

FIRST WRITTEN STATEMENT OF ROBERT FINCH

Witness Name: Robert Finch

Statement No.: **[WITN7480001]**

Exhibits: **WITN7480002-**
WITN7480002

Dated: [05/01/2023]

INFECTED BLOOD INQUIRY

FIRST WRITTEN STATEMENT OF ROBERT FINCH

Contents

Contents.....	2
Section 0: Preface	3
Section 1: Introduction	4
Career history.....	4
Other investigations	7
Section 2: Destruction of documents and the Self-Sufficiency Review	8
Documents from my time in the Blood Policy Team	8
Documents from my time in the ministerial private offices	15
Policies for storage and destructions of ministerial papers	19
The ‘ten year rule’	21
Section 3: Public Inquiry	22
Haemophilia Society’s “Campaign of Lilies” campaign.....	22
APPG on Haemophilia meeting, 14 March 2002.....	23
My submission to Hazel Blears, 27 June 2002	25
Section 4: Other Issues	27

I, Robert Stanley Finch, will say as follows: -

Section 0: Preface

- 0.1. My address and date of birth are known to the Inquiry. I currently work for NHS England as a Project Manager.
- 0.2. I am providing this statement in response to a Rule 9 request from the Inquiry, dated 10 November 2022. I wish to make clear at the outset the extent of my involvement in blood policy issues.
- 0.3. From 13 August 2001 to 10 December 2002, I worked as the equivalent to a Higher Executive Officer (HEO, a mid-level administrative role) in the Department of Health's (DH) Blood Policy Team. The team was headed by Charles Lister. My role was to support the team as described in my duties set out below. I was not responsible for formulating policy decisions – this was the role of the senior officials who I worked alongside.
- 0.4. From December 2002 to 13 June 2003, I was the Assistant Private Secretary (APS) to the then Parliamentary Under Secretary of State for Public Health, Hazel Blears MP. I performed the same role for Hazel Blears' successor, Melanie Johnson MP, until around 12 March 2004.
- 0.5. I am willing to help the Inquiry as much as I can and I hope the Inquiry is able to deliver the much sought after answers. I have done my best to answer the Inquiry's questions, however, 20 years or more have passed since I was involved so my recollection now is much less clear than it would have been nearer the time. The Inquiry sent me a number of documents and my legal advisors have shown me further documents they have retrieved from official files. I have relied on these documents in preparing my statement. While I remember some details, I have relied to a great extent on the available documents.

Section 1: Introduction

Career history

- 1.1. The Inquiry asks (Q1) for a summary of my career history. My role in the Civil Service was predominantly administrative. I joined the DH in November 1996 on a temporary contract as a Team Support Administrator in the Nutrition Unit. I secured a permanent contract and in February 1998 was promoted to Policy Officer (an Executive Officer level role) working in the Links Between Diet and Health Team. In 1999, I was promoted further to Policy Manager working in the Infant Feeding Policy Team. This role was at Integrated Payband 3 (IP3), which was the equivalent to an HEO.
- 1.2. While working on public health matters in the Infant Feeding Policy Team, Jill Taylor (who was, in effect, a Senior Executive Officer (SEO) in the Blood Policy Team) made me aware of a vacancy in the Blood Policy Team, so I applied.
- 1.3. I joined the Blood Policy Team on 13 August 2001 as a Policy Manager at IP3 level (in effect, an HEO grade). This was a very busy policy area with a relatively high profile and the day-to-day activities were variable with a wide range of tasks. My role as an HEO included the following:
 - a) Drafted ministerial submissions, parliamentary questions (written and oral), briefing for debates and ministerial correspondence.
 - b) Responded to press queries.
 - c) Helped manage policy and relationship with the National Blood Transfusion Service (NBTS) to ensure bloodstocks were at appropriate levels.
 - d) Attended meetings of the Macfarlane Trust in liaison role as a Departmental observer to provide oversight and any background to current policy.
 - e) Line management responsibilities.

FIRST WRITTEN STATEMENT OF ROBERT FINCH
Introduction

- 1.4. During my period, the Blood Policy Team comprised broadly the following people:
- a) Head of Blood Policy: Charles Lister.
 - b) Senior Executive Officer: Jill Taylor.
 - c) Higher Executive Officer: myself, Robert Finch.
 - d) Executive Officer: Margaret Ghلامي.
 - e) At some point, Olivier Evans and Dr Amal Rushdy joined Charles Lister's team, although I do not recall them being significantly involved in the issues the Inquiry has asked about.
- 1.5. I had line management responsibilities for Margaret Ghلامي (her role was administrative support). I reported upward to Jill Taylor, who in turn reported upward to Charles Lister. I generally worked more closely with Jill Taylor than I did with Charles Lister. I believe that Charles Lister reported to Dr Vicki King. Dr Vicki King would have reported to Dr Mary O'Mahony, who was the Branch Head (PH6). PH6 branch sat within the Public Health Directorate, which was headed overall by Dr Pat Troop (Deputy Chief Medical Officer). The designation "PH6.6" that I have seen in the documents I think referred to Dr Vicki King and members of the Blood Policy Team [DHSC0042461_064].
- 1.6. During my time in the Blood Policy Team (13 August 2001 to 10 December 2002), the Permanent Secretary was Nigel Crisp. The ministerial team was as follows:
- a) Secretary of State: Alan Milburn MP.
 - b) Minister of State (Health): John Hutton MP.
 - c) Minister of State (Social Care): Jacqui Smith MP.
 - d) Parliamentary Under Secretary of State for Public Health: Yvette Cooper MP until 28 May 2002 and Hazel Blears thereafter.

