

FIRST WRITTEN STATEMENT OF Andrea Beveney.

Witness Name: Andrea Beveney

Dated: 27 February 2023

WITN7690001

INFECTED BLOOD INQUIRY

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I, Andrea Beveney, will say as follows: -

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## **Section 0: Introduction**

- 0.1. I am a Deputy Director in the Government Legal Department and Team Leader of the Health and Social Care Public Inquiry Team. I have been in this role since July 2021. The team provides legal representation to the Department of Health and Social Care in their response to the Infected Blood Inquiry.
- 0.2. This statement is prepared in response to the letter from the Inquiry dated 18 January 2023.
- 0.3. The letter related to the documents listed in Annex 1. Those documents are considered relevant to the Inquiry and have since been redacted and disclosed. I have been asked to provide background information and an explanation for the late discovery and disclosure of the documents to the Inquiry. Please note that, due to the time that I came to this post, I do not have first-hand knowledge of this and am reliant on information provided to me by colleagues and the client – namely Brendan Sheehy, Records Disclosure Lead at the Department of Health and Social Care (“DHSC”).

## **Section 1: Background Information**

- 1.1. In 2022, two Rule 9 requests were sent to the Department of Health and Social Care. One related to the HIV Litigation and the other to ASCVB minutes. The responses to those requests were subsequently disclosed in the statements of William Vinneall and Lorraine Jackson dated 22 September 2022 with an addendum dated 26 October 2022, and statement of Lorraine Jackson dated 31 August 2022. In conducting a search of records in order to respond to that request, Brendan Sheehy determined that there were boxes that had been returned to DHSC by GLD that did not have the documentation to show that they had been sent to the Infected Blood Inquiry (IBI), as set out in Paragraph 1.2 below.
- 1.2. Records in the custody of DHSC are stored offsite with a commercial records storage provider, Iron Mountain. Iron Mountain provides DHSC with an inventory management system called IM Connect which allows DHSC to run various reports on the inventory that they hold with them. It has been possible to extract reports from IM Connect which show details of records which were delivered to Fleetbank House for review by IBI. At the same time, selected files were passed to GLD to arrange for scanning and upload onto Relativity. When conducting the search referred to in Paragraph 1.1 above, Brendan Sheehy compared lists of files and the results did not show that those boxes had been delivered to IBI, although the description of the files suggested that they should have been.
- 1.3. DHSC and GLD conducted an investigation into the boxes to determine whether the contents had indeed been disclosed and if not why not. The investigation showed that all of the contents were on the GLD Relativity system and that some had been disclosed, however we could not confirm that they had all been disclosed. We made the IBI aware of the discovery and investigation and began to make arrangements for the best method for determining what documents had been missed, if any.
- 1.4. The investigation into how this had happened determined that, historically, legal services in DHSC were provided by Solicitors Branch, which was a joint Department of Work and Pensions (DWP)/DHSC shared service. Paper

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records created by the team relating to DHSC legal matters should have been stored in the DHSC file store, but the advent of electronic records and the limitations with IT at the time meant that records were split between DHSC and DWP.

- 1.5. By late 2018, the DWP/DHSC shared legal service had become part of the Government Legal Department. DWP then sought to transfer files they held from the legal service to GLD. GLD declined to accept a transfer of these files given their age, and considered them to be owned by the client. DWP sought DHSC permission to destroy any files that were over 10 years old (the usual retention period for legal advice files), however DHSC opted to take custody of all files into their storage facility. This work was completed in early 2019.
- 1.6. Part of this transfer work included consideration of records which could not be transferred between DWP and DHSC as they had been recalled to the business in GLD. There was some work to verify that these records were still available, and that any other records on site in GLD premises that were no longer required would be returned to DHSC rather than DWP.
- 1.7. There were a number of items in storage that were potentially of interest to IBI that were identified on the schedule of files to transfer to DHSC. Brendan Sheehy provided a copy of the list of these files to the IBI, and they were sent original files for review (with any selected being digitised and added to Relativity).
- 1.8. Later in 2019, GLD were preparing to move offices and as part of the preparation consideration was being given for the return of DHSC documents, that were still held by DHSC Legal Advisers (a directorate within GLD) and had not been part of the original transfer to the relevant Departmental Records Office ("DRO") filestore in Burnley. Colleagues determined that some of the documents could be relevant to the IBI, so they were sent to the IBI Litigation team prior to transfer to the DRO. The confirmation from GLD colleagues at the time was that records passed to them from DHSC Legal Advisers would be considered (if this had not been done already) and relevant files would be scanned onto Relativity.

