

Witness Name:

GRO-B

Statement No.: WITN7756001

Exhibits: TBC

Dated: February 2025

INFECTED BLOOD INQUIRY

WRITTEN STATEMENT OF

GRO-B

I provide this statement in response to a request under Rule 9 of the Inquiry Rules 2006 dated 14 January 2025.

I, GRO-B, will say as follows:

Nature of work done in relation to the question of compensation:

1. All references to widows in this statement also include widowers and bereaved unmarried partners.
2. I am a campaigner on behalf of the Tainted Blood Widows Group. I seek the views of the Tainted Blood Widows group and attend various meetings by Teams where I raise those concerns as well as communicating the concerns that arise by email with various parties. I have been involved with the IBCA Communications Advisory Panel and participated in the User Research programme.
3. I have had zoom and telephone meetings and email exchanges with the Minister, IBCA and the Cabinet Office and put across to them the feelings

and concerns of the widows. I post on the Facebook Group to gather views and concerns on the issues that are due to be discussed at the meetings. For example, there were a number of questions Sir Robert Francis wanted views on so I broke those down into a series of 5 threads on our Facebook group, and broke it down into 5 points per question. I got hundreds of responses which I then reviewed and put forward at the meeting with Sir Robert Francis, David Foley and Jonathan Montgomery as best as I could in the time made available.

What external support or assistance has been available

4. There has not really been any external support or assistance, other than looking at what other campaign groups have been doing, for example Factor 8 had done a piece about unethical research and I couldn't have done it any better so I went through that and put up the questions to our group, but using that was still within our community so not really external support.

Involvement of Infected and Affected in decision making re compensation

5. We raise the issues and put the questions forward but have no way of knowing what impact that has.
6. Until we see the next set of regulations or get proper answers to the questions raised will not know if our involvement has had any impact or if it has just been lip service so government can say they had an engagement exercise.
7. Some of the issues I have raised are extremely important, for example, only widows registered with IBSS before the 31st March 2025 qualify for the IBSS lifetime support payments. If someone who is infected and terminally ill with very short life expectancy dies before 31st March, their widow has 30 days to register to join IBSS. If that victim were to hang onto life and die a few days after the deadline their widow will not be

entitled to the ongoing support payments. An infected person facing death and knowing a few more days or weeks of life could leave his widow without payments for the rest of her life, could very well contemplate ending his life. What a terrible predicament to face a dying man with.

Principal concerns in relation to the involvement of infected and affected in decision making regarding compensation.

8. From the outset, the community have been left out of crucial decisions or their views were ignored. There was much disquiet within many of the campaign groups about the appointment of Sir Jonathan Montgomery to Chair the Expert Group, given he had only recently stepped down from the Bayer Ethics Committee and was still Chief Executive of the Oxford University Hospital NHS Foundation Trust. At the very least it was insensitive in the extreme to the Haemophilia Community in view of the central role that Oxford Hospitals played in the scandal.
9. The loss of trust within the Haemophilia Community following this appointment was compounded by the appointment of the Expert Group, which is generally referred to within the community, as the Secret Group. Refusing to disclose who was in the group resulted in a further loss of trust but it also had another effect. If the community had been informed of the make-up of the Expert Group, we would have raised the issue straight away that there was no psychological expert within the group. The failure to include a psychological expert was deemed to be the reason that many of the group's assumptions were incorrect.
10. The Publication of the Infected Blood Inquiry Report was a profound moment for the community who finally felt they had been heard and the announcement on 21st May 2024 of the appointment of Sir Robert Francis as Interim Chair of the new body to be set up was welcomed by the community.