FIRST WRITTEN STATEMENT OF ROBERT FINCH

Introduction

- e) Parliamentary Under Secretary of State for Health: Hazel Blears until 28 May 2002 and David Lammy MP thereafter.
- f) Parliamentary Under Secretary of State in the Lords: Lord (Philip) Hunt.

1.7. After a couple of approaches to see if I would be interested in working in a ministerial office in public health, on 10 December 2002, I left the Blood Policy Team and moved to Hazel Blears' Private Office to take up the role of temporary APS [DHSC0042275_156]. I was replaced in the Blood Policy Team by Zubeda Seedat. My APS role was made permanent in early 2003. I worked alongside the lead Private Secretary, Emily Stott (later Sampson), and two other APSs, John Stewart and Jackie Buchan. I also performed the APS role for Melanie Johnson after she succeeded Hazel Blears on 13 June 2003 (including a period when I acted up as Melanie Johnson's Private Secretary). The Private Office team remained the same after the change of minister, save for the addition of a Diary Secretary, Ushma Patel.

1.8. My role in the Private Office was very different to my blood policy role. The Private Office role involved managing the flow of information to and from the Minister and working with other Private Offices, No10, the Permanent Secretary's office and senior policy colleagues to ensure the Minister's objectives were achieved and Departmental business processed.

1.9. I left Melanie Johnson's Private Office on around 12 March 2004. I went to work in the Parliamentary Unit for six months. From 20 September 2004 until September 2006, I was the APS to three other DH ministers: Dr Stephen Ladyman MP; Liam Byrne MP; and Ivan Lewis MP. They all held the office of Parliamentary Under Secretary of State for Care, so I was not involved with blood issues.

1.10. My subsequent roles were:

FIRST WRITTEN STATEMENT OF ROBERT FINCH

Introduction

- a) September 2006 to May 2008. Private Secretary to the Director of Communications, Department of Health.
- b) May 2008 to March 2009. Secondment to NHS Direct as Executive Business Manager. I also did a brief period in the Cabinet Office as Private Secretary to the Permanent Secretary of Government Communications.
- c) May 2009 to September 2010. Deputy Head of Business Relationships, Public Health National Support Teams, Department of Health.
- d) September 2010 to January 2012. Private Secretary to Managing Director of Provider Development, Department of Health. This was part of the Government's move to create an independent body to run the NHS as separate from Whitehall.
- e) January 2012 to October 2013. Private Secretary to the Director of Communications, Department of Health.

1.11. In early 2011, I was diagnosed with a chronic illness. This led to long periods out of work with illness (nearly all of 2011). I returned to the Department in a phased capacity until October 2013 when I took a voluntary redundancy package and left the Civil Service.

1.12. I do not have any professional qualifications that are relevant to the Inquiry's Terms of Reference.

Other investigations

1.13. I have neither provided evidence to nor 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 (Q2).

Section 2: Destruction of documents and the Self-Sufficiency Review

- 2.1. The Inquiry asks me a series of questions about the destruction of Lord Owen's ministerial papers and about the Department's internal review into the history of the DH's original commitment to self-sufficiency in blood products. In the chronological account that follows I consider first those documents that date from my time in the Blood Policy Team before moving on to consider those documents that date from my time in the ministerial private offices.

Documents from my time in the Blood Policy Team

- 2.2. The earliest document that I have been shown of relevance to these issues is Jill Taylor's minute dated 9 October 2001 and briefing note that was sent to Lord Hunt (copied to me) [DHSC0004054_033]; [WITN4680012]. Lord Owen's comments to the media about his commitment in 1975 to make the UK self-sufficient in blood products had prompted a Parliamentary Question (PQ) from Lord (Alf) Morris. The minute said that officials had been "*establishing the facts about what happened at the time*" but made no mention of destruction of Lord Owen's papers. The briefing note said,

"9. Self sufficiency continued to be the aim of Ministers throughout the 1980s and substantial investment was put into in a new plant for BPL which opened in the mid 1980s. NHS production of clotting factors continued to rise. However, so did demand for the product. Self sufficiency turned out to be a continually moving target which was never achieved."

- 2.3. On 11 February 2002, Yvette Cooper wrote to Paul Goggins MP in response to a letter dated 29 August 2001 that Paul Goggins had sent to Alan Milburn [ARCH0002964_002]. Paul Goggins' letter referred to Lord Owen's funding commitment but did not raise issues about access to Lord Owen's papers [DHSC0014992_161]. Yvette Cooper said that officials were looking into the points raised by Lord Owen and that she would write again "*when the examination of all the relevant documents has been completed*".

