

Secretary of State

From: Chris Corrigan HSD1

Date: 16 February 1998

cc:

MS(L)

M(PH)

Ms McLain APS/Perm. Sec

Mr Griffiths PS/CE

Dr Shepherd PS/CMO

Mr Stevens Sp Adviser

Mr McCrea Sp Adviser

Dr Winyard DCMO

Dr Metters DCMO

Mr Hewlett HSD1

Mr Reeves FP

Mr McCarthy FPA-PES

Dr Wight PH1

Ms Mithani HP3

Dr McGovern HSD1

Mr Dean HP4B

← PPD

Draft SofS Reply to Haemophilia Society

1. You met with the Haemophilia Society on 10 September 1997 to discuss special payments for haemophiliacs infected with hepatitis C and the provision of recombinant Factor VIII in the context of the UK Haemophilia Centre Directors' Organisation guidelines.

2. As you know, you promised to write to the Society about these issues as soon as possible after that meeting and you asked officials to explore the options available to see what, if anything, could be offered the Society. Since that time, although we have been looking into the several of the possibilities put forward by the Society, we have been largely preoccupied with the nvCJD issue and with seeking to ensure that any action proposed in the context of the Society's representations was consistent with the lines being taken both regarding the potential nvCJD risk to blood products more generally, and the wider NHS commitment to treatments based on clinical effectiveness. However, the most recent developments in respect of nvCJD and blood products mean that you are now in a position to offer the haemophilia community funding for limited provision of recombinant Factor VIII, and you asked for an urgent draft reply to the Haemophilia Society on those lines for consideration.

Special payments

3. In view of the very little time available I have assumed on the hepatitis C "compensation" issue, given the considerable implications to the wider NHS of agreeing to any such scheme, that you would wish to continue with the policy line which the Government has so far taken in response to representations from other groups ie to refuse

such requests on the grounds that:

"Compensation in respect of any NHS treatment should only be made where it can be shown that the NHS owed a duty of care to the victim, that there had been negligence by act or omission, and that harm was caused by the act of negligence. This is in line with the Department's longstanding policy, based on the common law, and consistent with practice in the public sector generally."

Recombinant Factor VIII

4. At a meeting on 10 February to discuss the issues relating to nvCJD and blood, Ministers decided that recombinant Factor VIII should be made available to all children and previously untreated patients not already receiving this product. The question of how this should be funded will be addressed in a wider separate submission, about meeting the costs of all the additional measures now under consideration in respect of blood and blood product, which is to be put to you today by finance colleagues.

5. You also indicated at the meeting that, given that the haemophilia group are effectively being treated as a special case, you wished to make an early announcement about the funding of recombinant Factor VIII as a direct response to the representations made by the Society, rather than as part of the wider package of measures relating to blood products. I attach a draft reply to the Haemophilia Society along those lines for your consideration.

6. We are, in the usual way, preparing a Press Release to cover the announcement, but you will wish to be aware that there is an ordinary written PQ from Joan Whalley (Labour, Stoke on Trent North), due for answer this week, which asks about haemophiliacs infected with hepatitis C and whether you will make a statement. You may therefore also wish to consider taking that as an opportunity for making your response to the Haemophilia Society made known to the House?

Christine Corrigan
Health Services Directorate