11. For most widows (I represent the widows, but I believe the situation was the same with the infected) the relief quickly turned to dismay and anxiety with the pronouncement on the support payments: "that no *immediate* changes will be made to the support payments". "Payments will continue to be made until 31st March 2025" " we will ensure that no one receives less in compensation than they would have in support payments". This was the beginning of a period of extreme stress for many widows. It went on for a prolonged period and had a damaging effect on many. The government compensation scheme summary referred to 'tops ups' for anyone who had been in receipt of support payments who might be worse off under the scheme. This brought back memories for many of their awful experiences with the Macfarlane Trust top ups. It also quickly became apparent that almost every widow would be on the top up scheme which would simply add to administrative time and cost. It also referred to 'no one being worse off' without giving any idea how 'being worse off' would be assessed.

12. The Infected Blood Compensation Scheme Engagement Explainer was completely opaque for most people. There was no illustration for payments to the Estates and the text was at odds with the illustrations. It also contained typing errors, for example one place showing 'P is entitled to 134 years of payments'.

13. I was invited to meet with Sir Robert Francis, Sir Jonathan Montgomery and David Foley in an online meeting, along with campaigners from other groups. The meeting took place on 20th June 2024. Before the meeting I set up a consultation online for members of the TB widows' group, with a separate thread for each question Sir Robert had asked. The response to many questions was 'I don't understand what we are being asked' and 'why have they made it so complicated'. I had to rephrase some questions.

14. After the meeting referred to at (13) above, I asked to meet to discuss questions that had not been fully covered. I was finally invited to a

meeting on 3rd December 2024. So much time had passed that I had actually forgotten I'd asked and so was surprised to be invited!

15. A recurring theme is that we were asking the same questions repeatedly but not really getting answers. For example, in June 2024 I asked when would an affected victim be deemed to have claimed and therefore when would their compensation be secured for their estate should they die. It was January 2025, and after asking many times in many ways before I finally got an answer that it would not be until they had accepted an offer.
16. Frequently responses to emails, mine and other community members take the following form: there will be a general preamble of the history of the scheme/issue or something, followed by something not directly pertinent to the question that had been done, for example 11.8 bn has been allocated and then finally a response along the lines of 'as fast as possible'. Alternatively, a question would be asked, and the reply would be an answer but to a closely related but actually different question. The example below is pasted from an email exchange with the Cabinet Office. The Cabinet Office is in bold, my response is in italics as after several exchanges I responded within the body of their previous email

Interest on Compensation

The Infected Blood Compensation Authority (IBCA) has begun making payments to infected people and will scale up payments over the coming months. We understand your concern is that those who receive their compensation payments later in this process should receive a sum that takes into account the interest they would have made on that sum, were they awarded it earlier by IBCA.

IBCA will offer a simple and straightforward scheme that means they can pay compensation as quickly as possible. This is meaningless in the context of the question as the fact remains that some people will still not receive their payments for years. If someone chooses to receive their compensation as periodical payments rather than as a lump sum, or they choose to continue to receive support scheme payments, we have already set out that the Scheme will index all future payments to the Consumer Price Index (CPI). This part has nothing to do with the issue being raised.

For these reasons, our view is that calculating individual compensation payments in a way that accounts for possible interest earned prior to the point of award would be disproportionately complex. This part is the actual answer. A flat response that it would be difficult, does not justify a solution which is manifestly unfair to some claimants. Furthermore, it is not that complex and I have

copied and pasted below from my daughter (a chartered account) just how straightforward it would be. When I first raised this, it was suggested to me by the Cabinet Office that the matter was the IBCA's decision. Today I received an email from them saying the Victims and Prisoners Act does not make provision for this. Therefore I am asking once again for this to be put into the Regulations. In terms of interest, the calculation is simple and used by HMRC regularly. They could use the Bank of England base rate or HMRC's repayment rate which is base rate less 1%.

Assuming the first payments were made in December 2024 they would just need to count how many months between them and payment. Calculation as follows using the HMRC rate:

*Award x 3.75% / 12*Months*

17. I have also had what I would call 'straw man' arguments, where the question I have asked has been slightly changed then put back to me with an answer to the slightly altered question.