FIRST WRITTEN STATEMENT OF ROBERT FINCH
Destruction of documents and the Self-Sufficiency Review

2.4. On 22 March 2002, Jill Taylor put a submission to Yvette Cooper's APS (Sarah Whewell) with advice about a letter dated 22 February 2002 from a campaigner, Carol Grayson of Haemophilia Action UK [DHSC0042461_064]. The submission was copied to the wider Blood Policy Team (me included).

2.5. Carol Grayson's letter had raised the issue of self-sufficiency and Lord Owen's papers [LDOW0000173_001]. Her letter said Lord Owen had been told his files had been "pulped" and asked how any review of the documents could take place in those circumstances. In relation to documents, Jill Taylor's submission said:

"15. We have concerns that Ms Grayson has evidently obtained Government documents from the 1970s/1980s and is basing some of her arguments on information gleaned from these papers. Officials have looked at some files from that period to establish how the money allocated by Lord Owen was spent, and papers on this issue have been passed to the Haemophilia Society. However, given pressures on time and resources, we have not looked in detail at the decisions made during that period, an exercise requiring several weeks of work. We have therefore not responded to ... some of the detailed questions in Ms Grayson's letter which are partly based on those documents. We recognise that this is not a sustainable position and will provide further advice on handling shortly."

2.6. There is a handwritten comment on the submission, which I assume was made by Yvette Cooper. It said,

"Yes, it is unsustainable. Are they going to look into this or not. Seems they have to. And where are the Owen documents."

2.7. Yvette Cooper's comments would have been returned to Jill Taylor, who may or may not have shared them with the rest of the team, but I think it very likely she would. To the best of my recollection, the sift of the documents referred to in Yvette Cooper's letter and in Jill Taylor's submission ("*Officials have looked at some files...*") was carried out by Charles Lister. I do not recall having had any involvement at this stage.

- 2.8. On 17 April 2002, Janet Walden (DH Investigation and Inquiries Unit) minuted Charles Lister to confirm their discussion earlier that week [DHSC0041379_023]. She said that Charles Lister should, *"locate whatever papers are now in existence and ask someone fairly senior and experienced to put together a chronology of events and key background papers."* This minute was not copied to me. I do not know if I was aware of it at the time, but it is likely that I was. I suspect that what happened here was that Janet Walden's unit was involved as of part of the process for taking on a new person to carry out the review of the papers. It is unlikely that the Blood Policy Team would have been able to take a unilateral decision to hire someone to carry out this task.
- 2.9. On 8 May 2002, Charles Lister put a submission to Yvette Cooper, copied to Dr Pat Troop, Dr Mary O'Mahony, Dr Vicki King and the wider Blood Policy Team (me included) [DHSC0041379_025]. The submission noted that Charles Lister and Yvette Cooper were due to meet on 9 May to *"discuss handling the haemophilia & hepatitis C compensation/public inquiry issue"* ahead of a meeting with the Manor House Group on 15 May. The submission said,
- "4. We have completed a preliminary look at the surviving papers from the 1970s. These show that the money Lord Owen announced in Parliament in 1975 was spent as promised. However this, and later drives toward self sufficiency, did not keep pace with the growing demand by patients and clinicians for clotting factors, making imports a necessity. Self sufficiency became a moving target and was never attained."*
- 2.10. Again, I think the *"preliminary look at the surviving papers"* was a task that Charles Lister worked on primarily alone. The submission further said that the Department was seeking to employ an official *"to undertake a detailed review of the surviving papers between, roughly, 1973 and 1985"* and put together a chronology. The process was estimated to take 2-3 months. The submission attached a summary of the current situation at Annex A [DHSC0041305_050]; a chronology of financial support for hepatitis C infected haemophiliacs at Annex B [DHSC0042461_030]; and a briefing on Lord Owen's commitment to self-sufficiency at Annex C [DHSC0042461_031].

- 2.11. On 15 May 2002, Charles Lister, Dr Vicki King and I attended to support Yvette Cooper at a meeting with Carol Grayson, MPs and other campaigners. I do not recall this meeting; I would have been there to support Charles Lister. I have been shown two records of this meeting: one was made by the Manor House Group [HSOC0010634_093] and the other was made by the DH [WITN6658021]. The DH record of the meeting said, *“The Minister also agreed to ask officials to look further at the papers from the 1970s to consider the possible safety problems at BPL during this period and to explore a Report from the Medical Inspectorate at this time, which was scathing about BPLs procedures.”*
- 2.12. On 27 June 2002, I put a submission to Hazel Blears (who had replaced Yvette Cooper), copied to Dr Mary O'Mahony and the wider Blood Policy Team, about a forthcoming meeting on 1 July with Lords Owen and Morris and the Chair of the All Party Parliamentary Group (APPG) on Haemophilia, Michael Connarty MP [DHSC0041305_030].
- 2.13. Paragraph 3 set out the background and said that self sufficiency *“did not keep pace with the growing demand by patients and clinicians, making imports a necessity”*. The Inquiry asks (Q8) what information I had to provide the basis for this statement. When I drafted this submission, I would have used the previous submissions drafted by seniors in the team as a starting point and then tailored the document to reflect the fact there was an upcoming meeting. The point that the Inquiry alights on was not new; it was made previously in Jill Taylor's briefing note of 9 October 2001 and in Charles Lister's submission of 8 May 2002. I was most likely tasked to draft this submission and have it named as written by me as part of the development of skills at HEO level. The draft would have been checked by Jill Taylor and Charles Lister before it was sent. Paragraph 6 set out the lines to take at the meeting. The Inquiry asks whether the lines to take were written on the basis of fresh information or previous lines

