

Witness Name: Baroness Nicola Blackwood

Statement No.: WITN6606001

Exhibits: WITN6606002 - **WITN6606007**

Dated: 17 August 2021

## **INFECTED BLOOD INQUIRY**

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### **WRITTEN STATEMENT OF NICOLA BLACKWOOD**

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I provide this statement in response to a request under Rule 9 of the Inquiry Rules 2006 dated 29 July 2021.

I, Nicola Blackwood, will say as follows: -

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

1. My full name is Baroness Nicola Claire Blackwood. My professional address is House of Lords, London SW1A 0PW. My date of birth is **GRO-C** 1979.
2. I was elected as Member of Parliament for Oxford West and Abingdon at the 2010 general election. I was re-elected as MP for Oxford West and Abingdon at the 2015 general election. I chaired the House of Commons Science and Technology Committee from 18 June 2015 to 19 July 2016. I also sat on the House of Commons Liaison Committee from 2015 to 2016.
3. I was appointed Minister for Public Health and Innovation and served as Parliamentary Under Secretary of State at the Department of Health (as the Department was then called) from 17 July 2016 to 3 May 2017. This statement is concerned with events that took place during this period as Parliamentary Under-Secretary.

4. I lost my seat at the 2017 general election. I became Chair of the Human Tissue Authority after leaving the House of Commons.
5. I was appointed to the House of Lords in January 2019. I served a further period as Parliamentary Under Secretary at the Department of Health and Social Care ("DHSC") from 14 January 2019 to 13 February 2020. I am a member of the House of Lords Science and Technology Committee. I have served as Chair of Genomics England since May 2020.

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

6. As I said in my letter to the Inquiry dated 9 June 2021, I wish to express my sincere sympathy for those infected and for their families, loved ones and carers. This Inquiry raises a range of highly complex and distressing issues for which I hope satisfactory answers can be found. I am willing to cooperate with the Inquiry's work to its fullest extent.
7. I am grateful to the Inquiry for giving me notice under rule 13 of the Inquiry Rules 2006 of criticism contained in the written statement made by Jason Evans.
8. Due to the shortness of time between receipt of the letter giving me notice of the criticism and Mr Evans giving oral evidence on 11 June 2020, I was not able to respond fully before the hearing took place. I have now been provided by the DHSC with certain documents to enable me to respond as fully as I can to the criticism made by Mr Evans.
9. I note from Mr Evans' written statement that he makes two specific criticisms arising from what I said during a debate in the House of Commons in 2016. First, he says that I lied when I said that "*the Government have published all documents associated with this event [i.e. contaminated blood] from the period 1970 to 1985 in line with the Freedom of Information Act 2000.*" Secondly, he says I also lied when in the same debate I said that "*action was taken as soon as possible to introduce testing and safety measures for blood and blood products as these became available, with the introduction of health and heated products*".

10. During the relevant period, the Secretary of State for Health was Jeremy Hunt MP. The Minister of State was Philip Dunne MP. I was the Parliamentary Under Secretary of State responsible for Public Health and Innovation. David Mowat MP was the Parliamentary Under Secretary of State responsible for Community Health and Care. Lord O'Shaughnessy was the Parliamentary Under Secretary of State for Health in the Lords. The Permanent Secretary at the Department of Health was Sir Chris Wormald.
11. I think it is important to emphasise that I had a wide range of ministerial responsibilities in my portfolio, but these did not include blood or blood products. Lord O'Shaughnessy, in addition to being responsible for all aspects of health in the House of Lords, was the ministerial lead for NHS Blood and Transplant and the junior minister responsible for blood issues.

#### **Events occurring while I was in Parliament in 2016/17**

12. On 24 November 2016, a Backbench Business debate on Contaminated Blood and Blood Products took place in the House of Commons (Hansard, volume 617). The motion was moved by Diana Johnson MP and members of the All-Party Parliamentary Group ("APPG") on Haemophilia and Contaminated Blood. I see the debate lasted for around two hours. I spoke on behalf of the Government in reply. I see from Hansard that during the debate I said as follows:

*"Several colleagues raised the issue of a public inquiry. The Prime Minister has been very clear that we do not believe that a public inquiry would provide further information [...]. It is difficult to see what more information could be made available through a public inquiry given that **action was taken as soon as possible to introduce testing and safety measures for blood and blood products as these became available, with the introduction of health and heated products, and that the Government have published all documents associated with this event from the period 1970 to 1985, in line with the Freedom of Information Act 2000**" (emphasis added).*

