

Copies of information requested

From: [text redacted – personal data]@gov.scot> **On Behalf Of** Cabinet Secretary for Health and Sport
Sent: 18 January 2018 14:18
To: [text redacted – personal data]; Cabinet Secretary for Health and Sport <CabSecHS@gov.scot>
Cc: Minister for Public Health and Sport <MinisterPHS@gov.scot>; DG Health & Social Care <DGHSC@gov.scot>; Director of Population Health <Directorofpopulationhealth@gov.scot>; Brown GJ (Gareth) <Gareth.Brown@gov.scot>; [text redacted – personal data]; Hutchison D (David) <David.Hutchison@gov.scot>; [text redacted – personal data]; Communications Healthier <CommunicationsHealthier@gov.scot>; UK Relations Mailbox <UK_Relations_Team_Mailbox@gov.scot>
Subject: RE: UK Inquiry on Infected Blood - draft letter to David Lidington MP

Thanks Sam. The Cabinet Secretary has noted your email below and signed the letter to David Lidington MP.

Signed copy attached for your records.

[text redacted – personal data]
 DPS to Cab Sec for Health & Sport [text redacted – personal data]

[note attachment provided in response to previous FOI request]

[email withheld]

From: [text redacted – personal data]@gov.scot> **On Behalf Of** Cabinet Secretary for Health and Sport
Sent: 12 February 2018 12:54
To: [text redacted – personal data]@gov.scot>
Cc: Cabinet Secretary for Health and Sport <CabSecHS@gov.scot>; [text redacted – personal data]@gov.scot>
Subject: FW: Correspondence from Shona Robison MSP

Hi,

Please see response attached from David Lidington MP regarding the infected blood inquiry.

For your awareness and grateful for advice if any further action is required.

Many thanks,

[text redacted – personal data]
 Portfolio Assistant
 Cabinet Secretary for Health and Sport

Tel: [text redacted – personal data]
 Ext: [text redacted – personal data]

[note attachment provided in response to previous FOI request]

From: [text redacted – personal data]@cabinetoffice.gov.uk [mailto: [text redacted – personal data]@cabinetoffice.gov.uk] **On Behalf Of** Office of the Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office Mailbox
Sent: 12 February 2018 11:31
To: Cabinet Secretary for Health and Sport
Cc: PSCorrespondence Mailbox
Subject: Re: Correspondence from Shona Robison MSP

Dear [text redacted – personal data],

Please find attached a letter from David Lidington MP, Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office.

Many thanks,
[text redacted – personal data]

On 18 January 2018 at 14:16, <CabSecHS@gov.scot> wrote:
Good Afternoon,

Please find attached a letter from Shona Robison MSP, Cabinet Secretary for Health & Sport.

Kind Regards,
[text redacted – personal data]

Deputy Private Secretary to Shona Robison MSP, Cabinet Secretary for Health & Sport | Scottish Government | 1E.10, St Andrews House, Edinburgh. EH1 3DG | [text redacted – personal data] | cabsechs@gov.scot

From: [text redacted – personal data]
Sent: 26 February 2018 12:06
To: [text redacted – personal data]
Cc: [text redacted – personal data]
Subject: Re: Record of the Penrose Inquiry at NRS

Thanks [text redacted – personal data]

I'm happy with your proposals below on what to transfer now.

[text redacted – personal data]

Sent from my BlackBerry 10 smartphone on the EE network.

[text redacted]

From: [text redacted – personal data]
Sent: 23 February 2018 16:33
To: [text redacted – personal data]
Cc: [text redacted – personal data]
Subject: RE: Record of the Penrose Inquiry at NRS

Thanks [text redacted – personal data]

That's really helpful and reassuring!

Have a good weekend.

[text redacted – personal data]

Organ Donation, Blood Policy and Abortion Services
Scottish Government
3E, St Andrew's House, Edinburgh
Tel: [text redacted – personal data]

From: [text redacted – personal data]

Sent: 23 February 2018 15:21

To: [text redacted – personal data]

Cc: [text redacted – personal data]

Subject: Re: Record of the Penrose Inquiry at NRS

Hi [text redacted – personal data]

No problem. My understanding is that the meta data does not contain any personal or sensitive data.