FIRST WRITTEN STATEMENT OF ROBERT FINCH
Destruction of documents and the Self-Sufficiency Review

to take. My understanding is that this information was part of previous standard lines to take and was part of the long-held policy line on this subject at the time.

- 2.14. My submission said that Yvette Cooper and officials had agreed (as had been anticipated in Charles Lister's earlier submission of 8 May 2002) that officials would undertake a detailed review of the surviving papers between 1973 and 1985 and put together a chronology. By the date of my submission, the estimated time to completion of this task had been extended to 4-5 months.
- 2.15. My submission attached a series of annexes: a note of Lord Owen's allegations (Annex A); **[DHSC0041305_032]**; a summary of events (Annex B) **[DHSC0041305_033]**; background note on haemophilia and hepatitis C **[DHSC0041305_034]**; and additional lines to take (Annex D) **[DHSC0041305_035]**.
- 2.16. On 1 July 2002, Hazel Blears met with Lord Morris and Michael Connarty. Lord Owen had asked for the meeting to take place without officials, although in the event he was not able to attend himself. I recall that there was a sense of disappointment in the team about this. We were glad Lord Owen planned to attend so certain matters could be clarified with him directly. I have been shown a note of the meeting taken by Hazel Blears' Private Secretary (Mary Agnew). Hazel Blears had repeated the point that Ministers had agreed to recruit someone from within DH to "*undertake a comprehensive trawl of the papers*" **[DHSC0003606_083]**.
- 2.17. On 28 October 2002, Hazel Blears provided a Written Answer to a PQ in which she confirmed she had instigated a comprehensive review (originally agreed to by Yvette Cooper) of papers from Lord Owen's period, which was estimated to be completed early in the new year **[DHSC0041332_038]**. The underlying briefing noted that an official had been employed to undertake the review (the official in question was Peter Burgin).

2.18. In terms of the work done by Peter Burgin, I have been shown an email dated 10 June 2003 from Charles Lister to Zubeda Seedat (copied to Richard Gutowski, who succeeded Charles Lister in May/June 2003) **[DHSC0020720_081]**. I had left the Blood Policy Team by this time and been replaced by Zubeda Seedat. The email said,

"The remit for the work done by Peter Burgin was to review surviving documents from 1973 to 1985 to address a number of issues, chiefly;

- how the Department implemented the policy of UK self sufficiency in blood products begun in 1973 (Lord Owen has said publicly that officials did not carry out his wishes);

- to chart the developing understanding of the seriousness of non A/non B hepatitis (later identified as hepatitis C);

- to examine the extent to which problems at BPL delayed the achievement of self sufficiency;

- whether the achievement of self sufficiency would have led to fewer cases of hepatitis C in haemophilia patients.

It was not set up to address Lord Owen's allegation, dating from the late 80s, that the papers from his period as a Minister had been "pulped".

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.

I suspect that Lord Owen's allegation about pulped papers refers to the papers kept by Private office which are never kept after a change of Government. They are either shredded or handed back to the relevant policy section. However, the fact that we can no longer find any of these documents - so can't say what Ministers did or didn't know about the state of play on self sufficiency - just plays into the hands of the conspiracy theorists."

2.19. To return to the chronology, the Inquiry refers me to a minute dated 5 November 2002 from Jill Taylor to Hazel Blears' Diary Secretary (Tendayi Chitekwe) which attached an agenda for a stocktake meeting with Hazel Blears on blood issues due to take place on 7 November 2002 **[DHSC0042275_154]**. The minute was copied to me, Dr Vicki King and Charles Lister. I was due to attend the meeting

FIRST WRITTEN STATEMENT OF ROBERT FINCH
Destruction of documents and the Self-Sufficiency Review

along with Charles Lister. Items on the agenda included '*Review of Lord Owen's papers*'. I have also been shown Mary Agnew's note of the meeting, which said "*PS(PH) [Hazel Blears] was concerned to learn of the early findings of the trawl of papers from the 1970s and is keen to see a detailed report as soon as possible*" [WITN4505281].

2.20. The Inquiry asks (Q3) what the agenda meant by a "*review of Lord Owen's papers*". As the briefing note for the meeting recorded, by this time an official (Peter Burgin) had been employed to undertake a detailed review of the surviving papers [WITN4505281]. I assume this must have been what was meant by the "*review*".

