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**MINISTERIAL MEETING ON vCJD**

**MINUTES** of a Meeting held in Conference Room E,  
Cabinet Office  
on **THURSDAY 19 OCTOBER 2000 at 10.30am**

**PRESENT**

The Rt Hon Margaret Beckett MP  
President of the Council and  
Leader of the House of Commons  
(In the Chair)

The Rt Hon Jack Straw MP  
Secretary of State for the  
Home Department

The Rt Hon Nick Brown MP  
Minister of Agriculture, Fisheries  
and Food

The Rt Hon The Baroness Jay of  
Paddington  
Leader of the House of Lords  
and Minister for Women

The Rt Hon Alan Milburn MP  
Secretary of State for Health

**ALSO PRESENT**

The Rt Hon Ian McCartney MP  
Minister of State  
Cabinet Office

Brian Wilson MP  
Minister of State  
Scotland Office

Melanie Johnson MP  
Economic Secretary  
HM Treasury

David Hanson MP  
Parliamentary Under-Secretary of  
State  
Wales Office

Ross Cranston QC MP  
Solicitor General

Mr D North  
No 10

**SECRETARIAT**

Ms Bell  
Mr Zacharzewski  
Mr Heffernan

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ITEM 1 – Response and statement on publication of Phillips Report

1. The Committee had before them a note from the Minister for Agriculture, Fisheries and Food (vCJD(00)1).

2. The Minister of Agriculture Fisheries and Food said that the Phillips report had taken far longer than originally envisaged. It was a comprehensive piece of work, with clear and measured conclusions and findings. Overall it was fair and even-handed but it was written in such a way that criticisms could be taken out of context. There was an Annex listing individuals who were criticised but in fact many of them were praised elsewhere, and the summary made clear that people were doing their jobs conscientiously and responsibly even if mistakes were made. The report needed to be presented with care. It would be wrong for the government to offer immediate views on the behaviour of individuals. The emphasis should be on putting the report in the public domain and giving the public and those concerned with the issues a chance to read and consider it. The public and the media would be looking for answers to the questions: "Who was to blame" and "How did it happen?". On the former question the report's answer was that no person or people were to blame for the BSE crisis nor for the human consequences, although mistakes were made and lessons need to be learned. In particular the report pointed to failures of different organisations – within Whitehall and elsewhere – to act collectively and quickly to implement controls once measures to prevent the spread of BSE had been identified.

3. Continuing, the Minister of Agriculture, Fisheries and Food said that on the question "How did BSE happen?" Lord Phillips gave his firm opinion that the BSE outbreak did not derive from scrapie, nor from changes to rendering processes, but was caused by a spontaneous prion protein mutation. The report did not invalidate the precautionary measures put in place by government and it would be important to reassure the public that nothing in this report cast doubt on the current safety of beef in the UK. Lord Phillips also strongly recommended more help for the victims and their families.

4. Summing up a brief discussion on this item the President of the Council said that it would be inappropriate for the government to give too detailed a response on the day of publication, but a clear steer on the way they were minded to approach care and compensation for victims would be essential. This was the subject of the next item for discussion. The government should offer a full debate on the findings of the report, but the timing of this should be left open. It would be necessary to acknowledge continuing Parliamentary interest, but it should not be necessary to offer regular reports. She asked the Minister of Agriculture, Fisheries and Food to ensure that colleagues had a chance to comment on a draft of his statement.

5. The Committee – took note, with approval.

ITEM 2 – Government response to families and victims of vCJD

6. The Committee had before them a note from the secretaries (vCJD(002)) and a note from Department of Health Officials (vCJD(003))

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7. The Secretary of State for Health said that so far there were 84 victims of vCJD. The estimate of future numbers ranged from 84 to 136,000. The incubation period for humans was unknown, so it was impossible to extrapolate a reliable profile from the figures so far available. The Phillips report was firm on the need for the Government to do more for victims and their families. This would get a lot of attention on the day of publication. The difficulties of diagnosis and the rapidity of degeneration meant that people had not always got the right care quickly enough. The Government should respond positively to the call for a better care package, tailored to the preferences of families for care in or close to home, but should also make it clear that many improvements had already been put in hand. The government should supplement existing care arrangements by providing more expert staff and more resources to provide financial assistance to help families care properly for victims.

8. Continuing, the Secretary of State for Health said that the enhanced care package would be welcomed but would not in itself go far enough to meet the calls for compensation. 41 families were currently involved in litigation against the government and they had agreed to a stay of proceedings for four months after the publication of the report. The report did not strengthen their case against the government, in fact it probably weakened it, so they were likely to be willing to work with the government towards a "no fault" payment scheme. It should be noted, however, that the position might be different for future litigants. In the context of the fact that so far over £3 billion of public money had been spent on protection measures and compensating the farming industry it would be impossible to defend giving nothing to the victims of vCJD and their families. If nothing was offered the families could be expected to continue with litigation, however slim their chances of winning, and the media would run campaigns against the government. The circumstances leading to vCJD were extraordinary and making ex gratia payments or "no-fault" compensation payments should be presented as an extraordinary measure which did not set a precedent for claimants elsewhere. He proposed using a Trust Fund, on the model of the Macfarlane Trust set up to help haemophiliacs who contracted HIV from transfusions. The trustees would be independent and payments could be tailored to meet individual needs and circumstances. The costs would depend on numbers. This was a government wide responsibility and he would be looking to the Treasury to fund compensation costs from the Reserve.

9. In discussion the following points were made:

- (a) the proposed enhanced care package would be an essential element of the government's response;
- (b) the moral and political case for "no-fault" compensation was overwhelming. It would be important to work with the families and their representatives to secure arrangements which took full account of their needs. The Government should not rush into announcing detailed plans but should be offering a generous approach without admitting liability;
- (c) the devolved administrations needed to be consulted both on the care package and on compensation. They would expect to get additional resources to enable them to provide additional care. On compensation they would expect the UK government

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to retain liability for meeting what would be an open-ended commitment. These issues needed to be sorted out before the publication date.

- (d) Department of Health officials should check that health authorities and local social services departments were following existing guidelines for the care of vCJD patients;
- (e) the Trust arrangements needed to be sufficiently robust to meet the needs of a significant increase in the numbers of victims, but it was recognised that in the event of a huge increase different arrangements might be needed; the issue of funding the new commitments needed to be addressed outside this meeting;
- (f) more work was needed on the possible read across to other claimants (eg gulf war syndrome or hepatitis C) and on existing compensation models such as the Criminal Injuries Compensation scheme.

10. Summing up this part of the discussion, the President of the Council said that the committee agreed that the Minister for Agriculture Fisheries and Food should include in his statement a commitment to an improved care package along the lines proposed by the Secretary of State for Health. He should also include a commitment for the government to work with the families of vCJD patients and their representatives on arrangements for "no-fault compensation" to be paid through a Trust Fund. Ministers should discuss the Government's proposals with the devolved administrations as soon as possible. Key decisions of funding, such as those affecting the devolved administrations, and the possible call on the reserve, needed to be resolved quickly: detailed issues could be resolved later. The Secretary of State for Health and the Minister of Agriculture Fisheries and Food should circulate to colleagues what they proposed to say on compensation, both in the statement itself and in answer to questions. The ad hoc group of Ministers would meet again as necessary.

11. The Committee – took note with approval.

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