18. The publication of the first regulations that did not include the affected or a supplementary route caused distress and confusion among the affected communities. With no clear date for the publication of regulations and the glacial pace of IBCA to start even registering the affected led many affected widows (and parents) to fear they will never see their compensation. I understand the rationale that for the affected payments to go to the estates would mean those who may not have been impacted would receive the money but what it doesn't take account of is the terrible psychological impact on the affected of knowing that you have fought for justice for all those years and your compensation will be lost.

19. Whilst it may not be the deliberate intention of the Cabinet Office, it remains a fact that every single affected person who dies before they are compensated is a fiscal benefit to the Treasury. Remembering the memo from the Inquiry evidence "those who are already doomed will generate savings" it feels like we are returning to the same position. It's painful to even think about it.

20. The fear of affected payments being lost has affected the behaviour of many people. One widow said, "every time I drive anywhere, cross the

road or a bike on the pavement rides at me, I worry about this, especially as bereaved compensation will not be finalised until next year". Widows are becoming very risk averse restricting their activities.

21. It is true that the Cabinet Office are getting quicker at responding to emails. I wrote to the Cabinet office in August 2024 and got a reply mid-December whereas now I am getting replies much quicker, however, there is no way of knowing if anything I am saying is making any difference and we won't know until the second regulations are published by which time it will be too late.

22. I met with the Minister on 11th December. There were four campaigners in the meeting. We were each given 4 minutes in which to speak and put our concerns. In order to do this, I had to write out the headings of the matters I needed to raise, then time myself with a stopwatch to see if I could say it all. I had to speak like a horse racing commentator to get it all in. This is not a meaningful engagement!

23. A further area of concern is to do with the calculation of awards. We have repeatedly been told that if we elect to keep the ongoing support payments, the only deductions taken into account will be from the future financial loss and future care awards and past losses would be paid in full. However, using the formula in the current set of regulations and going down the IBSS route, if they apply the same formula for affected claims, widows would be significantly worse off, with our past losses being reduced. This is due to the formula including the lower level future pension years which are paid at a lower rate. As it stands, an annual average figure is used when calculating past losses and this average figure is calculated by the then current rate, which is significantly lower. The loss assumed by this method of calculation is inaccurate and leads to a reduction of the actual past losses. We have, therefore, on the face of it been misled. I understand my solicitors have written to IBCA to raise this and other issues but are yet to receive a response.

24. We were told there would be a financial cap on the financial losses in the supplementary route and we have only been told what that cap is likely to be very late in the day, for high earners, the cap they are proposing to use will not properly compensate them and will leave them having to litigate in order to recover their full financial losses.
25. The Communications Advisory Panel. I was invited to join the Communications Advisory Panel and accepted. The first, and so far only, meeting took place on 27th November 2024. There were three items on the agenda. The first was to agree the Terms of Reference. There were 19 people in the meeting, roughly half were staff. Only about 3 of us had a copy of the Terms of Reference, I only had a copy because I had chased it to get one. Needless to say we did not agree the Terms of Reference because most people hadn't seen them. I made suggestions for amendments. Since then, nothing further has happened, we still haven't set the Terms of Reference.
26. There was an item on the agenda which was an update and then the third matter which was to give views of the order in which people should be invited to claim. I had put this as a consultation question to my group and reported their views. I'm not sure that this was an appropriate subject for a communications panel but in any event, we have never had any feedback as to the outcome. We still have no idea how people will be chosen to be invited to claim their compensation. A campaigner from another group, suggested that the next group selected to claim should include 10% of estate claims to test the estates. I said I agreed with this. Nothing further has been said about this and we do not know if any estates have been included or when they plan to include them.
27. I, nor I believe any other member of the Panel, has received any meaningful feedback from the IBCA on the panel's work or functions. More recently, the IBCA have amended the terms of reference of the Panel which they allege *reflects the group's communications focus*. No individual points have been addressed and the changes to the terms of

reference were made without notifying or consulting members of the panel.

28. When an email was sent out to panel members, the email addresses were all displayed. Forty-four email addresses in total.