I hope this is helpful.

Kind regards

[text redacted – personal data]

Sent from my BlackBerry 10 smartphone.

From: [text redacted – personal data]

Sent: 08 March 2018 16:46

To: Cabinet Secretary for Health and Sport <CabSecHS@gov.scot>

Cc: DG Health & Social Care <DGHSC@gov.scot>; Director of Population Health <Directorofpopulationhealth@gov.scot>; Brown GJ (Gareth) <Gareth.Brown@gov.scot>; [text redacted – personal data]; Hutchison D (David) <David.Hutchison@gov.scot>; Communications Healthier <CommunicationsHealthier@gov.scot>; Minister for Public Health and Sport <MinisterPHS@gov.scot>

Subject: UK Infected Blood Inquiry - Terms of Reference consultation letters issued

Cabinet Secretary for Health and Sport

For awareness, the UK Infected Blood Inquiry has issued a consultation to seeks views on the Terms of Reference of the Inquiry. I enclose the covering note, introductory letter from the chair Sir Brian Langstaff, and a copy of the Terms of Reference consultation that have been issued to members of the Scottish Infected Blood Support Scheme. The closing date for the consultation is 26 April.

We are meeting with DH and the Inquiry sponsor team tomorrow and will provide a further update after that. The Inquiry sponsor team have made initial contact with the National Records of Scotland regarding the transfer of the open Penrose Inquiry record. Once the Terms of Reference have been established they will need to issue a section 21 notice under the Inquiries Act 2005 to gain access to the closed Penrose Inquiry material.

Thanks,

[text redacted – personal data]

Policy Manager- Population Health Directorate (Health Protection: Organ Donation, Blood Policy and Abortion Services)

Royal Courts of Justice
2nd Floor, Westblock
Strand
London
WC2A 2LL

Infected Blood Inquiry

In 2017 the Government announced a full statutory inquiry into the infected blood tragedy. The Inquiry, which will be sponsored by the Cabinet Office, was established under the 2005 Inquiries Act with full judicial powers, including the power to compel the production of documents, and to summon witnesses to give evidence by oath.

In February 2018 Sir Brian Langstaff, a highly experienced High Court judge, was appointed to Chair the Inquiry and a team is being established to support this important work. Sir Brian will be the full-time Chair of the Inquiry from 1 May following his retirement from the High Court. However, in order that people affected by this tragedy face no further undue delay, he will use the intervening period to conduct a further consultation on the Inquiry's terms of reference. We are very grateful to people who have already provided contributions and would encourage others to do so.

Sir Brian has written an introductory letter to all victims of this tragedy. This letter, a copy of which is attached, sets out his determination to put people at the heart of the Inquiry and contains details of the consultation on the terms of reference. Further details on the consultation can be found at www.infectedbloodinquiry.org.uk. Copies of the key consultation documents are also attached for those who may have problems accessing the internet.

We have asked the scheme you are registered with to send this letter to you. Your details have not been shared with us. If you would like to receive further information on the Inquiry please do consult the website or feel free to contact us at contact@infectedbloodinquiry.org.uk or on our freephone number 0808 169 1377.

Infected Blood Inquiry Team
8 March 2018

Infected Blood Inquiry
Royal Courts of Justice | 2nd Floor | Westblock
Strand | London | WC2A 2LL
Enquiries: contact@infectedbloodinquiry.org.uk

[note – links to the other two attachments are provided in the covering letter]

From: [text redacted – personal data]

Sent: 20 March 2018 16:08

To: Cabinet Secretary for Health and Sport <CabSecHS@gov.scot>

Cc: Minister for Public Health and Sport <MinisterPHS@gov.scot>; DG Health & Social Care <DGHSC@gov.scot>; Director of Population Health <Directorofpopulationhealth@gov.scot>; Brown GJ (Gareth) <Gareth.Brown@gov.scot>; [text redacted – personal data]; Communications Healthier <CommunicationsHealthier@gov.scot>; Hutchison D (David) <David.Hutchison@gov.scot>

Subject: Routine: UK Infected Blood Inquiry - progress update - for awareness

Cabinet Secretary for Health and Sport

Further to my email of 8 March regarding the Terms of Reference consultation, we met with Cabinet Office officials on 9 March to discuss their proposed approach to the UK Infected Blood Inquiry in more detail. The UK-wide consultation ends on 26 April.

