquiry. As you can see Ailsa offered to provide them with a background note (chronology really) on safety procedures and also timelines on testing for both Hep A, B & C and HIV i.e. when tests were actually introduced.

It was clear at yesterday's meeting that their knowledge of the blood service is understandably not extensive either historically or contemporaneously. If it is possible to provide them with a short brief on how the service is configured both now and back in the 90's and 80's that would be helpful. They are very interested in BPL and in the commercial market for blood products. They expressed an interest in whether or not commercial companies would have (and do) tested as well and also whether plasma imported by BPL, or other companies, for fractionalisation, is also tested. We need to rememberer (sic) that they are investigating what happened some 25/30 odd years ago.

We did stress that lessons have been learned and that safety measures for blood products have improved greatly e.g. luecodepletion, NAT testing etc. If there is an easily accessible note of current safety

measures then that too would be helpful. As Ailsa sates they are also interested in the timing of the introduction of the Blood safety Directive and also what legislative provisions were in place prior to that."

Q48: Reasoning for declining to provide witnesses

- 48.1. I have been referred to page three of a document containing an email chain dated 09 May 2007 between William Connon, Simon Rogers and Shibani Rahulan and others, in which solicitor Shibani Rahulan stated,

"When the inquiry asked DH about DH witnesses at the meeting, DH said that they would struggle to find appropriate people because the events are historic and consequently there is hardly anyone around who would have first-hand knowledge of the events." [DHSC6701136].

- 48.2. I have been asked to provide the reasoning as to why this explanation was given for declining to provide witnesses.

- 48.3. This is an email written by Shibani Rahulan. I do not feel that I can add meaningfully to what is stated in the email itself and other related documents. They tend to suggest that the view was that current serving officials were not involved at critical (historic) periods in the events so could not give evidence from first-hand knowledge, and the Department would provide the relevant documents from the time. William Connon was leading the DH response, so he would be best placed to answer this question.

Q49: Judith Willetts' statement

- 49.1. I have been referred to the witness statement of Judith Willetts, dated 19 January 2001. I note that Ms Willetts, who was a panel member of the Archer Inquiry, outlines the difficulties she felt she experienced in obtaining documents from DH [WITN4736001]. In particular, I have been directed to her statement that,

"We experienced no willingness to co-operate with this dilemma from the DH. Had there been any desire to identify a range of key documents that would be useful, we might have saved days of work. My abiding sense was that the individuals we had contact with simply did not want to help".

[WITN4736001].

49.2. I have also been referred to the following documents to assist me:

- 1) An email dated 23 May 2007 from William Connon to Ailsa Wight, Bradley Smith, Dani Lee, Elizabeth Woodeson, Jacky Buchan, Lindsey Davies, Hugh Nicholas, Malcolm Fawcett, Patrick Hennessey, Linda Page and Gerry Robb. William explained that the Review of Documents relating to the safety of Blood Products 1970-1985, was released on 22 May to a number of people including Lord Archer, and detailed plans to arrange to place the report on the DH website **[DHSC5084337]**.
- 2) Progress report dated 3 July 2007 prepared by Linda Page, which outlined the progress made on release of documents 2007 from the Review to the Inquiry **[DHSC5479534]**.
- 3) Correspondence dated 9 - 10 July 2007 between Jacky Buchan, Patrick Hennessey, Elizabeth Woodeson and William Connon and others in which Patrick Hennessey outlined the plan to release a second tranche of unregistered papers to the Inquiry **[DHSC5284704]**.

49.3. In light of these documents, I have been asked to recall the Department's document disclosure process to the Archer Inquiry, and to outline whether I consider that there was an unwillingness of the DH to help the Archer Inquiry.

49.4. I refer the Inquiry to a document entitled 'Release of Papers Process and Progress' dated 11 June 2007 **[WITN4912092]**. This document sets out how the Department intended to release documents identified and catalogued during the 'Review of Documents Relating to the Safety of Blood Products 1970 to 1985 (NANBH)' and which had been agreed by Ministers in May 2007. This included release of documents to the Archer Inquiry.

