



Ministry
of Justice

Lord Ponsonby of Shulbrede
Parliamentary Under-Secretary
of State for Justice

House of Lords
London
SW1 0PW

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25 October 2024

Dear Baroness Brinton and Earl Howe,

INFECTED BLOOD COMPENSATION SCHEME REGULATIONS 2024

I am writing following the debate on the Infected Blood Compensation Scheme Regulations 2024 on the 21 October. I am grateful to you both for the points you raised, and the constructive and collaborative tone you continue to bring to the infected blood work.

I committed to writing to you both to provide further information on the points raised around psychological illness. As Earl Howe asked:

Sir Robert Francis's recommendation 18, which the Government appear to have accepted, was that, under the injury impact award heading, not enough attention had been paid to psychological illness as opposed to emotional distress and anxiety [...] If so, how will any assessment of someone's psychological illness and the severity of such illness not interfere with the timely delivery of compensation to that individual?

Firstly, I would like to be clear that the core route, established by the Infected Blood Compensation Scheme Regulations, has taken into account psychological impacts on victims under the five heads of loss. How this is accounted for in the Scheme is set out in the Infected Blood Inquiry Response Expert Group final report description of injury awards (<https://www.gov.uk/government/publications/infected-blood-inquiry-response-expert-group-summary-report/infected-blood-inquiry-response-expert-group-final-report>). Following Sir Robert Francis KC's engagement exercise, and his recommendations, the Expert Group reflected on the feedback that insufficient recognition was given to the impact that some victims experienced. The Group revised their advice to add six supplementary health impact groups where adjustments would be made for additional care needs or financial loss. The Government subsequently accepted recommendation 18 of Sir Robert Francis' report.

It is the Government's policy that a supplementary route will be available to provide additional awards for applicants whose losses are not adequately covered by the core route, including addressing the valid points Sir Robert made around psychiatric illness. As you are aware, the supplementary route will be set out in further regulations to follow but let me reassure you that the split of Regulations will not impact people's ability to claim compensation under the Core Route when the Infected Blood Compensation Authority is operational. Where people who have already received compensation under the core route or

IBSS route would be considered eligible under the supplementary route, they will be able to return to IBCA for further assessment once the supplementary route is established. Therefore we do not envisage acceptance of recommendation 18 preventing an eligible person from claiming the initial compensation to which they are entitled under the core route, before later returning to IBCA for further awards under the supplementary route, once this route has been set out in further regulations

I would like to also acknowledge the final point made by Baroness Brinton in the debate, the issue of communication. As the Minister for the Cabinet Office said in the debate on Wednesday on these Regulations, continuing to engage with the infected blood community is hugely important, and this matter is one he discusses frequently with Sir Robert in his role as the chair of the IBCA. The IBCA is committed to engaging with the infected blood community in an open and transparent way so that they can deliver the compensation scheme as quickly as possible, and in a way that meets the needs of the community. With regard to practical steps being taken to improve this communication, the IBCA sends out a regular newsletter to those interested in the Infected Blood Compensation Scheme and also has a helpline available for the community to contact. The IBCA is also creating a number of ways to collaborate with the community wherever possible, including regular engagement sessions, panels to advise and shape their work, and a User Consultant role to ensure community views are built into all they do.

Thank you, once again, for your continued engagement on this important matter. I look forward to the opportunity to meet with you to continue this discussion and address any further questions.

I shall place a copy of this letter in the House library.

Yours sincerely,



LORD PONSONBY OF SHULBREDE