

FIRST WRITTEN STATEMENT OF MELANIE JOHNSON.

Witness Name: Melanie Johnson

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INFECTED BLOOD INQUIRY

FIRST WRITTEN STATEMENT OF MELANIE JOHNSON.

I, Melanie Johnson, will say as follows: -

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Introductory Remarks

- 1.1. My name is Melanie Johnson. My date of birth and address are known to the Inquiry.
- 1.2. I was Parliamentary Under-Secretary of State for Public Health between 13 June 2003 and 10 May 2005. I provide this statement in response to a Rule 9 request dated 2 November 2022. The Rule 9 request I received from the Inquiry asks me about my time as Minister of State for Public Health, but this was not my job title. I was Parliamentary Under-Secretary of State for Public Health, which I will refer to in this statement as PS(PH).
- 1.3. I have followed the section headings in the Inquiry's request, and I have grouped my answers according to subject.

The Process of Making this Statement

- 1.4. I need to point out that I have little independent memory now of the events relevant to the Inquiry, which occurred nearly 20 years ago and which formed one part of a very extensive set of responsibilities I held within the Department of Health ('DH'). I have relied on the documents provided by the Inquiry and Department of Health and Social Care to reconstruct the events and matters discussed in my witness statement in order to respond as accurately and thoroughly as possible to the questions asked of me.
- 1.5. Not all the documents that I would have liked to see have been available to me. In particular, I would like to point out that I would have found it useful to review my Ministerial diary for the time that I was PS(PH) in order to help me sequence the key issues and pressures that I was dealing with at this time and provide a full context. Unfortunately, I have not been provided with a copy of my diary to prepare this statement, which I feel would have aided my memory in providing my responses to the Inquiry. I have been told that my diary is no longer available.

The Issues for those people Infected

- 1.6. During the period I was PS(PH) (between 2003 and 2005), I had deep sympathy for all those people infected and affected by infected blood products,

and I continue to feel a great deal of sympathy for them as a consequence of this tragedy.

- 1.7. Over the course of my time as PS(PH) I met with various groups who were representing the interests of those people infected and their families. As I recall it, these meetings were very much against the (informal and verbal) advice of officials at the time.
- 1.8. Over that period, the Department, under the leadership of John Reid as Secretary of State, took action that we all then thought was appropriate to address issues covered by the Inquiry. We launched the Skipton Fund which provided up to £45,000 by way of *ex-gratia* payments for those people who had been infected with Hepatitis C.
- 1.9. With the benefit of hindsight, I now wish that we had done more to address the full range of issues being covered today by the Inquiry. At the time, however, I accepted the position held by the Department and by the Ministerial team of the day. Many past Ministers and officials had considered the same issues, and it seemed that many final decisions had already been made.

Section 2: Background Information and Employment History

- 2.1. I have been asked about my professional qualifications and the roles I have held throughout my career relevant to the duties I discharged as Parliamentary Under-Secretary of State for Public Health. I do not have any professional qualifications which were directly relevant to this role.
- 2.2. I have been asked to outline my employment history including the various roles and responsibilities that I have held throughout my career, as well as the relevant dates.
- 2.3. Before entering Parliament, after postgraduate research and management jobs in a number of roles, I became a lay Ofsted Schools Inspector for a period of 5 years. I was a Councillor on Cambridgeshire County Council from 1981 to 1997 holding senior political roles. I was elected Member of Parliament for Welwyn Hatfield on 1 May 1997, a seat which I held until the General Election of 5 May 2005.
- 2.4. I set out below my history in various offices, while I was a Member of Parliament:

1997 - 1998	Member of the Select Committee for Public Administration
1998 - 1999	Member of the Select Committee for Home Affairs
Early 1999 – June 1999	Parliamentary Private Secretary to Financial Secretary to the Treasury
July 1999 – 8 June 2001	Economic Secretary to the Treasury
8 June 2001 – 13 June 2003	Parliamentary Under-Secretary of State for Competition and Consumer Affairs

13 June 2003 – 10 May 2005	Parliamentary Under-Secretary of State for Public Health
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Q3: Roles and Responsibilities as Parliamentary Under-Secretary of State for Public Health

3.1. As PS(PH), I was responsible for blood and blood products, and additionally for in the region of 30 different policy areas. I have not been provided with a full list of these areas for the purpose of this statement, but the DH's archived Website from the time shows that they included:

- cancer,
- coronary heart disease,
- tobacco policy,
- Smoking in public places,
- communicable diseases,
- immunisation,
- health inequalities,
- drug & alcohol misuse,
- fertility and abortion issues,
- diet and exercise,
- the future anonymity of sperm and egg donors,
- drug treatment,
- Water fluoridation,
- sexual health issues, and
- food safety and FSA.

3.2. My role as PS(PH) was a very busy one with many issues being not only important, but urgent as well. Given the high number of areas of responsibility

I held, this also meant there were many groups representing various interests in the community who wanted to meet with me.

- 3.3. As I have outlined, one important area that fell under my Ministerial responsibility was blood and blood products, however this was only a small part of my ministerial responsibility. In the period that I held the Public Health brief, there were a number of key policy matters relating to blood for which I was responsible. These included the implementation of the decision to establish the Skipton Fund that had been made by Lord Reid, as well as responding to vCJD contamination concerns.
- 3.4. Given the immediacy of the threat posed by CJD/vCJD and the risk assessment as to its potential impact, I spent a significant period of time responding to that issue and ensuring that the Department acted quickly and effectively in that crisis. When further matters relating to CJD/vCJD cropped up unexpectedly, I was very concerned to get what information we had into the public domain as soon as possible but without creating undue alarm.

Q4: Committee Memberships

- 4.1. I have not been involved in or had membership of any committees, associations, parties, societies or groups which are relevant to the Inquiry's Terms of Reference.

Q5: Evidence to Other Inquiries

- 5.1. I have not provided evidence to any other inquiries, investigations or criminal or civil litigation relating to HIV, HBV, HCV or vCJD.

Section 2: Destruction of Papers

Q6: Policies on Document Destruction

- 6.1. The Inquiry has asked whether I was aware of any policies in place for dealing with the storage or destruction of Ministerial papers and, if so, how I became aware of such policies. In this regard, I have been referred by the Inquiry to a document entitled, *"For the record – A guide for Record Managers and Reviewing Officers"* dated July 1994 (including amendments up to 8 March 1999) [WITN3996002].
- 6.2. To the best of my knowledge and belief, I was never briefed on government or departmental policy in relation to the retention and storage of documents in any of the three departments in which I served as a Minister. I had no responsibilities in this area, and the area had no relevance to the decisions I needed to take as PS(PH) unless a specific issue of lost papers cropped up in relation to a specific area. Storage and destruction would otherwise be a matter for the civil service and not for government Ministers.
- 6.3. I have been further referred by the Inquiry to what it describes as: *"an understanding held by members of the Department at the time that the destruction of private office papers was necessary on the basis of maintaining the apolitical nature of the Civil Service"*. The Inquiry has asked whether I shared this understanding. The Inquiry has also provided me with a document pack dated 19 April 2006 relating to a Parliamentary Question from Lord Jenkin regarding the Department's report on the self-sufficiency in blood products in England and Wales [DHSC0041198_088]. This document was created after my time as PS(PH) and is not therefore something that I would have seen.
- 6.4. In relation to the apolitical nature of the civil service, I have considered the First Written Statement of Richard Gutowski [WITN5292001] and the Third Witness Statement of Charles Lister, who both discuss this issue [WITN4505389]. I broadly agree with the opinions of both Mr Gutowski and Mr Lister. Looking back, I cannot recall seeing papers previously supplied to predecessors in any government department, even where my predecessor

was also a Labour Minister. But my assumption would have been that documents from any previous administration would generally be retained and stored by the Department rather than destroyed.

