

From the Permanent Secretary
Sir Chris Wormald



Department
of Health &
Social Care

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20th June 2018

Dear Nicola

I am writing to you as a former health minister within the Department of Health and Social Care as I have recently received a letter from the Right Honourable Baroness Featherstone raising concerns about public statements describing the release of infected blood files to National Archives.

Between 2015 and 2016, the Department released a large number of files in the light of the Penrose Inquiry in Scotland. This process involved officials conducting a search of all files to identify relevant files for transfer to The National Archives.

Further to this release of documents and in answer to some Parliamentary Questions (PQs), the statement "All documents up to 1995 are available through The National Archives" has been used on several occasions. This line was normally nuanced to explain that it related to all relevant files and I am sorry that in some instances this did not happen. As you will understand, what is considered to be relevant is a subjective decision.

From now on DHSC will use the amended line "All files up to 1995, previously deemed to be relevant to the issue of infected blood, and which were agreed to release by The Advisory Council, were transferred to The National Archives. However, we recognise this did not include all files that may be relevant and work on identifying all additional pre-1995 files for transfer is continuing. As well as releasing these files to the public, DHSC is committed to co-operating fully with the Infected Blood Inquiry".

I am drawing this to your attention as you were holding office when these statements were made either in PQs or in one instance in a speech. Attached at Annex A, are the PQ responses identified following a trawl of Hansard by DHSC officials; this is just for noting and no action is required. We are not able to correct the official record for previous sessions.

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I apologise that you were advised incorrectly on these occasions.

In the interest of transparency, and to ensure that we are able to provide everything that may be of use to the Infected Blood Inquiry and others, officials are identifying all the files the department holds, or has held, that are in any way linked to the issue of infected blood. This includes files on what was known about the viruses, testing for and treatment of the viruses and any other files that relate to blood donation, blood products and blood safety from the period up to 1995, and identify which of those files are already available in The National Archives, which are in the process of being transferred and which, if any, are not yet in the process of being transferred. This process of file identification will be completed shortly so that we are in a position to respond to any requests from the Infected Blood Inquiry team.

The Parliamentary Under Secretary of State for Mental Health and Inequalities has written to Diana Johnson in similar terms.

Yours sincerely,

Chris

Wormald

**SIR CHRIS WORMALD
PERMANENT SECRETARY**

Annex A

PQ 71814

Asked by Diana Johnson (Kingston upon Hull North)

Asked on: 24 April 2017

To ask the Secretary of State for Health, with reference to the Answer of 11 January 1988 to the right hon. Member for Birkenhead, Official Report, column 184W, on contaminated **blood** products, if he will place a copy of the letter sent to that right hon. Member in the Library.

Answered by: Nicola Blackwood

Answered on: 27 April 2017

We regret that we are unable to locate a copy of a letter from Tony Newton, the then Minister of State for Health, to the Rt. hon. Member for Birkenhead (Frank Field MP).

We have published all available material before 1992 and have acknowledged that unfortunately some papers from the period were inadvertently lost or destroyed a number of years ago. This is covered in some detail in Lord Archer's report and it is important to note that Lord Archer also made clear that his inquiry "discovered no evidence of malicious destruction of relevant records".

Officials have not been able to identify any of the correspondence referred to or the information it would have contained. However haemophilia centres were alert to the potential of HIV in **blood** products by 1983.

PQ 65843

Asked by Diana Johnson (Kingston upon Hull North)

Asked on: 27 February 2017

To ask the Secretary of State for Health, how many documents the Independent Public Inquiry on NHS Supplied **Contaminated** Blood and Blood Products by Lord Archer of Sandwell QC requested from his Department; how many of these requests were (a) accepted and (b) rejected; and how many documents submitted contained redacted information.

Answered by: Nicola Blackwood

Answered on: 07 March 2017

The Department co-operated with Lord Archer's Inquiry. Over 5,500 official documents were shared with the Inquiry. In addition, Departmental officials met with the Inquiry team several times to talk them through the documentation.

Any redacted documents provided to the Inquiry will have been redacted in line with standard Freedom of Information practice.

All documents up to 1995 were made available through the National Archive in 2016, in line with the Public Records Act on the retention and release of official files.

