



SCOTTISH EXECUTIVE

Minister for Health & Community Care
Andy Kerr MSP

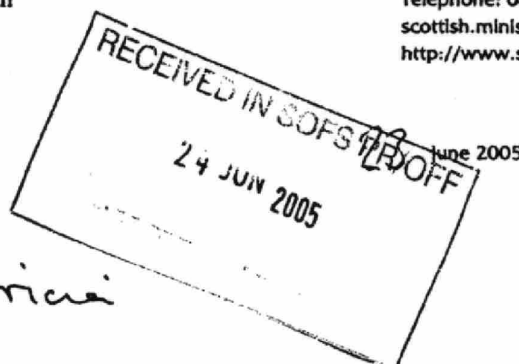
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Dear Patricia

EX GRATIA PAYMENTS IN RELATION TO HEPATITIS C: SKIPTON FUND

I am writing to you and colleagues in other devolved administrations further in relation to the progress of our legislation on payments to people who have contracted Hepatitis C through NHS treatment.

As you are aware the Health Committee of the Scottish Parliament amended Section 24 of the Smoking, Health and Social Care (Scotland) Bill – which relates to the Skipton Fund – to extend eligibility to claim payments to the relatives and dependants of patients who contracted Hepatitis C through NHS treatment, but have now died.

I am keen to ensure that we continue as far as possible with a clear and agreed UK approach to making ex gratia payments, as reflected in the existing UK Skipton scheme. We are concerned about the precedent with regard to calls for compensation; aware that we have an agreement with other UK administrations and with DWP (although we are all subject to the democratic process); and aware too of creating further calls on health budgets.

I have, however, to consider the parliamentary position at Stage 3 and the prospects of persuading the Parliament to reverse the amendments which have been made to the Bill. These provide for those who died prior to 29 August 2003 to be eligible for payments, and to allow relatives and dependants to make claims on behalf of those who died after 5 July 2004 whether or not they had applied to Skipton before they died.

My judgement is that the Parliament may agree not to extend eligibility to those who died before 29 August 2003. I believe, however, we need to show flexibility in relation to applications from relatives and dependants of those who die after 5 July 2004, and I propose that we agree to amend the Skipton Fund scheme to remove the requirement that claims need to be made before the date of death.



- resist any change
- when not last stage
- costs unknown
- consider implications for further
change + outcome of public
Eng. debate.

I have asked officials to discuss and agree very urgently with your officials and those in Wales and Northern Ireland the best approach to handling the implications of this change. I hope we can find a way of doing so that is consistent with fully maintaining the Skipton Fund framework and approach which is a well-established and effective one.

I am copying this letter to Shaun Woodward and Brian Gibbons.

All the Best

GRO-C

ANDY KERR