- 49.5. Due to my lack of direct involvement in the Archer Inquiry I do not feel that I am able to answer this question comprehensively beyond the matters that are evident from the documentary record. My understanding is that there was a process to release the documents from the 2007 Report in accordance with FOI principles and that these were released in tranches to the Archer Inquiry. To the best of my recollection, I was not directly involved in that process.

Q50: Letter correspondence regarding the Archer Inquiry

- 50.1. I have been referred to a number of documents to review in consideration of the following questions, and will outline each in turn below;

- 1) Letter dated 9 July 2007 from a member of the public (name redacted but who was the widow of a haemophiliac who died following infection with HCV) to Alan Johnson regarding the Lord Archer Inquiry, outlining queries she had in relating to compensation, disclosure and the Department of Health's position in respect of this Inquiry **[DHSC0006211_085]**.
- 2) Letter in reply dated 14 August 2007 from Morven Smith outlining the Department of Health's efforts to meet with members of the Inquiry team, stating that:

"In the months since April, the Department has suggested further meetings with the inquiry team, but as yet Lord Archer's team has not arranged to meet again. In line with this policy of openness, and to address concerns raised following the return of documents previously considered missing from a firm of private solicitors, the Department reviewed all documents in relation to non-A, non-B hepatitis between the period 1970-1985. A copy of the Review has been sent to Lord Archer" [HSOC0013877].

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- 3) Letter dated 3 September 2007 from Norman Lamb to Lord Archer, discussing the correspondence dated 14 August 2007, namely whether the statement that the Inquiry team has not arranged to meet with the Department of Health again was in fact accurate [ARCH0000139_002].
- 4) Letter dated 7 September 2007 from Lord Archer to Norman Lamb, responding to the correspondence dated 14 August 2007 [ARCH0000139_001]. Lord Archer stated:

"I am wholly mystified by it...the clear implication of the letter is that they had been requesting a further meeting, and that the Inquiry had ignored it. If that is indeed what it was intended to convey...it is grossly misleading".

- 5) Letter dated 4 September 2007 from Lord Archer to William Connon concerning the misconception raised in the letter dated 14 August 2007, asking for William Connon to ensure the misconception "...is not repeated in any future correspondence." [ARCH0001628].
- 6) Letter dated 17 September 2007 from Chris Gilson to Mrs GRO-A apologising for the previous letter dated 14 August 2007 and if it was "misleading in this respect", providing information on the dated of the suggested meetings suggested and one which had taken place in April [ARCH0001626].
- 7) Email dated 18 September 2007 from William Connon to Lord Archer outlining that the erroneous information in the letter dated 14 August 2007, was given by the customer service centre, and that William Connon was in fact also concerned by this letter when he saw it [ARCH0001625].

Q50a: Letter dated 14 August 2007

- 50.2. I have been asked to confirm whether or not I contributed to the aforementioned letter described at 50.1(3) above.

- 50.3. Due to the passage of time which has now passed I cannot say with any certainty that I was involved in the drafting of this letter. If I was involved in drafting this letter I would have asked for contribution from other members within the Team. The letter was sent from Morven Smith in the correspondence section. In my experience, it may well be that Morven Smith would have sought input from the Blood Policy Team but I cannot say who provided the information or the drafting which was likely to be taken as suggesting that Lord Archer had not come back to the Department on a further offer to meet.

Q50b: Erroneous information released to the public

- 50.4. I have been asked to provide explanation, to the best of my ability, as to why erroneous information that the Archer panel had failed to respond to requests for meetings from the Department, was given to members of the public.
- 50.5. Due to my lack of direct involvement in the at this time with the Archer Inquiry I am unable to answer this question. It appears from the papers that there was an issue with erroneous information and William Cannon was resolving this.