Inquiry Team

The Inquiry Team is currently recruiting staff – in addition to the Chair, a Deputy Secretary and a solicitor have now been appointed and they are seeking premises in the legal district in London. The Inquiry website is now live and they have started receiving responses to the consultation: <https://www.infectedbloodinquiry.org.uk/>

The Chair will proceed with his work on the Inquiry on a full-time basis from 1st May. It is not clear whether a panel will be appointed to assist the Chair. The UK Minister must consult the Chair before appointing panel members.

Consultation approach

They intend to get a sense of the views of the infected blood community before directly consulting the devolved administrations on the proposed Terms of Reference, as required under section 27 of the Inquiries Act 2005. They are only required to consult the devolved administrations on the Terms of Reference in relation to issues that pertain directly to them (e.g. are wholly or primarily concerned with a Scottish matter). Colleagues in Wales and Northern Ireland stated that [text redacted].

The Terms of Reference can be amended at a later date if it is considered to be in the public interest.

Stakeholder engagement

All key stakeholder groups and support scheme beneficiaries across the UK have been written to regarding the consultation and the Chair intends to meet with stakeholders directly to discuss the scope of the Terms of Reference. The UK Minister also intends to write to all MPs on the matter.

It is likely that you may be lobbied by stakeholders in Scotland to take a position on the proposed Terms of Reference, particularly if they feel they are too narrow. They may want to reconsider areas already subject to detailed analysis by the Penrose Inquiry – [text redacted]. There is not a unified stakeholder position across the UK, or in Scotland, so the finalised Terms of Reference are likely to be subject to some criticism.

Hearings

The proposed location of the hearings across the UK has not yet been established, but they stated that they wanted the Inquiry to be as accessible and people-centred as possible.

Penrose files

Separately, the National Records of Scotland (NRS) has provided a copy of all the 'open' parts of the Penrose Inquiry record to the Cabinet Office for the Inquiry Chair to review. The closed parts will be transferred once the Inquiry is up and running (as the Inquiry Chair will then be able to issue a notice under the Inquiries Act to require NRS to provide them). [text redacted].

Thanks,

[text redacted – personal data] | Policy Manager- Population Health Directorate (Health Protection: Organ Donation, Blood Policy and Abortion Services)
t: [text redacted – personal data] | e: [text redacted – personal data]@gov.scot
HEALTH AND SOCIAL CARE DEPARTMENT: SCOTTISH GOVERNMENT

From: [text redacted – personal data]

Sent: 04 April 2018 14:59

To: Cabinet Secretary for Health and Sport <CabSecHS@gov.scot>

Cc: Minister for Public Health and Sport <MinisterPHS@gov.scot>; DG Health & Social Care <DGHSC@gov.scot>; Director of Population Health <Directorofpopulationhealth@gov.scot>; [text redacted – personal data]@gov.scot>; Brown GJ (Gareth) <Gareth.Brown@gov.scot>; Hutchison D (David) <David.Hutchison@gov.scot>; Communications Healthier <CommunicationsHealthier@gov.scot>

Subject: Routine: Letter from the UK Infected Blood Inquiry Chair - response

Cabinet Secretary for Health and Sport

[text redacted – personal data],

I enclose a draft response from the Cabinet Secretary to the Chair of the UK Infected Blood Inquiry, following his introductory letter.

Thanks,

[note attachment provided in response to previous FOI request]

[text redacted – personal data] | Policy Manager- Population Health Directorate (Health Protection: Organ Donation, Blood Policy and Abortion Services)
t: [text redacted – personal data] | e: [text redacted – personal data]@gov.scot
HEALTH AND SOCIAL CARE DEPARTMENT: SCOTTISH GOVERNMENT

From: [text redacted – personal data] On Behalf Of Cabinet Secretary for Health and Sport
Sent: 26 March 2018 15:05
To: [text redacted – personal data]
Cc: Cabinet Secretary for Health and Sport; Girvan RF (Robert)
Subject: Letter from the Infected Blood Inquiry

Hi [text redacted – personal data]

We have received the attached letter from the chair of the infected blood inquiry (Sir Brian Langstaff).