## **Section 2: Explanation**

- 2.1. The contents of the boxes were scanned to GLD's Relativity by the GLD IBI Litigation team and then sent to DHSC. Brendan Sheehy was informed that the documents would be reviewed and that any relevant documents would be disclosed to the Inquiry. The contents were loose bundled papers rather than files. The boxes were received by DHSC directly from GLD, with 12 of the boxes never having been in storage at DHSC or DWP. This means that they were only added to the IM Connect system when they arrived in DHSC in mid 2019, well after the bulk of the work undertaken in disclosing material to IBI. It is for this reason that they do not have a SKP reference linked to disclosure in the usual way.
- 2.2. We have determined that the majority of the contents of the boxes were disclosed to the IBI. It is assumed that this was by means of disclosure when responding to various Rule 9s. In order to be certain of what had not been disclosed the contents of the boxes were provided to the IBI Team. Two boxes were sent in hard copy, the remaining contents were sent in 12 electronic files. I have been informed that the IBI undertook its own review of the contents of the boxes. The documents listed in Annex 1 were those the Inquiry informed me had not been provided to it at an earlier point and that it now intended to disclose to Core Participants.
- 2.3. I have discussed with former members of the team who are still employed at GLD and unfortunately they are unable to recollect the events above. It is my view that the failure to disclose those items was due to human error and oversight on the part of GLD. DHSC had no responsibility for the error as Brendan Sheehy correctly assumed that all relevant documents had been disclosed, due to his correspondence with GLD.
- 2.4. I apologise on behalf of the team, GLD and DHSC for this late disclosure.

### Statement of Truth

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

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Signed.....

**GRO-C**

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Dated 2.5.2023

DHSC6887710_005	Court order re: in the matter of HIV Haemophiliac Litigation dated 20/9/1990
DHSC6887709_001	HIV Litigation - Plaintiffs' summons for disclosure of documents for which public interest immunity has been claimed
DHSC6887709_014	Chronology of events re: HIV Haemophiliac Litigation

DHSC6887717_147	Report on the trial of anti-HCV tests on blood donations in England and Wales September-October 1991.  Shows preliminary analysis of results
DHSC6887718_264	Paper regarding the role of Anti HBc testing of blood donors in light of the development of HCV testing.  Includes table of Hepatitis risk factors in 48 donors
DHSC6887723_004	Email from Shibani Rahulan to Anne Paskin (cc'd: Simon Rogers, Karen Arnold, and Paula Cohen), re: follow up to meeting with Lord Archer. Contains information on legal assistance to (former) civil servants who appear as witness before an inquiry dated 5/7/2007
DHSC6887723_016	Email chain between Leslie Whitbread, (MHRA); and Anne Paskin, (DWP) (cc'd: Mandy Brown), re: CSM/Biologicals July 1983 considerations of HIV and licensed blood products dated 1/5/2007

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DHSC6887723_018	<p>Email chain between Sarah Boseley, ( the Guardian); Leslie Whitbread, (MHRA); Lee Dianda; Anne Paskin; and Carol Grayson, re: CSM minutes. A FOI request was submitted to release CSM minutes of 1983 dated</p> <p>1/5/2007</p>
DHSC6887726_007	<p>Letter from Peter Lister, DOH, to Dr Skinner and Dr Smithies, re: Repeatable HTLV III antibody serum positives found in the blood supply within the blood transfusion service</p>

DHSC6887722_090	<p>Email between Michael Vian Clark, Natalie Tomeckim re: R (March) v Secretary of State for Health (Mich</p> <p>Ref:54708/3) dated 1/3/2010</p>
DHSC6887744_022	<p>Draft Recommendation 6 from Lord Archer's report - original recommendation in blue with DW narrative below in black</p>
DHSC6887729_074	<p>Table re: Frozen Fresh Plasma Received at BPLL Elstree (Donations) in 1974</p>
DHSC6887755_002	<p>Memorandum from D. U. Jackson to J. Campbell, re: Plasma for the preparation of the antihemophilic globulin (AHG) concentrate</p>
DHSC6887759_050	<p>Letter attaching SMAC's views on the Trends Report to</p> <p>Mr. Dutton and Dr Walford re: Dr Bell's letter to Dr. Walford of 12/12/79 re future Factor VIII Concentrate requirements</p>

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DHSC6887751_017	Memo from Sara Campbell, to Dr. M. McGovern, re:  "HCV Litigation - DAC and Litigation Authority - Request for Disclosure of Advisory Committee on the  Virological Safety of Blood ("ACVSB") Minutes" dated 9/1/1998
DHSC6887764_029	Letter from D. A. J. Tyrell, MRC AIDS Directed Programmer, PHLS Centre for Applied Microbiology and Research to Dr Rejman. re: seeking of approval to destroy document/correspondence (which appears to have relevance to the HIV Heamophilia Litigation ) dated 6/3/1992
DHSC6887764_052	Memo from C. H. Wilson, Medicines Control Agency, to  Mr Davey, re: HIV/Valium Litigation dated 19/10/1989