Q7, Q8: Reviews of Documentation Held by the Department

- 7.1. I have been asked a series of questions by the Inquiry about (i) efforts to trace Lord Owen's Ministerial papers, or to discover why they were not available; and (ii) a review of the documents held by the Department on the issue of achieving 'self-sufficiency' in the supply of blood products, sometimes called the "Burgin Review" as (I am reminded now) a civil servant called Mr Burgin had been asked to undertake it. Because these two areas overlap, I have tried to reconstruct, as far as is now possible from the documents made available to me, what I may have known about these topics at the time I was PS(PH). I should stress, again, that I am heavily reliant on the documents now supplied to me, many of which I would not have seen at the time.

Chronology of Relevant Papers

8 July 2003

- 7.2. It appears from the records that on 8 July 2003, i.e., fairly shortly after taking office, I had a briefing meeting with officials (Ms King and Mr Gutowski), labelled "Blood Introductory Meeting". I have not been provided with any papers prepared in advance of the meeting, and from the note which followed it, it seems that there may not have been any.
- 7.3. It is hard to reconstruct the meeting from the papers, but the follow-up email, dated 9 July 2003 [WITN5292003], does give a useful overview of all the key issues that were being handled under the 'blood' brief, and not just those which the Inquiry has asked directly about. They included: (i) the work on the new Hepatitis C "compensation" fund, i.e., the fund that became the Skipton Fund; (ii) Hepatitis C screening: I note that I wanted to see "very full consideration" given to the "counselling issues on this issue" and asked

whether this could be considered as part of the public information campaign on Hepatitis; (iii) the introduction of Recombinant Factor VIII products; (iv) "Lord Owen" – there is merely a short note saying "Not a priority" under this head; and (v) a review of BPL that was plainly in progress.

7.4. I see that I asked for a *"more comprehensive background briefing on blood generally"*. This wording suggests that I had not received a general briefing at this point in relation to blood, as it generally took a few months to cover all of the areas of a new Ministerial brief of such a wide scope, and certainly that I felt I had not received sufficient briefing.

7.5. The entry headed "Lord Owen" does not give further details of what was discussed but presumably it related to the issue of the destruction of papers. Whilst this was recorded as not being a key priority at the time, this will have reflected the fact that at this point we were heavily engaged with, in particular, the issues relating to Lord Reid's decision to introduce a fund for those people who had been infected with Hepatitis C from NHS infected products or treatment.

7.6. However, it is also likely that the wider issue of the review that had been commissioned by Ms Yvette Cooper in 2002, to look into the issue of the handling of self-sufficiency, was touched upon. I say this because:

- a) On 28 August 2003, I replied to a letter dated 7 May 2003 from Mr Peter Mossman, Vice Chairperson of the Manor House Group [DHSC0004074_113]. The letter had been written to Ms Blears, my predecessor, and I apologised for the delay in replying.
- b) A later email dated 2 December 2003 from an official states: *"We received a PO letter from Lord Owen on the internal investigation on self-sufficiency (the Burgin paper). A response (attached in the email below) to letters on this subject had been agreed with PS(PH) during a meeting she had with Richard in July...."* See further 7.13 below.

7.7. Returning to the reply I wrote to Mr Mossman in August 2003, my letter addressed the internal review **PMOS0000153**. I wrote:

"The informal review is being undertaken by the Department 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 and is not addressing allegations that files from that period went missing.

I am aware that the review was commissioned by Yvette Cooper last year. I have asked my officials to conclude the review as soon as practicable."

- 7.8. I pause the chronology to say here that, as with all correspondence for Ministerial signature, drafts were produced from a central ministerial correspondence unit (MCU) in the Department, which would seek input from lead policy officials in the Department as necessary. Generally, no briefing would accompany drafts for signature. They would be placed in my Ministerial box by my Private Office staff. I would read through the draft, seek amendments where I thought they were required, or ask for further information or briefing if I felt this was necessary. I would sign letters only when I was content with the draft. In this case, I was clearly content with the text of the letter, which notes my desire to see the review concluded as soon as possible.

December 2003: Exchanges Regarding Lord Owen's Enquiries

- 7.9. It appears from the papers shown to me that Lord Owen had written to the Secretary of State for Health on 7 October 2003, asking for details of what the internal investigation in relation to the commitment to self-sufficiency revealed, if anything, in relation to Lord Owen's ministerial papers [WITN7496002].
- 7.10. Documents recording exchanges between Private Offices and officials as a result are summarised below. I should stress that these exchanges would not have been known to me at the time, but are part of the work that a Private Office will undertake to make sure that when papers come forward to Ministers they have been well prepared for Ministerial consideration and decision.
- 7.11. When I say that I will not have seen them, I should explain that I did not at this time have or use email. Written communications to me were largely provided to me in nightly Ministerial boxes, and it is unlikely that any of the exchanges listed below will have been placed in my Ministerial box.

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7.12. Now, however, they provide a useful insight into the timing of the Department's response to Lord Owen, which appears to have been as follows:

7.13. On 2 December 2003, emails were exchanged between, among\$ others, Jill Taylor, Zubeda Seedat and Robert Finch (my Private Secretary) [DHSC0004555_235]. Ms Taylor wrote:

"We received a PO letter from Lord Owen on the internal investigation on self sufficiency (the Burgin paper). A response (attached in the email below) to letters on this subject had been agreed with PS(PH) during a meeting she had with Richard in July. Your note of the meeting in your email of 9 July on Blood Issues states "Lord Owen – Not a priority".

We were expecting PS(PH) to sign off the Owen letter (she has done one to another MP very recently) however it went to John Hutton for signature and he has rejected our response and has asked for a full explanation of Lord Owen's accusations. We could go back to him and explain that Lord Owen's alleges that his papers, when he was Health Minister, were "pulped" and provide him with a copy of the meeting note between Connarty, Morris (Owen failed to attend) and Hazel Blears in 2002 (attached) where the matter was discussed, however all of this highlights the issue that the "Burgin" report has not been published and he may well raise this with PS(PH)."

7.14. On 10 December 2003, Robert Finch responded to Jill Taylor and Zubeda Seedat via email [WITN5292005]. He wrote:

"...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?

I know how busy you are but it would be really helpful to have something for PS(PH)s last box which is next Tuesday the 16th."