This seems to be an introductory letter which sets out Sir Langstaff's early thoughts on the inquiry. I would be grateful if you could draft a response for the Cabinet Secretary's signature.

If there are any issues please let me know.

[note attachment provided in response to previous FOI request]

Regards

[text redacted – personal data]
Deputy Private Secretary
Ministerial Private Office (Health)
St Andrew's House
[text redacted – personal data]

All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments.

Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

From: [text redacted – personal data]

Sent: 19 June 2018 14:08

To: Cabinet Secretary for Health and Sport <CabSecHS@gov.scot>

Cc: Minister for Public Health and Sport <MinisterPHS@gov.scot>; DG Health & Social Care <DGHSC@gov.scot>; Brown GJ (Gareth) <Gareth.Brown@gov.scot>; Director of Population Health <Directorofpopulationhealth@gov.scot>; [text redacted – personal data]; Communications Healthier <CommunicationsHealthier@gov.scot>; Hutchison D (David) <David.Hutchison@gov.scot>; [text redacted – personal data]; Sinclair MA (Murray) <Murray.Sinclair@gov.scot>; [text redacted – personal data]; Calderwood C (Catherine) <Catherine.Calderwood@gov.scot>; [text redacted – personal data]

Subject: Urgent - Terms of Reference for the UK Infected Blood Inquiry - draft response - issue by 25 June

CABINET SECRETARY FOR HEALTH AND SPORT

We have received the proposed Terms of Reference for the UK Infected Blood Inquiry (attached) and they have asked us to respond with our views **by 25 June**. Under section 27 of the Inquiries Act 2005, Scottish Ministers must be consulted in relation to the Terms of Reference of any statutory inquiry if they are to include anything that will require the inquiry

to determine any fact, or to make recommendations, wholly or primarily concerned with Scottish matters.

Key points from the TOR:

- The Chair is proposing to use groups of experts under different themes (ethical, clinical etc) to speed up the reporting process;
- The TOR are more expansive than those of the Penrose Inquiry and basically include everything campaigners have asked for. *[text redacted]*;
- The TOR also include hepatitis B, vCJD and other pathogen risks to the blood supply, whereas Penrose focused on HIV and hepatitis C infections;
- They are proposing to look into the financial support side in more depth than Penrose, tracing the evolution of the UK ex gratia payment schemes and differences in current financial support across the UK and internationally. Penrose did not cover these areas, although our financial review in 2015 looked at the financial support side in detail and resulted in significantly increased payments to those affected.

[text redacted]

The original letters from the Minister for the Cabinet Office are also enclosed for information.

Thanks,

[two attachments withheld (reply from Cabinet Secretary was provided in response to the previous FOI request) – remainder provided below or links included in the covering letter]

***[text redacted – personal data]* | Policy Manager- Population Health Directorate (Health Protection: Organ Donation, Blood Policy and Abortion Services)**
t: *[text redacted – personal data]* | e: *[text redacted – personal data]*@gov.scot
HEALTH AND SOCIAL CARE DEPARTMENT: SCOTTISH GOVERNMENT

From: *[text redacted – personal data]* [[mailto: *\[text redacted – personal data\]*@cabinetoffice.gov.uk](mailto:<i>[text redacted – personal data]</i>@cabinetoffice.gov.uk)]

Sent: 15 June 2018 09:53

To: Cabinet Secretary for Health and Sport

Cc: *[text redacted – personal data]*; Office of the Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office Mailbox

Subject: Letter from the Chancellor of the Duchy of Lancaster - Terms of reference for the Infected Blood Inquiry

Good morning,

please find attached a letter from the Chancellor of the Duchy of Lancaster, covering a letter to him from Sir Brian Langstaff, Sir Brian's recommendations for the terms of reference for the Infected Blood Inquiry, and a summary of the Inquiry's public consultation.

I would be grateful if you would confirm receipt. Please send any comments you have on the recommendations to me.