Q50c: Erroneous information provided by Minister of State Dawn Primarolo

- 50.6. I have been referred to letters of correction that were drafted because the same wording from the Morven Smith letter came to be used in letters from the Minister of State, Dawn Primarolo, to MPs and members of the public [HSOC0002259] and [ARCH0001217]. I have been asked to provide my recollection of these events

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50.7. The first document I have been referred to is dated 18 December 2007 and is an excerpt from Hansard recording comments made relating to contaminated blood products in the House of Lords on this date **[HSOC0002259]**. These comments reflect discussion of the correspondence as outlined above, and note that:

“Officials have traced 11 pieces of correspondence in July and August which used the same information...A follow-up letter has been sent to ...prevent any further misunderstanding”.

50.8. The second document referred to is dated 19 December 2007 and is an email from Vijay Mehan, to Lord Archer and Judith Willetts and others copying the above referenced Hansard excerpt **[ARCH0001217]**.

50.9. I have also been referred to a further email from Patrick Hennessy to me on 14 January 2008. I appear to have asked Mr Hennessy for assistance in drafting a response to a Lords question. Mr Hennessy proposed the following reply be given to the question (after consultation with William Connon):

*“My earlier reply could not be made sooner than 18 December, as the Department's officials were, as requested, looking carefully at the history of this correspondence and checking a great deal of other Departmental replies in order to ensure that we had identified all similar cases. I cannot add a great deal to my earlier replies of 23 October and 18 December on this subject. However, I can confirm that Mrs [GRO-A]'s letter of 22 August, when received on 24 August, was treated as a Freedom of information request and allocated to the FOI team for reply. Mrs. [GRO-A]'s letter was copied to the head of the blood policy team on 29 August. The replies to 11 other correspondents using similar wording were sent on 16 August, 20 August, 21 August, 23 August (5 replies), 24 August and 30 August (2 replies). All have received a further reply clarifying our position.” **[DHSC5509500]**.*

50.10. I refer the Inquiry to a suggested reply to a PQ from Lord Jenkin drafted by Patrick Hennessy and approved by Ailsa Wight dated 17 October 2007 which states, **[DHSC0006211_086]**,

"I am very sorry that the reply from my Department to Mrs. GRO-A to her letter of 9 July was open to misinterpretation. The letter was prepared by the Customer Service Centre, using information supplied by the Department's blood policy team, but did not fully reflect the Department's dealings with the Archer inquiry. No criticism of the Archer inquiry team was intended in the reply of 14 August. An apology for the unfortunate wording of the original reply was sent to Mrs. GRO-A on 17 September and this was copied to the inquiry team. My officials are co-operating fully with the Archer inquiry team, and have met with them twice, on 25 April and 19 September. In addition, we are releasing copies of official documents from 1970-1985 to assist their enquiries. It is expected that the final batch of documents will be released by the end of October."

50.11. Given the passage of time, I cannot now recall these events. From the documents, however, it seems that when concern was raised about the wording in the letter of 14 August 2007, it was recognised that the wording was not appropriate and clarification was given, and – where Ministerial responses had used the same wording – letters of correction were sent.

Q51: Reflection on DH engagement with Archer Inquiry

51.1. I have been asked to reflect on my time and experience in the Blood Policy Team, and provide my own view on how the Department of Health handled the issue of engaging with the Archer Inquiry. In answering this question, I can confirm I have reviewed the following suggested documents:

- 1) Email dated 18 September 2007 from Judith Willetts to Vijay Mehan and Norman Jones outlining her view that they should tread carefully in their meeting with William Connon [ARCH0001627].
- 2) Email dated 20 September 2007 from Vijay Mehan to Lord Archer, Judith Willetts, and Norman Jones regarding an email from William Connon following on from their meeting, in which he referred them to the Self-sufficiency report. Vijay Mehan forwarded this email on to the above-named recipients, and outlined that this is the same response that was previously given, and that in his view "getting easy information out of him is like getting blood out of a stone" [ARCH0000787].

