

To: MS(PH)

From: Debby Webb

Cleared: Liz Woodeson

Date: 13 May 2009

Copy: See end of submission

Lord Archer's report into contaminated blood and blood products

1. This submission deals with the publication arrangements for our response to Lord Archer's report on contaminated blood and blood products.

Recommendation

2. COMMS colleagues recommend that we publish our response and announce it via a written ministerial statement on 20 May 2009.

Lords Debate on the Health Bill amendments

3. You are aware that during the report stage of the Health Bill on 28 April 2009, Lord Morris tabled two amendments to try to implement via legislation the first of Lord Archer's recommendations - the establishment by statute of a committee to advise Government on the management of haemophilia.
4. Lord Morris' amendments were debated on 28 April 2008 and there was mixed support for them from the Lords. Everyone agreed with the spirit of the clauses, but not all agreed this was the best way to deliver what was needed. The Hansard extract is included at Annex B.
5. You and Baroness Thornton met with Lord Morris prior to the Report Stage of the Health Bill. Lord Morris withdrew his amendment after it was debated because of our commitment to utilise the Haemophilia Alliance, rather than creating a committee by statute, and to receiving our full response to the report before Whitsun recess (21 May). You also committed to replying before Whitsun recess during Health Orals on 12 May.
6. COMMS colleagues have confirmed we have pencilled in 20 May for this response and that it should be announced via a written Ministerial statement.

Overview of the proposed Government response

7. As agreed with you following Liz Woodeson's submission of 17 April, the proposed response will meet, in part, a number of key recommendations:
- i. Providing a formal mechanism for patients and clinicians to advise UK Health Departments on the management of haemophilia through the Haemophilia Alliance.
 - ii. Implement any tests for haemophilia patients and their partners recommended by the Alliance.
 - iii. Refer any recommendations that the Alliance makes for tests for blood donors to our advisory committee – SaBTO
 - iv. Professor Gilmore's review to consider the possibility of free prescriptions for those infected
 - v. Giving the Haemophilia Society ongoing core funding of £100k for five more years
 - vi. Committing to review the Skipton Fund in 2014 and subject to Treasury approval (doubling average) payments to recipients of Eileen and Macfarlane and removing discretionary payments
 - vii. The increased payments will help recipients meet the increased premiums. We will continue to discuss this with the ABI.
 - viii. Carry out look back exercise.

The detail of the proposals you previously agreed is in annex A.

8. We need to bear in mind that the response will not satisfy everyone, as flagged in your note to SofS:

This package of measures will not satisfy Lord Archer or his supporters entirely. In particular, we are likely to face significant criticism from the hepatitis C community, as we will not be making any changes to the Skipton Fund. Much as we would like to, I believe these would be unaffordable because of the larger number of claimants. As mentioned above, to rectify the main anomaly in the Skipton Fund to make payments to dependents of those who died before it was introduced would cost up to £54m. And to introduce annual payments for Skipton Fund recipients, even if limited to those with the most serious form of the disease, would cost £10m per annum. (This assumes the same payment of £12,800 as for the HIV patients as it would be very difficult to justify giving them any less.)

Framework for response and COMMS strategy

9. If you agree to publication via WMS on 20 May, we will provide a draft response and the WMS on Monday for your clearance.

10. COMMS colleagues have drawn up an outline media-handling plan.
This is at Annex C.

Devolved administrations

11. The Devolved Administrations are looking to make separate but co-ordinated announcements. We will continue to liaise with them accordingly.

Latest release of documents

12. The Department has made a commitment to release all relevant documents that it holds on the safety of NHS blood and blood products from 1970 to 1985, in line with FOI. Over 5000 documents have been placed on the DH website, and we have said that where we identify any further documents they will also be released, subject to safeguards such as not releasing personal data.
13. We have identified 468 further relevant documents from this period. The documents have been reviewed and, in the view of the Department, they do not add to our knowledge of events in those years (1970-85). However, in keeping with the DH commitment, these documents will be released on the DH website at the same time as we release the written ministerial statement.
14. We will only need to hold back one of these documents because it contains patient specific information.

Recent media or parliamentary activity

15. Other than the Health Bill amendment, we are not aware of any other recent media or parliamentary activity.

Conclusion

16. Do you agree to publication of the response and the WMS on 20 May 2009?

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