Regards,

[text redacted – personal data]

[note – links to the other attachments are provided in the covering letter]

Rt Hon David Lidington CBE MP
Chancellor of the Duchy of Lancaster Minister for the Cabinet Office
70 Whitehall London
SW1A 2AS
Web www.cabinetoffice.gov.uk

Our Ref: CDL/1879
Shona Robison MSP
Cabinet Secretary for Health and Sport

15 June 2018

Dear Shona,

Sir Brian Langstaff, Chair of the Infected Blood Inquiry wrote to me on 7 June with recommendations for his Inquiry's Terms of Reference (ToRs). The Inquiry conducted a public consultation about the ToRs, which ran from 2 March to 26 April, during which time Sir Brian and his team listened to the views of victims, bereaved families, campaigners including Haemophilia Scotland, the Scottish Infected Blood Forum and the West of Scotland Haemophilia Group, and professional bodies, including the Scottish National Blood Transfusion Service. The Inquiry received almost 700 written responses, and Sir Brian has carefully considered all of the responses before making his recommendations.

I believe the Terms of Reference are comprehensive and reflect the key points made in the consultation. They cover nine broad themes reflecting the consultation responses:

- a. What Happened and Why?
- b. The impact on those infected, including partners, children, parents, families and others close them;
- c. The Response of Government and others;
- d. Consent (the extent to which people were treated or tested or their infection status was recorded without their consent);
- e. Communication and information sharing;
- f. Treatment, care and support;
- g. Candour, openness and cover-up?
- h. Responsibilities (to identify any individual responsibilities as well as organisational and systemic failures);
- i. Recommendations (including, if appropriate, interim recommendations)

In his letter, Sir Brian sets out his proposal for establishing groups of experts to assist the Inquiry. The groups would cover all the material fields, including ethical, clinical, psychosocial, statistical and public administration. Each group would comprise leading members of the professions, who would report as experts to the Inquiry. They would make the expertise on which the Inquiry relies for its conclusions fully transparent by making their reports open, accessible, and subject to public scrutiny at the hearings. People affected, and other core participants would be able to propose experts for the groups and put questions to them, so that the affected community, other core participants and the general public could satisfy themselves that all relevant expert input was being given to the inquiry.

Sir Brian's view is that the expert groups model would achieve the objectives of those who have been in favour of panel members, by providing legitimacy (through the transparency of their evidence), expertise (through the wide range of expertise in all material fields) and speed (the expert groups would be able to progress work more rapidly than a co-determining panel, which would have to sit full-time).

Sir Brian proposes that he invite representations from core participants about the set up of the Inquiry. This will allow the Inquiry to explain publicly how the expert groups will work, and provide an opportunity for core participants to engage with the proposed approach. I am therefore deferring a decision on appointing further co-determining panel members until that engagement has taken place. The geographical scope of the Inquiry is UK-wide. Under section 27(2)(a) of the Inquiries Act 2005, I am required to consult you on the Inquiry's terms of reference. This letter covers Sir Brian's recommended terms of reference, and his letter to me of 7 June, which includes a summary of the Inquiry's public consultation. You will see that the terms of reference are comprehensive, detailed and cover all of the principal issues raised during the consultation.

Given the very real need for urgency reflected by the consultation, it would be very helpful if I could have your views on the recommended ToRs as soon as possible and no later than Monday 25 June. I am writing in similar terms to the Cabinet Secretary for Health and Social Services in the Welsh Government and, in the absence of a governing executive in Northern Ireland, the Secretary of State for Northern Ireland and the Northern Ireland Health Service.

Subject to your views, and those of the Welsh government and the relevant Northern Ireland authorities, I will formally announce the Inquiry's terms of reference, and the formal start date for the Inquiry through a written ministerial statement. The inquiry can then begin its work. It will have the full cooperation of Government, including access to all the resources it needs to complete its work; government departments have already started work on identifying information that might be of relevance to the Inquiry. I am most grateful to the National Records of Scotland, who have already provided the Inquiry with the documentary archive of the 2015 Penrose Report.

The Infected Blood Inquiry is sponsored by the Cabinet Office. My officials will ensure your officials are kept informed over the coming months of the Inquiry's progress.