- 3) Email dated 10 June 2008 from William Connon to Patrick Hennessy with me, Ailsa Wight and Elizabeth Woodeson copied in, regarding questions sent from the Archer team [DHSC5524730]. William outlined his view that the questions are lengthy for a late stage in the Inquiry process, and that he was *“inclined to consider answering as many as we can verbally on Thursday, rather than sending a written reply”*
- 4) Email correspondence dated 16 June 2008 between Patrick Hennessy, William Connon, Ashley Rogers and Sunil Peck regarding a response to a press release in which the Department was criticised for their non-attendance at the Archer Inquiry. William Connon outlined the government lines on this, such as the fact that successive Secretaries of State had not supported an independent Inquiry, the extensive release of documents that had taken place, and that the Department was fully co-operating with the inquiry with a list of meetings attended [DHSC5526371].

51.2. As I have stated above in my introduction to this section, given my position in the blood policy team I had limited involvement with the Archer Inquiry. However, within my role I was expected to draft PQs and correspondence. If I had drafted any regarding the Archer Inquiry the replies would have been cleared by the Head of the Policy Team or Grade 5. While I can see that the Archer Inquiry were frustrated with aspects of the Department's engagement, I genuinely do not feel that I am well placed to comment on the rights and wrongs of this because I was not directly involved and the overall policy decisions were taken at a very much higher level than my own.

40. Section 4: Calls for a Public Inquiry

Q52: Communications with devolved nations

52.1. I have been referred to a number of documents as follows:

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- 1) Email chain between Sylvia Shearer, William G. Connor, me, re Public inquiry Hepatitis C dated 2 March 2005 **[DHSC0041217_056]**;
- 2) E-Mail from Sandra Falconer to William Connon re Haemophiliacs and public inquiry dated 25 April 2005 **[DHSC0006235_038]**;
- 3) Minute from William Connon, General Health Protection, to Caroline Flint, re Hepatitis C: materials to be released by the Scottish Executive dated 8 December 2005 **[DHSC0200103]**;
- 4) Email correspondence between Jacky Buchan (assistant PS to Caroline Flint), William Connon, Sylvia Shearer, Caroline Lewis and Gerry Dorrian, re Hepatitis C Public Inquiry dated 10 May 2006 **[DHSC5293683]**;
- 5) Email chain between William Connon and Gerard Hetherington dated 25 May 2006 **[DHSC5413925]**;
- 6) Email chain between William Connon, Patrick Hennessy, Shibani Rahulan, Brunton JA and Sylvia Shearer dated 3 September 2007 **[DHSC5486274]**;
- 7) Minute from Andrew MacLeod, Healthcare Policy and Strategy Directorate, re Hepatitis C Inquiry – Next steps dated 26 February 2008 **[DHSC5015521]**;
- 8) Email chain between Zubeda Seedat and Shibani Rahulan, copy to William Connon re Hepatitis C / Public Inquiry dated 29 February 2008 **[DHSC5508756]**;
- 9) Minute from Patrick Hennessey, to Dawn Primarolo, re contamination of blood and blood products with hepatitis C and HIV - public inquiry in Scotland dated 5 March 2008 **[DHSC0038592_080]**;
- 10) Email from William Connon, to Patrick Hennessy, re submission on the Scottish inquiry dated 11 March 2008 **[DHSC6700850]**;
- 11) Email between Ailsa Wight, William Connon, Patrick Hennessy, re Scottish Inquiry dated 12 March 2008 **[DHSC5510424]**;

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- 12) Email between Ian Bishop, (APS to Dawn Primarolo) Patrick Hennessy, Zubeda Seedat, re public inquiry in Scotland dated 13 March 2008 **[DHSC5510515]**;
- 13) Minute from Patrick Hennessy, to Dawn Primarolo, re Lord Archer's independent inquiry dated 7 February 2009 **[DHSC0038592_082]**.