7.15. On 15 December 2003, Richard Gutowski minuted Tony Sampsa, the Private Secretary to John Hutton [LDOW0000138]. My Private Secretary (Robert Finch) was copied to the minute. The copy that I have been supplied with is a little difficult to understand, as it contains handwritten comments that read as if they had been added by Lord Owen himself (if so, presumably at a much later date).

- 7.16. However, focussing on the underlying text of the minute, it starts by noting that *“MS(H) has asked for a full background note on the review of the internal papers between 1973 and 1985 and comments by Lord Owen about the destruction of papers from his Private Office at the time.”* It thus appears to be a response to John Hutton’s request for further information and outlines the history of the two matters. It concludes, in the last paragraph, by saying that *“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.”*
- 7.17. I do not recall seeing this submission. The submission was not addressed to me and does not seem to seek action from me. In these circumstances it is very unlikely that my Private Office would have included this submission in a Ministerial box for my attention.
- 7.18. I do not know what happened between December 2003 and March 2004, when, as far as I can see, this matter was next brought to my attention (see below). There are references to the letter going back and forth and to it being ‘lost in the system’ for a month (see 7.23 and 8.2) but these are not matters that will have involved me or on which I can shed any further light.

March 2004

- 7.19. The Inquiry has referred me to an email chain dated 1 March 2004 between, amongst others, Richard Gutowski and Gerard Hetherington [DHSC6259005]. In his email, Richard Gutowski makes reference to the review of papers that had been commissioned. Mr Gutowski wrote:

“We commissioned a review of the papers which show that Lord Owen’s papers are missing – we believe they were shredded by Solicitors during the HIV Litigation. We agreed that we would meet with Melanie Johnson to discuss how best to make the findings of the Review public – she was fairly robust about coming clean last time I spoke to her. I would like to bring someone in to finish off the Report in the sense of producing a chronology, cross referencing the documents referred to and clearing it with those consulted during its production. In addition we need to produce an Executive Summary which could be published.”

- 7.20. It appears that, as result, a further meeting was organised with me. Thus on 8 March 2004 emails were exchanged between, amongst others, Robert Finch and Zubeda Seedat **[WITN5292010]**. Ms Seedat wrote:

"[To Clarissa Hudson] I am sorry that John Hutton is still not content with the revised letter or background note.

Can [Clarissa Hudson] please note that Richard Gutowski will be meeting with PS(PH) next Monday to discuss a number of issues, including the review of internal papers which is what the PO is about. Once he has discussed this with PS(PH) we will provide you with a redraft.

...

[To Robert Finch] Can you please let me know when you have spoken to John Hutton's office about this case. I can then return the template back to MCU [ministerial correspondence unit], with a note that PS(PH) will reply."

- 7.21. On 8 March 2004, Robert Finch sent a further email to Zubeda Seedat on the issue **[WITN5292011]**. He wrote:

"I have spoken to John Hutton's office who are happy for PS(PH) to respond."

- 7.22. It appears from the minute referred to below that on 8 March 2004, I held a meeting with officials, at which the subjects of both Lord Owen's papers and the internal review were considered. I have not been shown a copy of any minutes of the meeting, but it is addressed in the minute below.

- 7.23. Thus on 9 March 2004, Richard Gutowski minuted my office. I have no recollection of the meeting referred to, but he wrote **[WITN5292012]**:

"At our meeting yesterday, you agreed to reply to the letter from Lord Owen about the hepatitis C payment scheme and the review of internal papers between 1973 and 1985. This case is now some months old.

I explained that the letter has been back and forth, between the blood team and MS(H) several times following several requests for additional briefing about the background to the review. Unfortunately, the delay was compounded because the case was "lost in the system" for a month."

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7.24. A draft letter was attached, in the form that was subsequently sent out by me on 17 March 2004. Having considered this submission, it suggests to me that someone more senior than me within the Department was interested in this issue. However, I would not have been shown John Hutton's annotated letters and do not recall being specifically briefed on his concerns about the draft reply that had been provided to him in December 2003, or the reasons why he had decided not to sign it.

7.25. In relation to the self-sufficiency review, the later email exchange dated 6 May 2004 between, amongst others, Richard Gutowski and Gerard Hetherington also makes reference to the meeting of 8 March 2004 [DHSC5336358]. Mr Gutowski wrote:

"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."

7.26. On 17 March 2004, I wrote to Lord Owen in response to the letter that he had sent to the Secretary of State for Health on 7 October 2003 regarding the hepatitis C payment scheme and the internal review [HSOC0010692]. My letter read:

"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."

7.27. The Inquiry has referred me to an email dated 6 May 2004 from Richard Gutowski to, amongst others, Gerard Hetherington regarding the plans for the better use of blood [DHSC5336358]. He wrote:

“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 [sic] are able to take on the work.”

7.28. I have further been supplied with an email exchange dated 8 June 2004 between David Reay, David Daley, Richard Gutowski and Zubeda Seedat regarding the ‘line to take’ on the internal review **[SCGV0000046_088]**. I would not have seen this at the time, but it essentially repeats the information set out in my letter to Lord Owen.

7.29. On 14 July 2004 I wrote to Lord Morris in response to a letter that he had sent to Lord Warner on 14 June 2004 regarding the hepatitis C payments scheme **[DHSC0004197_133]**. I wrote:

“The review is being undertaken by the Department of Health to clarify the facts surrounding the drive for self-sufficiency in blood products in the UK in the 1970s and 1980s. The review is based on papers available at the time and is being carried out by independent experts.

A draft report has been prepared but there remain a number of outstanding issues that need to be addressed before it can be finalised. I am aware that it has been some time since the review was first commissioned and I have asked officials to take forward further work so that the report can be completed as quickly as possible.”

7.30. Although the letter discusses the draft report, it is unlikely that I would have seen this draft Report, as these documents generally only came to Ministers in near final form and not before.

7.31. I have also been supplied with a copy of the Health Protection Divisional Update dated 15 September 2004 **[DHSC5042710]**. This is not a document that would have been seen by me but gives a general update on blood-related matters (including the progress of the Skipton Fund, implementation of the Hepatitis C strategy, the establishment of the HPA and vCJD work). It states, materially:

“Shredding of Lord Owen's papers/Call for a Public Enquiry

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. A submission is in preparation for PS(PH) on handling and making the results of the analysis of the papers public, particularly the loss of Lord Owen's papers.”

- 7.32. Whilst this is not a document I would have seen, it is material as it shows not only the progress on this work, but also that the issue of the loss of Lord Owen's papers was expected to be addressed.
- 7.33. Despite the reference to a submission to me being in preparation, this has not been found. I understand from my team's review of the written evidence of Mr Gutowski that although there was further work on finalising the review (with the input of the medical consultancy and peer review) and an intention to send a submission to me, this did not actually happen before Mr Gutowski left the Blood Policy Team in December 2004 (see paragraph 4.53 of his ~~3~~ Second Witness Statement, **[WITN5292016]**).
- 7.34. There is a reference in an email between officials dated 15 April 2004 **[WITN4912041]** to concerns by PS(L), Lord Warner (who by that time had been answering questions from Lord Jenkin about missing papers) *about the length of time it is taking to complete the review of internal papers on self-sufficiency* The writer stated that she understood that it was “nearly completed” and asked when it would be coming up to PS(PH).
- 7.35. In the event, nothing came before the General Election ~~was~~ called in April 2005 and, effectively, I stood down. This appears to be confirmed by the evidence filed on behalf of Mr William Connon, his successor, which suggests that there was no Ministerial Submission relating to the completed Review until 20 July 2005 (see paragraph 2.74, page 34 of **[WITN6887001]**).