Rt Hon David Lidington CBE MP

From: [text redacted – personal data]

Sent: 09 July 2018 11:35

To: DG Health & Social Care <DGHSC@gov.scot>

Cc: Director of Population Health <Directorofpopulationhealth@gov.scot>; Brown GJ (Gareth) <Gareth.Brown@gov.scot>; [text redacted – personal data]

Subject: RE: Request to Mr Paul Gray, Chief Executive of NHS Scotland, from the Chair to the Infected Blood Inquiry

[text redacted – personal data]

Thank you for your email. We would propose that this letter is passed on to NHS Boards as soon as possible. Having consulted Colin Brown about this, he suggested a combination of a Director's letter to all NHS Boards, followed up with raising it with various professional networks, such as Medical Directors, and raising it at the next meetings of NHS Board Chairs and Chief Executives. Whilst the letter seems only to relate to Paul's role as Chief Executive of NHS Scotland, Colin has suggested also disseminating the letter within the Scottish Government, which could be done by forwarding Sir Brian's letter via Directors in DG Health and Social Care. If Paul is content, I will prepare a draft Director's letter for Andrew Scott to send as soon as possible.

I have attached a draft reply for Paul to send to Sir Brian Langstaff, but let me know if there are any concerns about it.

There are a few points to note:

- Boards should be able to comply with this, although of course many of the Boards' records which are most likely to be of interest to the Inquiry (which will largely only be up to autumn 1991, although may be later in the case of the Scottish Government) will already have been routinely destroyed.
- The Cabinet Office have agreed that the Inquiry should not consider areas in relation to Scotland which were already considered by the Penrose Inquiry. Therefore, while the UK Inquiry covers a broader timeframe and areas such as hepatitis B and vCJD which Lord Penrose did not consider, most Boards are not likely to have much that will be relevant. Nonetheless, Boards should be asked not to destroy anything which might potentially be relevant. That will include: SNBTS' records (which are already being retained), the records of all the Scottish Haemophilia Centres, any records which may relate to patients having blood transfusions up to September 1991 and any patient records for patients who have or deceased patients who had HIV or hepatitis C who might potentially have been infected via NHS blood or blood products.
- Under the General Data Protection Regulation, Boards are no longer permitted to charge living patients for access to their health records so there should be no need for Boards to put in place any special arrangements for these patients. A patient can request their health record via a subject access request. There are a few exceptions as Boards can charge a reasonable administrative fee for second or further copies if requested within a short period of time, when the data subject is already in possession of the information that is requested, but in the vast majority of cases records will be provided free of charge.
- The position is slightly more complex for relatives of patients who are now dead, but colleagues are looking into the possibility of providing further advice to Boards on this; apparently a decision has already been taken in England not to charge for access to deceased people's health records. [text redacted]. However, in the meantime, I think we can just ask Boards to adhere to the UK Inquiry's request; most of those who wished to

access a relative's health records will probably already have done so and so we would not envisage this leading to significant additional requests for records.

- [text redacted].

Regards

[text redacted – personal data]

[note – links to the Chair's letter to Paul Gray and Mr Gray's response are included in the response to your previous FOI request]

[text redacted – personal data]

Organ Donation, Blood Policy and Abortion Services
Scottish Government
3E, St Andrew's House, Edinburgh
Tel: [text redacted – personal data]

From: [text redacted – personal data] **On Behalf Of** DG Health & Social Care

Sent: 05 July 2018 16:07

To: Brown GJ (Gareth)

Cc: Director of Population Health; DG Health & Social Care; [text redacted – personal data]

Subject: FW: Request to Mr Paul Gray, Chief Executive of NHS Scotland, from the Chair to the Infected Blood Inquiry

Hi Gareth

The Infected Blood Inquiry Chair, Sir Brian Langstaff, has written to Paul about document retention. He has asked him to circulate his letter and the Terms of Reference to all parts of the organisation (pdf attached).

I'm aware Ms Robison recently wrote to David Liddington MP about the Terms of Reference.

Paul would appreciate your advice a.s.a.p.

Regards

[text redacted – personal data] |Private Secretary to Paul Gray |DG Health and Social Care and Chief Executive NHS Scotland|Rm 1E.16 |SAH

☎ [text redacted – personal data] ✉ dghsc@gov.scot

From: [text redacted – personal data]

Sent: 17 July 2018 16:43

To: Paterson J (John) <John.Paterson@gov.scot>; [text redacted – personal data]

Subject: FW: UK Infected Blood Inquiry - Retention of Records

John, [text redacted – personal data]

See attached. SGLD might also have some relevant records that could be of interest to the inquiry, although most would probably be subject to legal professional privilege. However, can you bear this in mind in case there are plans to destroy any electronic or old paper files.