2.21. The Inquiry also asks about my understanding of the circumstances surrounding the destruction of Lord Owen's papers and what papers I understood to have been destroyed. I referred above to documents which recorded Lord Owen's accusation – namely, that in April 2002 he told Radio 4 that when he asked for his papers from his time as a Minister of Health in the 1970s, he was told they had been (in his words) "*pulped*". For example, Annex A to my submission of 27 June 2002 said, "*Whilst it is true that the papers kept by Lord Owen's Private Office will have been destroyed at the change of Government in 1979, many of the papers kept by officials from that period survive.*" [DHSC0041305_032]. This was my understanding at the time I was in the Blood Policy Team of what happened – namely that his ministerial papers held in his private office were destroyed after a change in government.

2.22. The Inquiry further asks (Q7) about my involvement with the self sufficiency review, which, as I have said, was carried out by Peter Burgin. I do not recall working directly with Peter Burgin. His involvement with our team was limited to his specific task on the self-sufficiency review, which he carried out in a separate office. I may have provided some administrative support, but I cannot now recall. I do not recall any specific discussions with Charles Lister about the review. My recollection is that Charles Lister, or possibly Jill Taylor, would have

FIRST WRITTEN STATEMENT OF ROBERT FINCH
Destruction of documents and the Self-Sufficiency Review

liaised with Peter Burgin about his work. The Inquiry asks why this review did not seek to address Lord Owen's concerns surrounding the destruction of his ministerial papers. My recollection is that, at the time, we saw Lord Owen's papers as somewhat distinct from the issues around the historic commitment to self sufficiency. We understood the issues with Lord Owen's papers related to something that had happened in his Private Office. The Inquiry points out that the self sufficiency review was not published until 2006. I was in an unrelated role from the middle of March 2004 onwards (and, as I have said, had limited involvement in the review in the earlier period in any event) and so cannot comment on the reasons for the delay. For the same reasons, I cannot answer the Inquiry's question about what part the review played in the Government's decision not to hold a public inquiry.

Documents from my time in the ministerial private offices

- 2.23. As I have explained, I left the Blood Policy Team on 10 December 2002 to work in Hazel Blears' Private Office.
- 2.24. On 21 January 2003, Hazel Blears wrote to Sylvia Heal MP with an update on the issues that had been discussed during Yvette Cooper's meeting with MPs and campaigners on 15 May 2002 [DHSC0004029_231]. She said an official had been appointed to undertake the review and would ensure that Sylvia Heal (who had attended the meeting) and Lord Morris and Michael Connarty were made aware of the outcome. I have no recollection of any involvement with the drafting of this letter.
- 2.25. I have been shown a note dated 23 May (I assume, from its context, 2003) from Zubeda Seedat to Amanda Craxton in the Ministerial Correspondence Unit (MCU) [WITN6658024]. Zubeda Seedat told the MCU that Hazel Blears had commented "*what about the trawl of correspondence that has been going on for the last 6 months*". I assume that Hazel Blears' comment referred to Peter Burgin's review. Zubeda Seedat also told the MCU that the review of surviving

FIRST WRITTEN STATEMENT OF ROBERT FINCH
Destruction of documents and the Self-Sufficiency Review

papers between 1973 and 1985 had been completed (i.e., Peter Burgin's work), but officials were yet to consider it

- 2.26. The Inquiry refers me to an email dated 17 October 2003 between officials (Richard Gutowski, Jill Taylor, Zubeda Seedat and others) regarding a response to Lord Morris **[SCGV0000262_116]**. I was no longer in the Blood Policy Team at this time, so was not involved (and was not copied in).
- 2.27. The first I have seen in the papers of any personal involvement in these issues after I moved to the ministerial private offices was my email dated 9 July 2003 to Dr Vicki King and Richard Gutowski **[WITN5292003]**. By this time, I was working for Melanie Johnson (who had succeeded Hazel Blears in June 2003). My email thanked them both for coming to brief Melanie Johnson the previous day (8 July 2003) on outstanding issues relating to blood. My note of the discussions included under the heading "*Lord Owen*" the comment "*Not a priority*". I cannot now recall what I meant. I suspect it was a reference to the issue of Lord Owen's missing papers. I wish to point out that this would not have been me deciding whether it was a priority. Rather, my note would have been intended either to reflect the Minister's view or to reflect the advice that officials had given to the Minister.
- 2.28. Jill Taylor emailed me on 5 November 2003 (copied to Richard Gutowski and Zubeda Seedat) about a letter from Lord Owen regarding the internal self-sufficiency investigation (I note from the papers that Lord Owen had written to the then Secretary of State, John Reid, on 7 October 2003) **[DHSC0004555_235]**. Jill Taylor said a response to letters about the self-sufficiency review had been agreed with Melanie Johnson during her meeting with Dr Vicki King and Richard Gutowski on 8 July 2003. The draft response to Lord Owen had apparently gone to John Hutton for signature (I think it is fair to assume in Melanie Johnson's absence) but he had refused to sign it and asked for a full explanation of Lord Owen's accusation about destruction of papers (the Inquiry refers me to a draft letter from John Hutton to Lord Owen at

FIRST WRITTEN STATEMENT OF ROBERT FINCH
Destruction of documents and the Self-Sufficiency Review

[DHSC0003606_078]. Jill Taylor commented in her email that the “Burgin” report had not yet been published and asked me for a steer on whether to provide John Hutton with the background information requested, or whether Melanie Johnson would want to take any action on the Burgin report.