Questions asked by the Inquiry

- 7.36. Against the background of this report, I have returned to the questions asked by the Inquiry.

Q7: Lord Owen's Papers

- 7.37. I have been asked, by reference to the email from Mr Gutowski dated 1 March 2004 [DHSC6259005], about my knowledge of a review commissioned to address the subject of the destruction of Lord Owen's papers.
- 7.38. It is apparent from the chronology that I have set out that I was aware of this allegation, and indeed that I may have been informed of it in July 2003. However, what is not clear at this distance in time is whether or not I understood, or had discussed with officials, whether the Self-Sufficiency Review was expected to address this issue or not, or whether the issues of document destruction and the history of self-sufficiency would be addressed separately. I am clear, however, that I expected the Department to address **both** these matters, and to explain the position in respect of both. See, for example, the emails of 1 March 2004 (*'she was fairly robust about coming clean last time I spoke to her'*) [DHSC6259005] and 6 May 2004 (*'Melanie Johnson .. gave us three months to sort out the problem of accusations of self sufficiency of blood and the shredding of Lord Owen's papers'*) [DHSC5336358]. I am clear that these instructions related to both the self-sufficiency review and the issue of what had happened to Lord Owen's papers. I did not, as far as I can see, receive anything to suggest a 'change of tack' after that date.
- 7.39. I have been asked what the findings of "the review" were. However, from the documents that I have been provided to review for this statement, it does not appear that I was given any further information about findings upon Lord Owen's papers before I left office.
- 7.40. I have been asked whether I shared Mr Gutowski's view that *"we believe they [Lord Owen's papers] were shredded by Solicitors during the HIV Litigation"*.

I do not believe at the time that I was told about Mr Gutowski's views relating to Lord Owen's papers. However, it seems clear that I did not receive any formal briefing setting out the results of any investigation into Lord Owen's papers.

- 7.41. The fate of his papers is a question on which I would have looked to the review or investigation to answer. It related to what had taken place in the Department quite some time prior to my time in office. If an investigation had found that papers had been destroyed during the course of litigation – or indeed if I had been told by an official during a briefing meeting that this had been the case - I would have had no reason to disbelieve this. But my presumption would be that papers relevant to litigation should be preserved and not destroyed. I have no view as to what happened, if anything, to Lord Owen's papers and whether or not these were shredded.

Q8: Letter from Lord Owen 17 March 2004

- 8.1. The Inquiry has asked me a number of questions relating to the letter 17 March 2004 to Lord Owen [HSOC0010692], para 7.26 above.
- 8.2. I have been asked to comment, first, on the cause(s) for the Department's delay in providing a response to Lord Owen. Please see the documents that I have summarised above, most of which I would not have seen at the time. It appears that there were a number of causes, involving both the fact that Mr Hutton was involved as well as me, but also the fact that the letter got "lost in the system".
- 8.3. The Inquiry notes that the letter to Lord Owen explained that the Self-Sufficiency Review would not address the question of the destruction of documents. I do not know why it was decided that these two issues were to be addressed separately. I would not necessarily have been privy to information about this, given that the inception of the review pre-dated my involvement with the Department. I have explained above, however, that I expected the Department to ensure that both issues were addressed.

- 8.4. I do not know what, if any, further explanation was given to Lord Owen about his Ministerial papers, after my letter of 17 March 2004.

Q9: Email of 6 May 2004

- 9.1. The Inquiry has further referred the email dated 6 May 2004 from Richard Gutowski to, amongst others, Gerard Hetherington, regarding the plans for the better use of blood (see 7.27 above)[DHSC5336358].
- 9.2. I have been asked to explain what I expected the Department to do in the three months that I had apparently given to officials. I cannot recall my exact intentions. But I suspect that I was aware that the internal review had been ongoing for some time and was keen to draw it to a conclusion so that findings could be made public. As I was not involved in day-to-day work on the report, the three-month period would likely have arisen out of a discussion with Mr Gutowski (during our meeting on 8 March 2004) as to what was ~~la~~ to be done and what could be considered an achievable period of time withi which to action those points.

The Internal Review into Self-Sufficiency

Q10: Knowledge of the Internal Review into Self-Sufficiency.

- 10.1 The Inquiry has referred me to the following documents in respect of the Review into Self-Sufficiency:

Documents pre-dating my appointment as PS(PH):

- a) A document entitled, "*For the record – A guide for Record Managers and Reviewing Officers*" dated July 1994 (but including amendments up to 8 March 1999) [WITN3996002].
- b) A minute dated 22 March 2002 from Jill Taylor to Sarah Whewell, the Private Secretary to then Parliamentary Undersecretary of State for Public Health, Yvette Cooper regarding advice on a letter dated 22

February 2002 received from Carol Grayson of Haemophilia Action UK
[DHSC0042461_064]

- c) A minute dated 17 April 2002 from Janet Walden (Investigations and Inquiries Unit) to Charles Lister regarding events in the 1970s and 1980s relating to haemophiliacs and hepatitis C **[DHSC0041379_023]**
- d) A minute dated 8 May 2002 from Charles Lister to my predecessor, Hazel Blears, to provide a briefing on haemophilia and hepatitis C issues for an upcoming meeting **[DHSC0041379_025]**
- e) Minutes of a meeting held on 15 May 2002 between Yvette Cooper, Charles Lister, Sylvia Heal MP, Paul Goggins MP and representatives of both The Manor House Group and Haemophilia Action UK **[HSOC0010634_093]**
- f) A minute dated 27 June 2002 from Robert Finch to Hazel Blears regarding the meeting with Lord Owen, Lord Morris and Michael Connarty MP **[DHSC0041305_030]**
- g) Minutes of a meeting held on 1 July 2002 between Hazel Blears, Lord Morris, Michael Connarty MP and Mary Agnew regarding the drive for self-sufficiency of blood products in the UK in the 1970s and 1980s, and compensation proposals **[DHSC0003606_083]**
- h) A written answer to a PQ dated 23 October 2002 regarding the internal review **[DHSC0041332_038]**
- i) A letter dated 21 January 2003 from Hazel Blears to Sylvia Heal MP regarding the meeting with The Manor House Group held on 15 May 2002 **[DHSC0004029_231]**
- j) An email exchange dated 10 June 2003 between, amongst others, Zubeda Seedat and Charles Lister regarding the internal review and response to a related PQ **[DHSC0020720_081]**
- k) An undated note regarding the current situation in relation to haemophilia and hepatitis C **[DHSC0041305_050]**. I am told by my legal advisors that this 'Annex A' dates from a briefing from Robert Finch to Hazel

Blears MP on 27 June 2002 and would not, therefore, have been seen by me.