29. Recently I learned that the Cabinet Office or IBCA had attempted to impose restrictions on the legal representatives in what amounted to a gagging order as a clause in their contracts. This was apparently to prevent them criticising IBCA and doing reputational damage. I said to James Quinault at the Cabinet Office that if all the legal representatives had banded together in an Operation Overlord style assault on the reputation of IBCA, they couldn't have done as much damage as IBCA themselves have done. It was an extraordinary own goal. Fortunately, they have now pulled back from this awful requirement.

30. We have now found out that IBCA have commissioned a public relations company at a cost of £250,000. This has further undermined confidence in IBCA among the community who feel that if IBCA are doing their job, they won't need to pay to protect their good name.

31. As a result of the slow pace at which claims are being settled, it seems entirely likely that some people will not receive their compensation this year or even the next. The tariffs are not index linked. If someone were to receive their compensation this year, they would have the opportunity to invest it and gain interest. The person who receives their compensation in 2026 will not. This means that two people with identical claims will benefit from a significantly different sum. I have repeatedly asked for interest to be paid, not on the whole period of the claim but just from the date that the first claimant accepts their offer to correct this discrepancy. First I was told by the Cabinet office that matters of paying compensation were for IBCA, I then wrote to Sir Robert Francis and David Foley and was told there was nothing in the regulations that permitted the paying of interest, this meant it was actually a matter for the Cabinet Office, not

IBCA. I therefore wrote again to the Cabinet Office. The reason given for not paying interest to correct the situation where two identical claims yield a different outcome for the claimant, is that it is “disproportionately complex”. I have been told that with basic accountancy software, the calculation takes minutes and is simple and straightforward. I have asked for this to be put into the regulations but have had no feedback as to whether this might happen. If it does not, it will lead to a great deal of bad feeling and will also add to the pressure for people who are not invited to claim in the early stages. It’s wrong that IBCA are spending money on a PR firm to counter bad publicity when that money might be better spent on accountancy software that might go to reducing the bad publicity by mitigating the cause.

32. IBCA do not answer any of the questions posted on their Facebook social media pages, they post out statements about what they have done and when people raise valid questions underneath the post they are ignored.

Impact of the above issues

33. In the immediate aftermath of the publication of the Government’s compensation strategy and the ‘Explainer’ document, some widows were posting that where they had been on anti-depressants and had stopped taking them, they had needed to start them again. Others had said they had needed to return to counselling. The drawn out, protracted fight over the continuation of the support payments did untold harm to many if not most widows.
34. My own health is being negatively impacted and a lot of people who suffer auto immune diseases are having flares as a result of the stress that this is causing them. I have also been put in the position that this is almost now an unpaid job. I spend hours, sometimes days working on this while basic life activities like house maintenance, social life and even medical care are left unattended.

35. One of the most distressing aspects of this for me, has been talking to terminally ill widows or the bereaved mother of an affected offspring. Unable to tell them when the regulations covering them will be published or if they are likely to still be alive when they are. On one occasion a failure of proof reading in a IBCA newsletter meant the newsletter went out with the word 'infected' missing. The context meant it then read that affected people who died within a certain period would have the compensation go to the estate. The terminally ill widow contacted me asking for clarification. Although I suspected it was a mistake, I emailed Rachel Forster at IBCA with the subject bar 'IBCA update communication query from dying lady'. I did not get a response until I chased it. I had to go back to the woman and tell her it was a mistake which was crushing for her and heartbreaking for me.

Impact decision making regarding compensation is having on infected and affected

36. It's hard to determine what harm to attribute to the Cabinet Office and IBCA as it follows on from an almost seamless catalogue of stress for the victims. Infected and Affected have already suffered from the infections and their results for decades, they then had to be retraumatised in order to give and listen to evidence in the Inquiry (which we understand was necessary). Now they are being traumatised yet again. It's difficult to separate out the layers of stress and harms caused but the handling of the compensation by the Cabinet Office and IBCA have definitely made things worse. This Christmas many widows were posting on the TB widows group that they could no longer cope. They had reached their limit as a result of constant uncertainty.