13. It is alleged by Mr Evans that what I said was untrue and that I knew this to be the case. I wholeheartedly reject any accusation that I said anything during the debate that I knew to be false or that I in any way sought to mislead Parliament. I set out a more detailed response in what follows.
14. It was not uncommon for Ministers to be required to speak in the House to defend the Government's position on an issue even if that was not within that minister's portfolio of responsibilities. It would have been usual to receive a briefing from officials in advance of the debate. However, I would probably have had not much more than an hour with the briefing team. The briefing would have taken place under pressure and shortly before the day of the debate or even on the day of the debate itself.
15. I was aware, of course, that contaminated blood was not an area for which I had ministerial responsibility. I was also acutely aware that many of the MPs speaking in the debate had detailed knowledge of the issues with which this Inquiry is now concerned, and some had been involved with the issues for many years. Taking all this into account, I would have been scrupulously careful to avoid deviating from the written briefing I was given by officials, which I believed at the time was full and accurate.
16. I have now been provided with a copy of the speech prepared for me by officials [WITN6606002] and a Question and Answer briefing document [WITN6606003]. I am told that these are final copies of the briefing documents. These documents would have been issued to me before the November 2016 debate and I would have taken them with me to the House. The Q&A briefing document alone runs to 80 pages, which indicates the complexity of the issues involved. I note the Q&A briefing contains the following material references:

**"Public Inquiry**

[...]

*The Department has published all relevant information that it holds on blood safety, in line with the Freedom of Information Act 2000.*

*All available papers for the period 1970-95, are available to the public through either the department of Health website or the National Archive."*

And:

**"Transparency**

[...]

*The documents covering the period from 1970 to 1985 have been published in line with the Freedom of Information Act 2000, and are available on The National Archives website. We also released all of the documents on blood safety that we hold for the period from 1986 to 1995 in March this year."*

And also:

**"Republic of Ireland – Compensation**

[...]

*The situation in the UK was different. Action was taken as soon as possible to introduce testing and safety measure for blood and blood products as these became available. The introduction of heat treated product in 1985 was a key factor in protecting our supply."*

17. The speech prepared for me by officials also said as follows:

*"The Department has published all relevant information that it holds on blood safety, in line with the Freedom of Information Act 2000.*

*All available papers for the period 1970-95, are available to the public through either the Department of Health website or the National Archive.*

*It is unlikely a public inquiry would provide further information [...]"*

18. It is therefore apparent to me that what I said in the House on 26 November 2016, at least insofar as it relates to the subject matter of the complaint, was in effect taken directly from my ministerial briefing. I have explained already this was not

my area of responsibility, so I was not equipped with a sufficiently detailed knowledge of the issues to be able to challenge what was said in the briefing document. There was also no reason, so far as I was aware, to need to do so. I relied on officials to advise me about the Government's line and the points to make when responding to the debate.

19. On 25 April 2017, an adjournment debate on Contaminated Blood took place in the House of Commons. I see the debate lasted for around one and a half hours. The speaker on the day was the Deputy Speaker, Eleanor Laing MP. Andy Burnham MP gave his final speech in the House. I spoke in reply on behalf of the Government. I see from the Hansard record that during the course of my reply I said: "*The Department has published all relevant information that it holds on blood safety, in line with the Freedom of Information Act 2000.*"

20. I have now been provided with a copy of the briefing document for the April 2017 debate, which runs to 23 pages and contains a speech and lines to take [WITN6606004]. I am told this is likely to have been the final version of the briefing and would have been provided to me by officials in advance of the debate. I see that the final page of the speech contains word-for-word what I said in the House in reply to Andy Burnham MP about the publication of documents.

21. I wish to also add that I believe I spoke to Lord O'Shaughnessy in relation to both debates, although I cannot recall exactly when I spoke to him or the detail of what was said. As I have said, Lord O'Shaughnessy was the ministerial lead for setting policy in this area and his input would have further reassured me about the content of the briefings.

#### **Events occurring after I had left Parliament in May 2017**

22. In the course of making this statement I have been made aware that on 5 March 2018, Baroness Featherstone wrote to Sir Chris Wormald to say the line taken by Department of Health Ministers that "*All documents up to 1995 are available through the National Archive*" was not accurate [WITN6606005]. The letter referred to two Written Questions I had answered in March 2017 using what was

said to be the inaccurate line. Baroness Featherstone's letter noted the issue had been drawn to her attention by the Factor 8 campaign group.