- 2.29. Zubeda Seedat chased me for a response on 2 December 2003 **[DHSC0004555_235]**. I replied to Jill Taylor’s email on 10 December 2003 **[WITN7480002]**. I said,

“Many apologies for the extremely long delay in getting back to you about this - I think we need to have a short note to PS(PH) suggesting a way forward. As it is Lord Owen who has written in I don't think we can really say that this is still an ongoing investigation. Am I correct in remembering that we didn't find the papers and were therefore at a loss about how to take forward without it looking quite bad?”

- 2.30. I have no memory of this exchange with Jill Taylor. It appears to me now that by this time some of the impetus around the self sufficiency review had been lost. I am not aware that a draft had been put to either Hazel Blears or Melanie Johnson for them to consider.

- 2.31. The Inquiry asks (Q4) about a minute dated 15 December 2003 from Richard Gutowski to John Hutton’s Private Secretary (Tony Sampson) (copied to me in my capacity as Melanie Johnson’s Private Secretary), which responded to John Hutton’s request for an explanation of Lord Owen’s accusation **[LDOW0000350]**, duplicated at **[DHSC0003606_077]**. The Inquiry also refers me to a copy with extensive handwritten amendments **[LDOW0000138]**. The minute said,

“6. A report was submitted to officials in the blood policy team earlier this year, however there are a number of outstanding issues which need to be resolved before the report can be finalised and submitted to Ministers.

7. PS(PH) is aware of the background to this review. Earlier this year, officials agreed to conclude the review as soon as practicable. Unfortunately we have been unable to make any progress during the year.”

FIRST WRITTEN STATEMENT OF ROBERT FINCH
Destruction of documents and the Self-Sufficiency Review

2.32. The Inquiry asks about the outcome of the enquiries. I assume here the Inquiry refers to Richard Gutowski's comment about "*a number of outstanding issues*". I have no personal knowledge of what these were. Working in the Private Office, I would have not been involved in the process of finalising the review. I note that Charles Lister's email of 10 June 2003 had set out a series of next steps, which may have been what Richard Gutowski had in mind [DHSC0020720_081].

2.33. After some back and forth between the blood team and John Hutton's office, on 8 March 2004, I emailed Zubeda Seedat and said that Lord Owen's office had been chasing a response and that I had agreed with John Hutton's office that Melanie Johnson should reply to Lord Owen [WITN5292061] [DHSC0003606_065]. As can be seen, my role in all this was to liaise between officials and the different private offices. The email chain referred to a further meeting between Melanie Johnson and Richard Gutowski due to take place the same day to discuss, amongst other things, the internal self-sufficiency review.

2.34. I left working in Melanie Johnson's Private Office on around 12 March 2004. I see from the papers that Melanie Johnson signed the reply to Lord Owen's letter on 17 March 2004 [HSOC0010692]. The letter said,

"I am aware that an informal review of internal papers was commissioned by Yvette Cooper in 2002. I have been advised that the 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 is based on papers available from the time. The review does not address why papers from your Private Office at the time may have been destroyed.

A draft report has been prepared, however there are a number of outstanding issues that need to be addressed before the report can be finalised. I am aware that it has been some time since the review was first commissioned. I have asked officials to commission further work so that we can complete the report as quickly as possible. We will of course, let you know when the report has been completed."

2.35. I went to work in the Parliamentary Unit for six months. It is possible that I had some passing involvement in handling correspondence related to blood issues

FIRST WRITTEN STATEMENT OF ROBERT FINCH
Destruction of documents and the Self-Sufficiency Review

during this time. From September 2004 onwards, I was working in areas where I would have not likely had any meaningful involvement in matters relevant to the Inquiry's terms of reference. The Inquiry refers me to certain documents that post-date my time in the ministerial private office. I set these out below but, given they post-date my involvement, I do not have any comment to make:

- a) Email from David Reay to Scottish Executive officials dated 8 June 2004 with lines to take which repeated the final paragraph of Melanie Johnson's letter to Lord Owen of 17 March 2004 and said that "*it is prescient to wait for the completion of an informal review of internal papers*" before responding to requests for disclosure of internal documents [SCGV0000046_088].
- b) Email dated 18 January 2006 from Caroline Flint's APS (Jacky Buchan) to Zubeda Seedat about meeting request from the Manor House Group [DHSC0200104].
- c) Briefing document in response to a PQ from Lord Jenkin of Roding about the self-sufficiency report published on 27 February 2006 [DHSC0041198_088].
- d) Briefing document in response to Lords Starred Question from Lord Jenkin dated 22 May 2006 regarding files of papers about contaminated blood products that had recently come to light [DHSC0015839].