PQ 65806

Asked by: Diana Johnson (Kingston upon Hull North)

Asked on: 27 February 2017

To ask the Secretary of State for Health, with reference to the statement by the Minister of State for NHS Delivery in HL Deb, 19 April 2006, column 1054, how many papers were destroyed in error; and what proportion of the relevant documents from 1973 were available to inform the report on self-sufficiency.

Answered by: Nicola Blackwood

Answered on: 07 March 2017

Over 4,000 documents on **blood** safety that were available for the period 1970-85 and informed the self-sufficiency report, were published on the Department's website in 2007. Over 550 further, from the same period, were published in 2009.

Regrettably, some advisory committee papers from the period 1989 and 1992 were inadvertently destroyed some years ago. Many earlier papers that were recalled from departmental files for HIV litigation purposes in the early 1990s were also inadvertently destroyed, but copies later recovered from the firm of solicitors acting for the claimants have been published electronically via the Department's website.

It is not possible therefore to say with certainty the proportion of all the earlier documents that were available to inform the 2007 self-sufficiency report.

All available documents including those from 1986 to 1995 are now available through the National Archive.

PQ 65851

Asked by Diana Johnson (Kingston upon Hull North)

Asked on: 27 February 2017

To ask the Secretary of State for Health, how many documents did the 2015 Penrose Inquiry on contaminated **blood** in Scotland request from his Department; how many of these requests were (a) accepted and (b) rejected; and how many documents submitted contained redacted information.

Answered by: Nicola Blackwood

Answered on: 07 March 2017

Although the Department was not called to provide witnesses to the Penrose Inquiry, we cooperated fully with Lord Penrose's requests for documentary evidence, and the Departmental evidence that Lord Penrose used is referenced in his final report. Lord Penrose published the report of his public inquiry into infections acquired in Scotland on 25 March 2015. Nothing was withheld.

All documents up to 1995 are available through the National Archive.

Any redacted documents provided to the Inquiry will have been redacted in line with standard practice to protect personal information and with current Freedom of Information requirements.

PQ 65849

Asked by Diana Johnson (Kingston upon Hull North)

Asked on: 27 February 2017

To ask the Secretary of State for Health, what proportion of documents related to contaminated **blood** which were previously disclosed to (a) litigants, (b) the 2009

Independent Public Inquiry on NHS Supplied Contaminated **Blood** and **Blood** Products, (c) the 2015 Penrose Inquiry into contaminated **blood** in Scotland and (d) used to inform his Department's report on Self-Sufficiency in **Blood** Products in England and Wales published in 2007 are (i) currently readily accessible to members of the public without the use of Freedom of Information legislation and (ii) have been disclosed under the Freedom of Information Act.

Answered by: Nicola Blackwood

Answered on: 07 March 2017

The Department has released a large quantity of relevant papers for inspection by Parliamentarians and the public.

Documents covering the period from 1970 to 1985 were published in 2007 and 2009, in line with the Freedom of Information Act 2000.

All relevant documents on **blood** safety for the period up to 1995 are now available on the National Archives website, having gone live in March 2016.

It is not possible to separately identify the proportion of documents disclosed for the various purposes requested.

PQ 57809

Asked by: Ian Austin (Dudley North)

Asked on: 15 December 2016

To ask the Secretary of State for Health, if he will establish an independent inquiry into deaths resulting from people receiving **contaminated** blood.

Answered by: Nicola Blackwood

Answered on: 20 December 2016

There has been a comprehensive release of Government papers that has already taken place and the numerous statements made by Ministers in both Houses of Parliament on this issue.

Lord Archer of Sandwell and Lord Penrose have already separately undertaken thorough, independent inquiries within the last decade. Both inquiries did not find the governments of the day to have been at fault and did not apportion blame.

We do not believe that another inquiry would be in the best interests of sufferers and their families as it would be costly, it would further delay action to address their concerns, and would curtail plans to reform the existing support schemes. The Department has published all relevant information that it holds on blood safety, in line with the Freedom of Information Act 2000.

Debate: Contaminated Blood and Blood Products

24 November 2016

<https://hansard.parliament.uk/commons/2016-11-24/debates/9369C591-D01B-4479-B78A-E74243142B88/ContaminatedBloodAndBloodProducts>

Nicola Blackwood

"the Government have published all documents associated with this event from the period 1970 to 1985, in line with the Freedom of Information Act 2000