- l) An undated chronology regarding compensation for haemophiliacs and hepatitis C **[DHSC0042461_030]**. Again, I am told by my legal advisors that this is from the briefing to Hazel Blears MP dated 27 June 2002.
- m) An undated note regarding the drive for self sufficiency in the 1970s and 1980s, and Lord Owen's concerns about the same **[DHSC0042461_031]**. Again, I am told by my legal advisors that this is from the briefing to Hazel Blears MP dated 27 June 2002.

10.2 As all of the documents pre-date my time as PS(PH), as I have outlined above, I would not have been provided with a copy of these and it is highly unlikely that I would have seen them.

Documents during my tenure as PS(PH):

- 10.3 The second set of documents provided relate to my time when PS(PH). To the extent that they are relevant, I have largely incorporated them in the chronology above at 7.2 to 7.35. For ease of reference I have nonetheless listed them below:
- a) An email chain dated 17 October 2003 between, amongst others Bob Stock and Zubeda Seedat regarding a response to an article by "Scotland on Sunday" relating to contaminated blood products **[SCGV0000262_116]**
 - b) An email exchange dated 2 December 2003 between, amongst others, Robert Finch, Jill Taylor and Zubeda Seedat regarding the response to Lord Owen's letter to the Secretary of State for Health dated 7 October 2003 **[DHSC0004555_235]** – See 7.13 above.
 - c) An annotated minute dated 15 December 2003 from Richard Gutowski to Tony Sampson regarding the internal review and comments by Lord Owen about the destruction of his papers **[LDOW0000138]** – See 7.15 above.

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- d) A letter dated 17 March 2004 that I wrote to Lord Owen regarding the hepatitis C payment scheme and the internal review [HSOC0010692]
- e) An email exchange dated 8 June 2004 between David Reay, David Daley, Richard Gutowski and Zubeda Seedat regarding the internal review [SCGV0000046_088]

10.4 Having considered these documents, I repeat that it appears unlikely that I would have seen almost all of the documents, save for the letter which I wrote to Lord Owen on 17 March 2004. I would not generally see any correspondence between officials and/or my Private Office staff, or any internal notes shared between officials.

10.5 I have commented on the documents above, in any event.

Documents after my time in office at the Department:

- f) An email dated 18 January 2006 from Jacky Buchan to Zubeda Seedat regarding a meeting request from The Manor House Group [DHSC0200104].
- g) A suggested reply dated 23 May 2006 to a PQ from Lord Jenkin regarding missing papers, and an accompanying briefing note [DHSC0015839].
- h) A suggested reply dated 19 April 2006 to a PQ from Lord Jenkin regarding missing papers, and an accompanying briefing note [DHSC0041198_088]

10.6 Naturally, as these were after I left the Department, I would not have seen these documents.

Particular questions from the Inquiry about the Review

- 10.7 I have been asked to explain what I was told, if anything, about why Peter Burgin was selected to write the report on self-sufficiency.
- 10.8 I understand that Mr Burgin was commissioned to undertake this task in 2002, well before I joined the Department. I do not recall being told why he was selected and do not believe that this is something I would have been told.

- 10.9 I have also been asked to comment on the consultants brought in to complete the report, including who they were, why they were brought in, what work they undertook and whether they changed any of the report's conclusions. Whilst I do not think that this is a matter which I would have been specifically briefed, I have been shown (although would not have seen at the time) the email dated 6 May 2004 from Richard Gutowski to, amongst others, Gerard Hetherington (as referred to at paragraph 7.27 above) that the Blood Policy Team were looking to "*pursue appointing a medical writer to redraft the Report in a more robust form*" and were "*meeting Adam Jacobs from a medical consultancy*" to see whether they would be able to take the work on [DHSC5336358].
- 10.10 This would not have been a matter on which I would have been consulted as PS(PH). Such matters would generally be for determination by officials in the Department. As to the precise scope of the consultants' work it will be evident from the chronology above that the report was not referred to me before I left the Department.
- 10.11 The Inquiry then notes that the internal review was not published until 2006 and asks me to explain the reason(s) for the delay in publication.
- 10.12 I refer the Inquiry to the briefing note dated 19 April 2006 accompanying the suggested reply to a PQ from Lord Jenkin [DHSC0041198_088]. Page 41 of the document contains a section entitled "*Delay in concluding the review*", as follows:

"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."

- 10.13 I have no recollections of these events beyond what is set out in the documents I have referred to. In particular, there is nothing to show that matters relating to the review were brought to my attention after the summer of 2004, even after I had given officials three months to sort the report out.
- 10.14 The system is heavily dependent on Ministers receiving information, including updates, from officials and the timetables being managed by Private Offices.
- 10.15 The Inquiry asks for me to explain why the internal review did not include consideration of how and when documents from the relevant time period were destroyed. I refer the Inquiry to paragraphs 7.40 and 8.3 above which address this question, to the extent that I am able to do so.
- 10.16 I have also been asked to comment on whether the internal review played a part in the government's decision not to hold a public inquiry.
- 10.17 The reasons why the government held, during my years as ~~PS~~(PH), that it was not appropriate to hold a Public Inquiry are well documented and discussed further below. It seems to me probable that, had the emerging findings of the review suggested that 'the line' needed revision, that would have been brought to Ministers' attention. However, it is unlikely that emerging findings would have been brought to Ministerial attention until the review was in a near final form.

Q11: Delays

- 11.1 The Inquiry notes that on 28 August 2003 I wrote to Peter Mossman, Vice Chairperson of The Manor House Group [PMOS0000153]. I wrote:
- "I am aware that the review was commissioned by Yvette Cooper last year. I have asked my officials to conclude the review as soon as practicable."*
- 11.2 I have been asked to comment on the actions that I took to prevent any further delay in the completion of the report. I have outlined my actions in the chronology and comments above; they include pressing for the completion of this review at those times when its progress was brought to my attention.

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- 11.3 As I mentioned at paragraph 10.14 above, I would have been heavily reliant on my Private Office to manage timetables and ensure matters progressed in a timely fashion.

Section 3: Calls for a Public Inquiry

Q12: Consideration of a Public Inquiry

- 12.1 I have been referred to a number of documents, as set out in the following paragraphs, and asked to explain what consideration I gave to calls for a public inquiry during my time in office.
- 12.2 I can see from the letters provided to me that I was asked to sign a number of letters, responding to calls from individuals such as campaigners or Parliamentarians for a public inquiry. These included:
- a) Letter dated 9 February 2004 to Lord Morris [ARCH0001714]. I referred to calls for a public inquiry by Ms Carol Grayson, of Haemophilia Action UK. In response I wrote *"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. While the Government has great sympathy for those infected with hepatitis C and has considered the call for a public inquiry very carefully, all of the information is in the public domain and we do not think it is the way forward."*
 - b) The wording of this letter would have been closely based on a draft prepared for me by officials using established policy in relation to the issue of a public inquiry by the Department.
 - c) Letter dated 27 April 2004, to Sir Michael Spicer MP [DHSC0003606_105]. In this letter I again addressed calls for a public inquiry, in response to which I said *"I think it is important to stress that despite our decision to make ex gratia payments, the position with regards to accepting liability has not changed. The Government does not accept that any wrongful practices were employed and does not consider a public inquiry justified."*
 - d) Again, the wording of this letter would have been prepared for me by civil servants. I have been provided with an email from Zubeda Seedat to Kevyn Austyn (Head of Correspondence Management) dated 26 April 2004 which provided a draft of the letter to Sir Michael [WITN7496003]. The draft letter included an extract from Hansard showing a previous answer while Lord

Warner had given on a similar issue to those raised in the letter. The answer from Lord Warner outlined that there had been no finding of fault on the part of the UK government in relation to the issue of contamination of blood. I would only have been provided with a copy of the letter.