Policies for storage and destructions of ministerial papers

- 2.36. The Inquiry asks (Q6) about my understanding of policies for dealing with the storage or destruction of ministerial papers during my tenure and refers me to a DH publication titled "For the record: a guide for Records Managers and Reviewing Officers" [WITN3996002]. The version provided to me was printed in July 1994 and carried a handwritten note that said it included all amendments up to 8 March 1996. I recall that while working in the Blood Policy Team that I had a copy of "For the record" on my desk (although I do not now know which version). I was, in general terms, familiar with the points made in the guidance and referred to it from time to time. I also recall that papers were stored in pink folders with relevant dates noted on the front of the file.

- 2.37. The Inquiry further asks about any training or government-wide instructions that I received regarding the storage and destruction of departmental papers. I do not now recall any such training or instruction, except for the publication, "For the record" [WITN3996002].
- 2.38. The Inquiry also asks whether I understood that it was necessary to destroy private office papers to maintain the apolitical nature of the Civil Service. I recall that if another political party came into government, then the rule was that the new ministers should not see any documents from their predecessors.
- 2.39. In so far as the policy teams were concerned, generally, all key documents would be retained, including all minutes of meetings and submissions that went to ministers and their responses. The policy team might have started a new set of pink files to mark the change from one party of government to another, but I do not think there would have been a need to destroy papers. Due to their geographical location, any new ministers would not have encountered papers that were physically located with the policy teams.
- 2.40. In so far as the Private Offices were concerned, my understanding was that some papers might need to be taken out of office or destroyed as they would be confidential.
- 2.41. I should add that during my Civil Service career the party of government changed twice (in 1997 and in 2010). I was not working in areas related to blood policy on either of these occasions. In my time in the Department, I was not involved in any document destruction exercises so far as I can recall.

The 'ten year rule'

- 2.42. The Inquiry asks (Q5) whether the Department has ever operated a 'ten year rule' or routinely destroyed documents after 10 years. I understand that Lord Owen may have been told his ministerial papers were destroyed under such a rule. I never heard of a ten year rule while working in the DH; I do not know what this might mean.

Section 3: Public Inquiry

- 3.1. The Inquiry asks me a series of questions about the calls for a public inquiry.

Haemophilia Society's "Campaign of Lilies" campaign

- 3.2. The Inquiry refers me to a letter dated 23 November 1999 from the Chairman of the Haemophilia Society, Chris Hodgson, to the then Prime Minister, Tony Blair MP [HSOC0014517]. The letter said that a delegation (which included Lord Morris) had presented 113 white lilies to 10 Downing Street in memory of haemophiliacs who died of liver disease caused by hepatitis C contracted through contaminated blood products. The campaign sought financial support for those affected and a public inquiry.
- 3.3. The Inquiry also refers me to a letter from a campaigner to Alan Milburn that was received in the Department on 17 July 2001 (and which was forwarded to Charles Lister for officials to reply) [DHSC0020811_238]. The letter asked Alan Milburn to support the Carpet of Lilies Campaign and set out the three strands of the Haemophilia Society's campaign (recombinant treatment; financial recompense for those infected with hepatitis C; and a public inquiry).
- 3.4. The Inquiry asks (Q10) about my recollection of the Haemophilia Society's "Carpet of Lilies" campaign and the impact it made on the Department and any response by the Department to the campaign.
- 3.5. The delegation who delivered the lilies to No 10 and the letters to Tony Blair and Alan Milburn of course pre-dated my time in the Blood Policy Team. I nevertheless do recall seeing correspondence that came into the Department during my time in the policy team which referenced the earlier letter to Tony Blair and the Carpet of Lilies Campaign. My recollection was that the campaign was something that ran for several years and was not limited to the events referred to in the letter to Tony Blair.

- 3.6. As to the impact the campaign made on the Department and any response by the Department to the campaign, I recall that the Carpet of Lilies campaign raised the profile of the issue, but I do not have any recollection of this causing any significant change in policy direction. At this time, I am not able to add to what Jill Taylor said in her briefing document for Lord Hunt of 9 October 2001 (referred to at paragraph 2.2 above), which set out (at page 15 onwards) the Government's response to the Carpet of Lilies Campaign,

"The Government is well aware of all the invaluable work the Haemophilia Society does on behalf of the haemophilia community. I am also well of the Society's "Carpet of Lilies" Campaign which centres on three issues...

I have already answered the question regarding a public inquiry. We deeply regret that so many people with haemophilia were infected with hepatitis C through blood products. But the fact is that as soon as a technology became available to make blood products free from hepatitis C the NHS introduced it. There is therefore no legal liability to justify compensation for people with haemophilia and hepatitis C."