52.2. I have been asked to provide detail on the extent of communications with health officials in the devolved nations on the issue of a public inquiry. My involvement in the issue of a Public Inquiry would have been very limited. I may have been copied into emails and correspondence but I was not involved in communicating with the devolved administrations regarding the substantive issues concerning the Public Inquiry in Scotland.

52.3. However, I can refer the Inquiry to the following documents which indicate the sort of communication between the DH and Scotland:

- (1) I refer the Inquiry to an email chain including an email from Charles Lister to Peter Thompson, dated 16 April 2003 which stated, **[DHSC5541782]**,

"Bob Stock in the Scottish Exec has recently updated me on his perception of likely developments in Scotland after the election. Just prior to the election the outgoing Parliamentary Health Committee expressed some support for continuing demands from Scottish haemophilia patients with hepatitis C for a public inquiry."

- (2) I was copied into an email dated 21 June 2006 from Ailsa Wight to Gerard Hetherington which stated **[DHSC5421093]**,

"You will see we have also had a clear steer from Scotland rejecting the call for an inquiry"

- (3) I also refer the Inquiry to a draft minute from Caroline Flint and Lord Warner dated 20 June 2006 in which I was copied in and stated, **[DHSC5420431]**,

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"We have now received a copy of the response to the SP Health Committee setting out the Scottish Minister for Health's views of the Committee's decision. This is attached at Annex B, and firmly concludes against an inquiry".

I note in the minute, which is a draft, there is a drafting note which stated, "[DN: William – anything to add in light of letter from Scotland – next steps/SP current position?]"

(4) I refer the Inquiry to an email from Liz Woodeson to William Connon which dated 24 January 2005 and stated, **[DHSC5357534]**

"I tried to contact you today about the developing situation in Scotland. You may be aware already from your DA links. However, it looks as though the Haemophilia Society in Scotland is pushing for a Public Enquiry into blood and infectious diseases (HIV, Hep B & C and I guess vCJD) contracted via blood transfusions. The latest manifestation of this is in a press article in the Herald in Scotland yesterday about collecting blood from prisoners and the infectious risks. It is likely that if a public enquiry is granted (and SNBTS believe that the new Minister in Scotland responsible for this area is minded to say yes) that it will spill over into England. There has been much pressure over many years for public enquiries but the DH/ Ministers have always been robust in refusing. You may want to compare notes with your Scottish colleagues in order to brief Ministers to avoid any surprises. Of course, should we learn more we will let you know.

(5) I also refer the Inquiry to the email chain between William Connon, Linda Page, Andrew McLeod, Sylvia Shearer, re: Hep C public inquiry dated 30 May 2007 in which I was copied in. **[DHSC0006259_018]**. In his email to Linda, William stated,

"Will you follow up with Sylvia Shearer in the Scottish Executive and find out what the current position is please? It is really important that we keep our minister informed if Scotland decide to have an inquiry as it will inevitable have significant repercussions for DH."

(6) I refer the Inquiry to a submission dated 25 May 2006 from Gerard Hetherington to Becky Spavin and Jacky Buchan in relation to self-

sufficiency in blood products in which I was copied in. At paragraph 6 it stated, **[DHSC5106722]**,

"We have consulted Dr Aileen Keel DCMO in Scotland. Advice from SE officials to Scottish Ministers continues to be strongly against a public inquiry. The Executive is examining the validity of a vote in the Scottish Parliament Health Committee in support of a public inquiry. It is understood that the casting vote of the Chairman may be disallowed."

(7) I also refer Inquiry to an email from William Connon Elizabeth Woodeson, Ailsa Wight, Jacky Buchan, Rebecca Lloyd and Liz Kendall dated 27 June 2007 which stated, **[DHSC6698133]**,

"FYI. Confirmation that the Scots are awaiting the outcome of the Archer Inquiry before making any further decisions on the need for a Scottish Government Inquiry. I will be discussing this with all DA colleagues at the meeting Sylvia Shearer mentions. Linda - I think you should also ensure that our Welsh and Irish colleagues are kept informed and in the case of Wales it would be advisable to confirm that they will be doing likewise."