- e) Letter dated 18 September 2003 to a member of the public (Mr [GRO-A] [GRO-A] [DHSC0041314_056]) Although this letter was addressed to the Queen, it would have been passed to me by officials as the subject matter fell under my responsibility as PS(PH). In the letter, I addressed Mr [GRO-A]'s call for a public inquiry stating, "*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*". This is a very similar approach based on the briefings I received from officials which I have set out above.
- f) Letter dated 12 May 2004 to Charles Clarke MP [DHSC0041316_173] Again, I addressed the calls for a public inquiry and stated that "*we have great sympathy for those infected with hepatitis C and have considered the call for a public inquiry very carefully. However as previously stated, the Government does not accept that any wrongful practices were employed and does not consider that a public inquiry is justified. Donor screening for hepatitis C was introduced in the UK in 1991 and the development of this test marked a major advance in microbiological technology, which could not have been implemented before this time.*"
- g) Letter dated 29 January 2004 to Glenda Jackson MP [DHSC0003610_005] In relation to an inquiry, I again repeated that the government did not consider that there had been any wrongful practice and that its position was that an inquiry was not justified.
- h) In this letter, I noted that on 23 January 2004 an important announcement was made in relation to the eligibility criteria for the Skipton Fund. This involved a significant amount of input and consideration from Ministers and was an important step. My letter to Glenda Jackson MP was prepared around the same time as this announcement. This focus on the Skipton

Fund can be seen from the letter included at [DHSC0003610_005] which is an earlier draft of the letter that was eventually sent to M Jackson. The draft contains my handwritten annotations, which focus on the announcement of the Skipton Fund.

- i) Draft letter, December 2004. I have also been referred by the Inquiry to what appears to be a draft of a letter to Ann Coffey MP from around December 2004 [DHSC0004003_081]. I understand that the DHSC legal team have been unable to locate a copy of the final signed letter, and I cannot recall whether one was ever sent. In this draft letter, I stated in response to the calls for a public inquiry, *The Government does not accept that any wrongful practices were employed and does not consider a public inquiry justified*. I do not have any memory of this letter or making changes to it or signing a final version of it. As noted above, I did not at this time use email and would respond to draft letters put to me for signature with manuscript comments or I would personally sign them.

- 12.3 Early Day Motion. Finally, I have been referred to an Early Day Motion dated 26 October 2004 calling for a contaminated blood products public inquiry [HSOC0011115], and the briefing which related to this motion [DHSC0038587_085]. I do not have any memory of this motion; however I have been informed that this was a motion tabled on 23 November 2004. The position taken by the government, which I supported, was to oppose the motion. The reason for this, as outlined in the letters discussed above, is that the government did not accept that any wrongful practices were employed or that a public inquiry was justified.

- 12.4 Ministers do not reply to Early Day Motions and they have no force.

Comments

- 12.5 I do not have any recollection of any of the specific letters I have been referred to. However, as far as I can remember, and having reviewed documents in order to prepare this statement, the government's position was that a public inquiry in relation to contaminated blood and blood products was not justified. This stance had been adopted before I joined DH on the basis that there was

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no evidence of wrongdoing in relation to the contamination of blood and all information of fundamental significance was already in the public domain.

- 12.6 When responding to correspondence received by DH, I would be provided with a draft letter to consider. I would consider the draft and, if I felt I did not have enough information to approve the draft, or I did not like its phraseology, I would not do so. At the time, although there were certain groups calling for a public inquiry, I did not consider that an inquiry was justified. Based on the information I received, there did not appear to be substantial grounds to question the approach previously taken by DH.
- 12.7 I am now aware that officials at the time appear to have taken the view that emerging findings of the self-sufficiency review supported 'the line'.
- 12.8 As I have outlined elsewhere, whilst I was PS(PH) there was a significant amount of work which the Department was undertaking in this policy area particularly regarding the establishment of the Skipton Fund, and the response to the vCJD issue. At the time, I considered that focusing on providing practical support for those people infected was a more fundamental and pressing issue that could be practically addressed. Given the amount of work involved in establishing the Skipton Fund, along with my other Ministerial responsibilities, although I had great sympathy for the people infected and affected, I accepted the view that the issue of contaminated blood was a historical issue which had already been considered by previous governments of both parties. The issues relating to contaminated blood had been debated and considered by both Houses on many occasions and the fundamental issue which we needed to address was delivering financial support for those people infected, to the best of our ability, as well as working on the Hepatitis C strategy to pick up any further infections and deliver treatments to those with infections.
- 12.9 With the benefit of hindsight and continuing coverage of the issue, I feel that an inquiry would have been very beneficial, and I regret that more was not done. I have outlined my further thoughts in relation to this in section 4 of this statement.

Q13: Government's Policy on a Public Inquiry

- 13.1 I have been asked to set out my understanding of the government's reasons for not establishing a public inquiry during my time in office. As I have set out above, by the time I had taken on the role of PS(PH), there was a prevailing and engrained view within the Department that the issues relating to contaminated blood had been carefully considered for decades by Ministers and officials. The view held by the Department was that there had been no evidence of wrongdoing in relation to the issue of contamination and it was regarded as a tragedy arising out of circumstances and the state of science at that time.
- 13.2 There was also a view that the relevant facts were within the public domain. While in office I did not see anything which I believed would justify a policy change.