APPG on Haemophilia meeting, 14 March 2002

- 3.7. In Yvette Cooper's letter of 11 February 2002 to Paul Goggins (referred to at paragraph 2.3 above), she said,

"You have asked about a public inquiry into issues surrounding haemophiliacs infected with hepatitis C through NHS blood products. The facts have been set out clearly on many occasions through debates in both Houses, at meetings with Department of Health Ministers and in correspondence. Whilst the Government has great sympathy for those infected with hepatitis C and has considered the call for a public inquiry very carefully, all the information is in the public domain and we do not think it is the way forward."

- 3.8. The Inquiry refers me to a minute dated 11 March 2002 from Charles Lister to Yvette Cooper (copied to me) [DHSC0041379_081]. Yvette Cooper was due to attend the first Ministerial meeting with the newly APPG on Haemophilia (which was chaired by Michael Connarty) scheduled for 14 March 2002. Charles Lister advised that recombinant treatment was likely to be the focus of the meeting. The other issues that might be raised included the call for a public inquiry. The attached briefing document referred to the Carpet of Lilies

Campaign and noted that it had been the subject of an Early Day Motion **[WITN4505275]**.

- 3.9. The Inquiry asks (Q11) whether I have any recollections of the nature of the discussions at the time of the APPG meeting and what my view was about the lack of a public inquiry at that stage. I cannot now remember whether or not I attended the APPG meeting and I cannot, more than 20 years later, remember the nature of discussions at that time. In general terms, I have a recollection that the process for putting in place the document review (later carried out by Peter Burgin) was ongoing and that to some degree there was a sense that the Department wanted to see the outcome of that. In my period in the Blood Policy Team (and in the Private Offices of Hazel Blears and Melanie Johnson), my recollection is that ministers kept an open mind about the possibility of an inquiry but there was not perceived to be any new development that warranted a change in the established line.
- 3.10. As to my own views about the lack of a public inquiry, it should be remembered that I was a relatively junior member of the policy team. While I attended meetings and drafted submissions on behalf of Charles Lister and Jill Taylor, I was led by them. It would not have been my place to propose a different direction of travel on policy matters.
- 3.11. On 10 June 2002, Jill Taylor put a submission to Hazel Blears (copied to me) **[DHSC5307583]**. The Haemophilia Society's Hepatitis C Working Party had produced a report with costed proposals for financial assistance. This had been sent to the Department on 31 May 2002 and the DH's Economic Operational Research branch had been asked to provide a view. The submission said that when Yvette Cooper met the APPG on 14 March 2002 she had agreed that the Haemophilia Society could present their proposals for compensation. A meeting had therefore been arranged for 12 June between Hazel Blears and the Haemophilia Society (who would be accompanied by Michael Connarty). The minute said that me, Dr Vicki King and Charles Lister would be available

FIRST WRITTEN STATEMENT OF ROBERT FINCH
Public Inquiry

to attend the briefing meeting. The attached briefing document noted that calls for an inquiry were part of the Carpet of Lilies Campaign but otherwise was concerned with compensation issues.

My submission to Hazel Blears, 27 June 2002

- 3.12. I referred at paragraph 2.12 above to my submission to Hazel Blears dated 27 June 2002 [DHSC0041305_030]. The submission set out the DH's line to take on a public inquiry, namely that, *"there has been no evidence presented to me so far that would justify a public inquiry"*. The additional lines to take at Annex D further said,

"Will you review your decision not to hold a public inquiry?"

We have examined the Department of Health's files for that period. These indicate that the resources promised by the Lord Owen when he was Minister of Health were allocated to the then Regional Transfusion Centres to increase production of plasma for the Bio Products laboratory

The money was linked, to a target of 275,000 blood donations to be used annually for the preparation of Anti-Haemophilic Globulin concentrate and 100,000 donations for cryoprecipitate. This target was achieved within the 2 year timescale envisaged by the Noble Lord and, as a direct result, the Bio Products Laboratory increased its production of concentrate from 5 million international units in 1976 to 11 million international units in 1977. However, given the rapid growth in demand for these products at the time, this was not enough to achieve self sufficiency.

Although self sufficiency continued to be the aim of Ministers for a number of years, and NHS production of concentrate continued to increase, the rising demand for clotting factors meant that commercial products continued to be imported.

None of this evidence, which officials have now made available to the Haemophilia Society, suggests that Parliament was misled or that a public inquiry is warranted."

- 3.13. The Inquiry asks (Q9) what involvement I had in preparing this line to take and what investigations or enquiries I undertook before preparing the line to take. As I explained in Section 2, I would have used previous submissions as a template for my draft and my submission would have been checked by Jill Taylor and Charles Lister before it was sent to Hazel Blears. The lines to take on the issue of a public inquiry were long established. For example, I referred

FIRST WRITTEN STATEMENT OF ROBERT FINCH
Public Inquiry

at paragraph 2.2 above to Jill Taylor's briefing document for Lord Hunt of 9 October 2001, which set out (at page 10 onwards) the line on why no public inquiry in almost identical terms to my submission of 27 June 2002 [DHSC0004054_033]; [WITN4680012].

Section 4: Other Issues

4.1. I have no further comment to provide (Q12).

Statement of Truth

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

Signed...

GRO-C

Dated.....11 January 2023.....