52.4. I can therefore see from the documents that William Connon as Head of the Blood Policy Team was involved in this and would have been in communication with the devolved administrations.

Q53: Financial implications

53.1. I have been asked to set out the extent financial implications had in influencing advice to Ministers on holding a public inquiry, both in terms of the cost of a public inquiry and the potential for compensation to victims.

53.2. I have reviewed the documents and refer the Inquiry to an email chain in which I was copied in dated 22 June 2006. This is an email from Jacky Buchan to Ailsa Wight and stated **[DHSC5421093]**,

"On the inquiry issue this just says "DH officials have advised an inquiry would be disproportionate and not justified in the circumstances". There is no argument, no pros and cons and no costings. Both MS(R) and MS(PH) will expect to see an argument for this decision and the pros and

cons of having a public inquiry which would presumably include the cost. There is nothing in here about the steps that would have to be taken and nothing about the consultation with the Patient Safety and Investigations Branch that Gerard referred to in his note of 26 May."

- 53.3. I also refer the Inquiry to an email dated 23 June 2006 from Colin Philips to which I was copied in. In this email Colin responded to Ailsa Wight and thanked her for an opportunity to input into the Ministers' brief. When discussing the pros and cons of an Inquiry Colin stated under Cons, **[DHSC5421093]**,

"A Public Inquiry under the Inquiries Act is an expensive and time consuming and labour intensive undertaking. It raises the profile of the problem it seeks to address significantly. It engages the Press and Public interest at the highest level. It takes time to plan and set up and is not a quick response to the problem it examines. Costs are difficult to assess in advance and fully control. They range from Major Inquiries (Bloody Sunday-8 years so far at an estimated cost of over £120 million; Stephen Lawrence- two years, over £4million; BRI-3 years, over £14 million; Shipman over 4 years at a cost of £21 million; Alder Hey 14 months at a cost of £3.5million; Victoria Climbe 2 years at a cost of £3.8 million.)"

- 53.4. I also refer the Inquiry to a minute from Linda Page to Caroline Flint and Lord Warner dated 1 February 2007, to which I was copied in. At paragraph 3.2 Linda stated **[DHSC5228443]**,

"A Public Inquiry would significantly raise the profile and the cost would be significant. Examples of the costs of past inquiries include: Bloody Sunday, eight years so far at an estimated cost of over £120 million; Stephen Lawrence, two years, over £4 million; BRI, three years, over £14 million; Shipman, over four years, £21 million; Alder Hey, 14 months, £3.5 million; Victoria Climbe, two years, £3.8 million."

- 53.5. Whilst my involvement in this again would have been limited I can see from the documents above that advice was being given to Ministers regarding the potential costs of an Inquiry.

Q54: Influence of findings of other inquiries

54.1. I have been asked to outline to what extent Ministers were influenced to hold a public Inquiry by the establishment and findings of inquiries in other countries, such as Canada, France and Ireland.

54.2. I refer the Inquiry to a draft reply to a PQ from Lord Jenkin which I drafted [DHSC0015839]. In the accompanying background briefing it states,

“Disparity with Canadian scheme

It is important to make a distinction here. The awards being made in Canada follow class action brought against the Canadian Government. A settlement agreement was reached with the federal government, and as such the payment structure was based on claims for punitive damages. The compensation from the federal government is limited to those infected between 1986 and 1990.

Subsequent inquiries found that wrongful practices had been employed, and criminal charges were made against organisations including the Red Cross Society, who were responsible for screening blood in Canada at the time. We do not acknowledge any such wrongful doing in England, so it is unfair to compare the two schemes.

Comparison with Irish scheme

The Irish Government set up their hepatitis C compensation scheme following evidence of negligence by the Irish Blood Transfusion Service. A judicial inquiry, the Fin lay report, found that “wrongful acts were Committed”. It is important to stress that the blood services in the UK have not been found to be similarly at fault. Compensation is therefore being given in very different, specific circumstances in Ireland that do not apply in the UK.”