23. I understand the matter was investigated internally within DHSC (I, of course, was not in Parliament at the time). I see from the available documents that on 7 June 2018 the DHSC's Director General for Global and Public Health, Clara Swinson, replied to Baroness Featherstone [WITN1210025]. The letter explained what investigation had been carried out and set out what further work was being carried out to release additional documents to The National Archives. The letter concluded:

***"Statement on release of files***

*In relation to the statement "All documents up to 1995 are available through The National Archives", the line is normally nuanced to explain that it relates to all relevant files and I am sorry that in some instances this did not happen. As you will understand, what is considered to be relevant is a subjective decision and it is not clear why the two file sets you have identified were not included.*

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

24. On 20 June 2018, Sir Chris Wormald wrote to me [WITN6606007]. His letter was sent after I had left the House of Commons, but before my appointment to the House of Lords. The letter opened by explaining it was being sent to me as a former health minister in light of concerns raised by Baroness Featherstone about public statements describing the release of infected blood files to the National Archives.

25. The letter went on to say:

*"Between 2015 and 2016, the Department released a large number of files in the light of the Penrose Inquiry in Scotland. This process involved officials conducting a search of all files to identify relevant files for transfer to The National Archives.*

*Further to this release of documents and in answer to some Parliamentary Questions (PQs), the statement "All documents up to 1995 are available through The National Archives" has been used on several occasions. This line was normally nuanced to explain that it related to all relevant files and I am sorry that in some instances this did not happen. As you will understand, what is considered to be relevant is a subjective decision.*

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

*I am drawing this to your attention as you were holding office when these statements were made either in PQs or in one instance in a speech. Attached at Annex A, are the PQ responses identified following a trawl of Hansard by DHSC officials; this is just for noting and no action is required. We are not able to correct the official record for previous sessions."*

26. The attached Annex A listed six occasions where I had provided Written Answers to Parliamentary Questions which used the line that all documents up to 1995 were publicly available, or similar. In providing those Written Answers I would have been reliant on the officials who advised me and who drafted the proposed responses. I should also add that I signed off Written Answers in the knowledge that Lord

O'Shaughnessy would also be signing them off and would check them from a policy perspective. As I have already said, contaminated blood was not within my portfolio, and I had no particular, specialised knowledge or experience of the issues.

27. I see from the available documents that Jackie Doyle-Price MP, then Parliamentary Under-Secretary at DHSC, wrote to the House of Commons Library on 28 July 2018 asking for the Permanent Secretary's letter to me to be deposited in the library [WITN6606006]. I was an ordinary citizen at the time I received Sir Chris Wormald's letter. The responsibility, if any, to correct the Parliamentary record and to give notice that an inaccurate line had been used in debates and Written Answers lay with the DHSC. I will leave it to the Inquiry to decide if depositing the letter to me in the House of Commons library was sufficiently transparent.

### **Summary**

28. Mr Evans complains that in the November 2016 debate I made statements – about the release of documents and the introduction of safety measures and heat treatment – that I knew at the time I said them were untrue. I am clear my answers were given in good faith.
29. I was not the Minister responsible for blood related issues and was reliant on the advice given to me by officials and what was said in my briefing documents. I see in fact from looking at the documents that, at least in so far as the words that are now the subject of the complaint are concerned, I did not deviate from my briefing documents at all. This is consistent with this being an area in which I had no special knowledge or experience and the fact I would have been mindful that the audience to whom I was addressing my answers had a detailed understanding of the issues.
30. Finally, I see from Mr Evans' written statement that he makes an apparently separate complaint where he names me as one of "The Ministers" he has found to be "*particularly unhelpful and/or [to] give a masterclass in smoke and mirrors*".

31. Unless this complaint flows from his other allegations, to which I have already responded above, I do not understand the basis on which he says this. As this statement sets out, I acted at all times in good faith and tried to fulfil my limited responsibilities related to this very complex and sensitive issue to the best of my ability.

### **Statement of Truth**

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

**GRO-C**

Signed \_\_\_\_\_

Dated 17.08.21

### **Table of exhibits:**

<b>Date</b>	<b>Description</b>	<b>Exhibit number</b>
24 November 2016	Briefing for backbench debate on infected blood	WITN6606002
22 November 2016	Q and A brief for backbench debate	WITN6606003
Undated	Briefing for adjournment debate	WITN6606004
5 March 2018	Letter from Baroness Featherstone to Chris Wormald	WITN6606005
7 June 2018	Letter from Clara Swinson to Baroness Featherstone	WITN1210025
20 June 2018	Letter from Sir Chris Wormald to Nicola Blackwood	<b>WITN6606007</b>

28 July 2018	Letter from Jackie Price-Doyle to the Deposited Papers Clerk	WITN6606006
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