

## Steptoe Ian LSPG Sol C4

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**From:** Trefgarne Mary LSPG Sol C4  
**Sent:** 31 July 2003 15:31  
**To:** Steptoe Ian LSPG Sol C4  
**Subject:** FW: Recombinant Clotting Factors

-----Original Message-----

**From:** Carl.Evans@GRO-C [mailto:Carl.Evans@GRO-C]  
**Sent:** 31 July 2003 15:10  
**To:** Richard.Gutowski@GRO-C  
**Cc:** David.Daley@GRO-C; Jill.Taylor@GRO-C  
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Ian.Philp@GRO-C  
**Subject:** Re: Recombinant Clotting Factors

Richard

Thanks for your minute of 31 July.

This aspect of policy has not yet been drawn to my attention by the field as age discriminatory practice. That may not be particularly surprising given the emphasis of the age discrimination work within the context of the NSF for Older People.

However, my initial view, based on my limited knowledge of the decision and how it was arrived at is that it is an age discriminatory policy. I tend to agree with the comments made in letter (Annex A) on the policy implications of Older People's NSF and the NHS plan. I worked closely with the King's Fund who published a document earlier this year on Auditing Age Discrimination (copy in the post - see page 23). This provides a framework for looking at a policy and its effect on different ages (age group) - does it apply differently but equally? differently but worse? - and when might age-related criteria be fair or justifiable.

I am less clear of the implications of the Human Rights Act and am not aware of any test cases in this area - SOL will no doubt have a view.

I think that the age based approach taken will be difficult to justify beyond saying that it is a pragmatic approach to controlling and getting the required funding out quickly. It might help to have some idea of the potential cost of identifying people by need if this shows that there would then be little or no funding left for treatment. But, like all such age cut-offs it has the potential to arouse strong reaction in individuals who feel unfairly treated when they have the same or greater needs as others.

I'm happy to give further advice or explanation, but not sure how helpful it will be in justifying the position.

Carl

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