54.3. I also note in the report published 23 February 2009 following the Archer Inquiry in ‘CHAPTER 9 - GOVERNMENTAL RESPONSE: FINANCIAL RELIEF’ its states [ARCH0000001],

"In Ireland and Canada, for example, compensation schemes were paid because the blood authorities were both found to be at fault. Indeed, in Canada, criminal prosecutions were filed against those responsible."

- 54.4. I recall references being made to the position in Canada, France and Ireland. However, I cannot recollect if this was in relation to any inquiries held in these countries, or whether the references related to any financial settlements. I could not find these references in the papers made available to be. However, I note there was some discussion about compensation schemes being run in other countries.

Q55: House of Commons debate dated 15 January 2015

- 55.1. I have been referred to a House of Commons debate in which former Secretary for State for Health, Andy Burnham, stated: *"I do not detect the failure being caused by Members of Parliament or, indeed, Ministers; I have met many who want to resolve this in the right way. I have to say that in my experience the resistance is found in the civil service within Government. That is often the case in examples such as this; I found the same with Hillsborough too. It is very hard to move that machine to face up to historical injustice."* [RLIT0000777]. I have been asked to provide my view on this statement.

- 55.2. I cannot comment on the views of Andy Burnham. The Blood Policy team is the only team where I have worked in that involved dealing with issues in relation to events that occurred many years ago therefore I have no other experience or comparison to make. My experience while working in the team, was that there was never any deliberate resistance not to "face up to historical injustice". While I was in the team, our responses were based on information provided over a number of successive years, which we continued to use as part of the overall Government response. We would have briefed

any new Minister on the position held, and ultimately it is for Ministers to decide whether they would like a policy issue revisited.

Q56: Third written statement of Charles Lister

56.1. I have been referred to the third written statement to this Inquiry by former Head of Blood Policy at the Department of Health Charles Lister, who, in reference to calls for a public inquiry, stated: *"I raised the question of how much I may have been affected by a collective mindset. I had in mind the concept of 'Group Think', and whether officials, experts and ministers alike were affected by group think when addressing this issue. When I now reflect on these issues, it is that concept which I ponder on rather than any sense of resistance from the civil service. It is the sense that when you work closely and collectively together, there is a risk of group mindset developing and the risk that you are not sufficiently open to challenge to the existing group views. It is of course impossible to say how much this impacted on our decision making."* [WITN4505389]. I have been asked to provide my viewpoint on this comment.

56.2. I have reflected on the comments from Charles. The inquiry has asked for my viewpoint on it. I agree, and as indicated in my response at paragraph 55.2 above, there was a "collective mindset" on the handling of the response to the concerns raised by haemophilia patients. I joined the Blood Policy team as a HEO, and it was my first role in a policy team. I was inexperienced in policy work / development and so I was reliant on information provided to me on key issues, which I did not consider open to challenge. However, I cannot speak for other more senior staff. Resource was tight within the team, and I was constantly dealing with reactive work, which left little scope to further investigate some of the issues the team were dealing with.

Q57: View on delay of Inquiry

57.1. I have been referred to the former Secretary of State for Health, Lord Norman Fowler's evidence that he believes that the Government should have

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established a UK-wide public inquiry before now, and have been asked to provide my opinion on this [INQY1000144]; [INQY1000145].

57.2. Whilst I worked in the Blood Policy Team, I maintained the position adopted by previous colleagues in the team in relation to holding a public inquiry. I cannot recall what my views were at the time. However, reflecting on the issues, I agree that there were good reasons for a public inquiry to have been established sooner. This would have helped provide closure, much sooner and many of the campaigners would have lived to see the outcome / have an opportunity to speak directly of their own experience.

Statement of Truth

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

Signed.....

GRO-C

Dated.....

23 August 2022.....