37. The following are some of the responses on the TB widows Facebook group about the Cabinet office and IBCA: "I emailed them about six weeks ago asking/urging them to consider elderly bereaved wives/partners in relation to a prompt payout for the estate. A standard cut and paste reply

that left me feeling more frustrated than before I sent the email. My feeling was I shouldn't have bothered"; " I emailed IBCA on th June to express my concerns about the compensation framework. I didn't receive an individual response but a generic response that, in my opinion, did not address my concerns"; "I find them to be opaque and therefore unhelpful. I have no idea what compensation will be available or when and that makes me feel anxious and extremely distrustful of the whole process"; "Their updates and posts on any social media platform are just self-serving. They bring no new information and people's questions are not answered. I have felt more stressed and low since the IBCA set up than I have in a long while"; "I actually felt more worried than I did before I phoned. Also hugely concerned that, like many, due to my health I won't see compensation delivered"; "not transparent, not addressing the issues and not listening"; "I feel like the pace is waiting for most of us to die"; "its in their best interest to take as long as possible so they get paid and we die before compensation is paid-no faith or trust in them they just out for themselves and screw us over like before-I'm more stressed and confused with it all - exactly what they want". There are frequent posts from widows confused and worried about probate, about not having legal representation to make their claims, from widows who are upset because they are so confused and expressing frustration about the constant repetition about the need to start small and then pick up speed later. The lack of a supplementary route for the affected has left many widows feeling disregarded as though their suffering didn't count.

38. The impact of how IBCA and the Cabinet Office have dealt with decision making regarding compensation has increased people's stress levels. People have a sense of hopelessness, there is a loss of trust in IBCA and the Cabinet Office and that in itself is making people ill, irrespective of what the decisions are. This is caused by their failure to reply to questions, the lack of transparency, delays in responding and the generic responses that are given when they do eventually respond. They deliberately avoid answering certain questions and seem to cherry pick

the ones they do answer. Many of the questions I have raised have yet to be included in any of the feedback.

Steps that could be taken to alleviate detrimental impact

39. At this stage much of the harm has already been done.

IBCA

- (i) They could tell us how they are choosing who to invite to claim.
- (ii) They could employ more claims handlers to get people invited to claim more quickly.
- (iii) They could provide legal support from the start of the claims process to ensure the correct information was ready and less mistakes would be made.
- (iv) They could get a moderator for the Facebook page to protect widows from being targeted by the romance fraudsters who will no doubt monitor open groups like this, to see who the easy targets are, they are massively vulnerable using that page.
- (v) They could show if any posts have been removed from the Facebook group so we can be sure they are not controlling the narrative.
- (vi) They could actually answer some of the questions people are asking on the Facebook page and they could put up a closed section where you can only go in if you can show you are either infected or affected so people can ask questions which they do not want the wider public to see.

- (vii) They could discuss and set the Terms of Reference for the Communications Advisory Panel, which at the moment seems to exist in name only with no evidence of member involvement.
- (viii) They could respond to questions people ask in emails instead of generic responses.

CABINET OFFICE

- (ix) They could provide a coherent Engagement Explainer when they publish the next set of regulations. The last set were incomprehensible and were criticised by the Statutory Instrument Scrutiny Committee.
- (x) They could include an authority to permit the paying of interest from the date of the first offer of compensation for those who are invited to claim later.
- (xi) They could sort out the discrepancies in the formula for calculating future financial loss for those who claim under the IBSS route.
- (xii) They could provide a supplementary route for the affected.
- (xiii) They could consider producing a third set of regulations to correct some of the failings in the first regulations, for example, there is no supplementary route for autonomy or injury which means many serious harms will go uncompensated.

Statement of Truth

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

Signed _____

GRO-B

Dated 24th February 2025 _____

Table of exhibits:

Date	Notes/ Description	Exhibit number