Q14: Views of the Scottish Executive

- 14.1 On 29 October 2003, I wrote to Lord Alf Morris in response to a newspaper article in the "Scotland on Sunday", a Scottish newspaper [HSOC0008582_005]. I stated, in paragraph four, "*I understand that officials at the Scottish Executive...have concluded that this evidence does not show that anyone acted wrongly in the light of the facts...*".
- 14.2 I have been asked to outline how and by whom I was briefed on the conclusion reached by the Scottish Executive, and to provide any relevant documents.
- 14.3 First, I have been provided with what appears to be a draft of the letter to Lord Morris [HSOC0008582_005]. I can see that there are handwritten annotations on the draft letter, which are not mine. The draft thus confirms what I would know to be usual practice, which is that officials would prepare a draft for my signature.
- 14.4 As to the underlying contents of the letter, I do not have any specific memories of being briefed on this matter and as I have discussed above, I would usually

just receive a draft letter to review and approve. However, for the purpose of this statement, I have been provided with copies of relevant documents from the time which passed between officials. I would not have seen any of this material at the time I was PS(PH), but I have been provided with this to answer the questions raised by the Inquiry. Specifically:

- a) An email dated 24 September 2003 from Mr Bob Stock (who worked in the Scottish Health Department in the blood policy team) and Ms Sedat of the DH Blood Policy team. This is a very detailed letter, but it deals with the attitude of the Scottish Executive, at the time, to issues regarding a public inquiry. It also provided the draft text of a letter that was to be sent by Mr Chisholm (the Scottish Health Minister) to the Scottish Parliament's Health Committee, answering recent allegations that had been made in both (it appears) the Sunday Times and Scotland on Sunday [DHSC5325865]
 - b) A further email from Bob Stock to Zubeda Seedat dated 17 October 2003 [SCGV0000262_116]. This email appears to be a further exchange relating to Lord Morris's enquiry and the allegations raised in the Scotland on Sunday.
- 14.5 Put shortly, reference was made to the professional consensus when hepatitis C was first discovered in the 1970s. At least until 1985 there was no universal view that hepatitis C had serious consequences and many experts viewed it as a "*mild, non-progressive condition*". The reason that blood products were still used despite the risk of hepatitis C infection was that the advantages in treating haemophiliacs were considered to outweigh the risks of hepatitis C infection, based on the information available at that time.
- 14.6 I would not have seen either document at the time. However, both outlined why the allegations made had been dismissed by the Scottish Executive and it seems at least probable that they, or similar material, formed the basis on which the response to Lord Morris that I sent on 29 October 2003 was drafted.
- 14.7 The Inquiry notes that the final sentence of the letter to Lord Morris stated: "*...the [UK] Government does not accept that any wrongful practices were employed at the time and does not consider that a public inquiry is justified.*"

14.8 I have been asked to explain what research, investigations, enquiries or analysis were undertaken and by whom, to reach this conclusion.

14.9 I do not have any specific memories of the research or investigations undertaken to reach this conclusion; they would not have been for me personally. However:

- a) I can see from the emails referred to above that there was discussion with the Scottish Executive regarding Lord Morris' letter.
- b) Furthermore, there was reference to the Scottish Executive's Report on Heat Treatment of Blood Products (October 2000) and its conclusions. I understand that the Inquiry will have received evidence on this, and it was something that DH officials must have been aware of.
- c) It is also apparent from these email exchanges that the Scottish government too was resisting a public inquiry, it would appear on essentially the same basis as the Westminster government.
- d) Finally, whilst I do not have any knowledge of the chronology of the emerging conclusions of the self-sufficiency review and the support that they may have given to 'the line' that was being taken, I understand that the Inquiry has heard from officials on this issue. In August 2003, I knew that a review was being undertaken and would have expected to have been briefed of any matters of significance emerging from it.

14.10 As the Inquiry is aware, and as outlined earlier in this statement, by the time I assumed the role of PS(PH) the Department's position on whether there should be a public inquiry was – as the evidence shows - well entrenched. These lines were consistent with the government's position.

Q15: 'Lines to Take'

15.1 The Inquiry has referred me to documents sent by me to various campaigners and politicians. The reasons I gave for not holding a public inquiry included similar lines to those taken previously:

- *“the Government does not accept that any wrongful practices were employed and does not consider a public enquiry is justified”* [DHSC0038587_085][DHSC0041316_173] [DHSC0004003_081] [HSOC0008582_005];
- *“the Government does not accept that any wrongful practices were employed and does not consider a public enquiry is the way forward”* [DHSC0003610_005];
- *“all the information is in the public domain and we do not think it is the way forward”* [DHSC0041314_056]; [ARCH0001714]
- *“we don't believe that any new light would be shed on this issue as a result”* [DHSC0003606_105] [CGRA0000834].

- 15.2 I have been asked about whether I ever questioned the accuracy of these statements or considered the need to update or investigate established government lines. As I have outlined elsewhere in my statement, although I considered the issue of contaminated blood as part of my role as PS(PH), this was just one part of my role. Although I would have seen papers from time to time relating to contaminated blood, I did not see any papers which I considered justified revisiting or questioning the established government lines.
- 15.3 I have already referred at paragraphs 10.17, 12.7 and 14.9 above to the material that officials may have relied upon, including the research into these issues in Scotland and the emerging conclusions of the self-sufficiency review. I note that the same stance in relation to a public inquiry was being maintained by the Scottish government at this time.
- 15.4 I have been further asked to outline what would trigger a review of established lines on an issue within DH. This would entirely depend on the particular issues and many other factors on a case-by-case basis.
- 15.5 In this case, I had trust in the officials who were briefing me that they would provide the relevant information, including any new information which might be relevant. As I discuss later in this statement, there was a degree of rigidity in the thinking of the Department regarding the issue of contaminated blood

and the need for a public inquiry, but equally nothing in policy terms which was unsettling this stance.

Q16: Policy as to when a Public Inquiry might be held

- 16.1 I have been asked during my time as PS(PH) what, if any, policy, guidance or criteria existed as to the circumstances in which the government might agree to the establishment of a public inquiry. I do not have any memory of any particular policy at the start of my time as PS(PH) in relation to establishing a public inquiry and I do not recall ever seeing any guidance in relation to this.
- 16.2 However, I have been shown the witness statement from Lord Reid given to the Inquiry [WITN0793001]. Lord Reid has outlined his view, there would need to be a *prima facie* case that there was history of fault or culpability before the government would consider the need for a public inquiry. I agree with his view.

Q17: Inquiries in other Countries

- 17.1 I have been asked what part the establishments and findings of inquiries in other countries such as Canada, France and Japan played in the government's decision not to hold a full public inquiry during my time in office.
- 17.2 I have been directed to a transcript of an interview which I gave to Radio 4 Woman's Hour on Monday 2 February 2004 [DHSC5331882]. In this interview, I was asked about the eligibility for, and awards given under, the Skipton Fund. The interviewer made a comparison between the awards given in other countries (such as Canada) and the terms of the Skipton Fund. However, the discussion of other countries was relating to the amount given to those people infected, rather than the decision to hold a public inquiry. So I do not think that assists.
- 17.3 As I have not seen a briefing to me on the subject of a public inquiry, it is difficult for me to say now what the relevance of inquiries in other countries may have been, save that:

- a) I have discussed the questions that I was asked about events in Ireland at 19.2 to 19.10 below;
- b) I have already noted how in Summer 2003, officials were in touch with officials from the Scottish government and there was plainly awareness of the fact that this government was facing similar pressures to the Westminster government to establish a public inquiry but was resisting them for similar reasons. Whilst I am referring to a document that I would not have seen at the time, I note now that the Scottish 'line to take' included a statement that *"The evidence cited does not show that anyone acted wrongly in the light of the facts and the measures that were available to them at the time"* and *"No lessons to be learnt that have not already been learnt"* (see **DHSC5325865**). Whilst I cannot say this for sure, it seems possible that this may have influenced, or simply reinforced, the views of officials at the DH.

Q18: Views of Campaigners and Lord Fowler

- 18.1 I have been referred to the evidence given by Lord Fowler to the Inquiry **[INQY1000144]**; **[INQY1000145]** where he expressed the view that a full public inquiry should have been established before now. I have been asked to set out my present view on this observation.
- 18.2 First, I note that the view of Lord Fowler was that an inquiry into the whole area of health education, particularly considering the handling of the AIDS pandemic, should have been held and that he had advocated this since 1991. Although such an inquiry would undoubtedly have included many aspects of the Inquiry's terms of reference, this would have been a different inquiry with different terms of reference.
- 18.3 Since I left office, I have not had any thoughts on this observation of Lord Fowler, until the Inquiry asked me about it. As I have outlined above, I considered that there were not sufficient grounds to justify a public inquiry at the time as the issues relating to contaminated blood had been debated and considered by both Houses on many occasions and the fundamental issue

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which we needed to address was compensation for the people infected and the affected.

Section 4: Other Issues

- 19.1 I have been asked whether I would like to provide any further comment on matters of relevance to the Inquiry's Terms of Reference. There are a couple of matters that I should probably address.

The Position in the Republic of Ireland

- 19.2 I have been provided with copies of criticisms made by two Inquiry witnesses, W1056 and W1055. These criticise comments I made during my tenure as PS(PH), particularly relating to the comparison of the scheme for those people infected with HIV/AIDs and Hepatitis C in the Republic of Ireland. The witnesses also refer to letters which I sent to them or other members of Parliament, which I have discussed elsewhere in my statement.
- 19.3 As I understand it, their criticism relates to comments made by Lord Warner and myself regarding the differences between the historic situation in the Republic of Ireland and in the United Kingdom. There is specific reference to a speech by Lord Warner on 5 February 2004, and comments that I made to a Radio 4 Women's Hour programme, on 2 February 2004.
- 19.4 A transcript of that programme has been supplied to me [DHSC5331882].
- 19.5 I note that Lord Warner clarified his February 2004 remarks on this topic in a further debate on 25 March 2004 [WITN7496003]. In that, he stated that his understanding of the position in Ireland "*had been corroborated by officials in the Department of Health and Children in Dublin*" since his "last utterances" on the subject.
- 19.6 I have also been provided with a copy of my letter to Sir Michael Spicer MP dated 27 April 2004 [DHSC0003606_105] (see paragraph 12.2c) above, where I discussed this in relation to the calls for a public inquiry). When I responded to Mrs Wintle (via Sir Michael), I referred to the clarification that Lord Warner had provided an extract of his speech. I did not add any further new information myself.
- 19.7 I have already explained how as a Minister I was, in effect, reliant on the draft letters or briefings from civil servants in the letters I wrote or statements I

made, unless something was clearly against government policy, my previous instructions, or raised concerns with me. I would have been reliant on drafts regarding the historic facts of infection, and what was done to investigate them, in the Republic of Ireland given that I would be unlikely to have reason to question the information provided within the drafts. I would like to stress that information that I passed on was given in good faith, believing it to be correct.

- 19.8 In the course of preparing this statement I have been supplied with a copy of a briefing given to me for a Commons Oral PQ on 16 September 2003 [WITN7496004]. The general context was the establishment of the Skipton Fund. But at page 4, suggested answers to some of the criticisms that might be made were set out:

"In Ireland patients who became infected with hepatitis C have received very generous payments, some in excess of £1m, in comparison with that being reported may be offered UK patients.

Rebuttal - *It is impossible and unfair to compare the two schemes. The Irish government compensated people after it was found by a judicial inquiry that the infection of patients could have been avoided, and was due to wrongful practises by the Irish Blood Transfusion Service Board. This government assumes no such liability."*

- 19.9 I would not have had a detailed knowledge, at the time, of the steps taken by officials to check the information that I was being supplied with, but I would have expected them to make sure that it was accurate.
- 19.10 I expect that the Inquiry has taken steps to investigate, with those officials, what was done. For example, I have seen the second witness statement of Richard Gutowski [WITN5292016]. At paragraph 4.24, he discusses the reason for distinguishing the Skipton Fund from the Irish scheme. I understand from this statement, although I would have been unaware of this at the time, that officials had "... double checked our lines with the Irish Department of Health late Friday and they confirmed that what we are saying is correct We have also received a PO Case on this issue and will need to produce some robust lines which we will again clear with Dublin."

[DHSC6259005]. He also refers to an email sent on 19 March 2004 to Ms Anne McGrane (of the Irish Government) to seek further corroboration [DHSC6701497]. It is apparent from Mr Gutowski's Statement that these inquiries were related to Lord Warner's statement on 25 March 2004 and the reply that I then sent to Sir Michael on 27 April 2004.

Adequacy of the Skipton Fund Payments.

- 19.11 These witnesses also make criticisms of the inadequacy of the payments made through the Skipton Fund. I believe that this matter has been addressed in the detailed evidence of Lord Reid. I think that we did what we could, in the context of the funding that was available to us. Lord Reid's statement explains what we did, when we could, to meet criticisms or to avoid them, including revisions to the amount of the proposed award and consideration of the eligibility criteria. But we could only work with the funding that we had and it was not possible to meet the main demand of campaigners, that funding should be extended to the relatives, dependants or estates of claimants who met the eligibility criteria but who had sadly died before 29 August 2003.
- 19.12 As I have said elsewhere in this statement, I have a great deal of sympathy for people infected and people affected and, throughout my tenure as PS(PH), I did my utmost to lend support for initiatives that would provide practical support for those who have suffered directly and indirectly as a consequence of this tragedy. I deeply regret that more was not done to help.

Final Reflections

- 20.1 I have a great deal of concern for those people impacted by infected blood. When in office I sought to do what seemed right at that time, within the funding that was available, which is why I supported the setting up of the Skipton Fund. However, together with issues relating to vCJD, the establishment of the Fund probably occupied the greater part of my time when in office, when dealing

with issues relating to infected blood or blood products, rather than the aspects I have been referred to by the Inquiry.

- 20.2 The issue of Lord Owen's papers and the wider issue of investigations and inquiries I saw as a less pressing matter. Whilst I did try to press the issue of the review of the papers to a conclusion, I saw no reason to prioritise these issues over the many other issues in my portfolio, given the briefing I received on them at the time.
- 20.3 In the light of my experience of working in various government departments, I believe there are a number of reasons why government does not handle long-running disputes relating to claims of historic injustice well. The first, as I have outlined, is the pressure of the immediate issues that have to be dealt with. The second relates to the difficulty of establishing accurate facts or perspectives when competing claims are made about a historic issue and there is no consensus as to where the truth lies.
- 20.4 I have reflected on the attitudes that tend to grow up, in such circumstances, and particularly when officials know either that the established government 'line' is against change or that there are no easy and quick solutions. It appears that a certain rigidity of thought and resistance to change becomes engrained in an organisation when an issue has been answered on many previous occasions by generations of civil servants and Ministers, which militates against proper reconsideration of historical issues

Statement of Truth

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

Signe

GRO-C

Dated

15/12/22