Thanks.

[text redacted – personal data]

Organ Donation, Blood Policy and Abortion Services
Scottish Government
3E, St Andrew's House, Edinburgh
Tel: [text redacted – personal data]

From: [text redacted – personal data]@gov.scot> **On Behalf Of** Brown GJ (Gareth)
Sent: 17 July 2018 16:39
To: Director of Population Health <Directorofpopulationhealth@gov.scot>; Director for Health & Social Care Integration <DHSCI@gov.scot>; Rogers S (Shirley) <Shirley.Rogers@gov.scot>; Leitch J (Jason) <Jason.Leitch@gov.scot>; McLaughlin C (Christine) <Christine.McLaughlin@gov.scot>; McQueen F (Fiona) <Fiona.McQueen@gov.scot>; Brown CL (Colin) <Colin.Brown3@gov.scot>; Calderwood C (Catherine) <Catherine.Calderwood@gov.scot>; Hunter A (Alan) <Alan.Hunter@gov.scot>
Cc: DG Health & Social Care <DGHSC@gov.scot>; Smith G (Gregor) <Gregor.Smith@gov.scot>; [text redacted – personal data]@gov.scot>
Subject: UK Infected Blood Inquiry - Retention of Records

Dear colleagues,

Please see attached below a Director's letter regarding the Infected Blood Inquiry which has been issued to all NHS Board Chief Executives and Medical Directors. Please could you circulate to all your relevant teams and ask them to note the inquiry terms of reference and the request to ensure relevant records are retained; this requirement to retain documents also applies to the Scottish Government so please ensure that no records which might possibly be relevant to the inquiry are destroyed.

Also, if you are having any meetings over the next couple of months with Medical Directors, Directors of Public Health or any other groups of NHS Board staff who may have relevant records, I would ask that you raise this letter with them to ensure that they have seen it and ensured that their Board has ensured is acted on.

Regards

Gareth

Gareth Brown
Head of Health Protection Division
Population Health Directorate
Tel: 0131 244 6910
Mob: [text redacted – personal data]
Gareth.Brown@gov.scot

[note – link to attached letter from the Chair provided in response to previous FOI request]

17 July 2018

Dear Colleague

UK INFECTED BLOOD INQUIRY – RETENTION OF RECORDS

Summary

This Director's letter asks you to ensure any patient or other records you hold which may be relevant to the UK Infected Blood Inquiry are not destroyed. It also asks you to ensure that patients or, in the case of patients who have died, their relatives are not charged for copies of their medical records.

Background

The Infected Blood Inquiry will consider the events which led to NHS patients across the UK becoming infected with hepatitis c and/or HIV (and in some cases also hepatitis b) as result of treatment with blood products or via blood transfusions or tissue transplants up to 1991. It will also consider more broadly how those patients were diagnosed and advised of their diagnoses and the treatment and support they have received since diagnosis.

I have attached a copy of a letter from the chair of the UK Infected Blood Inquiry to Paul Gray, which includes a copy of the Inquiry's terms of reference. I should be grateful if you would review the letter and terms of reference to consider what records you have which may be relevant to the inquiry.

Whilst it has provisionally been agreed that the inquiry will not duplicate areas already considered by the Penrose Inquiry in relation to Scotland, it is still possible that the inquiry team will want to access copies of records which Lord Penrose previously considered. In addition, the UK Inquiry's scope is broader than that of the Penrose Inquiry, both in terms of subject matter and the time periods considered, so you may still have records which were not relevant to the Penrose Inquiry terms of reference, but which will be relevant to the UK Inquiry. Therefore, if there is any possibility that records may be relevant I would ask that they are retained, at least for the next two years. As well as the records held by the Scottish National Blood Transfusion Service and the Scottish haemophilia centres, records which could be relevant may also include anything related to: policies and decision making regarding provision of blood transfusions or tissue

DL (2018) 14

Addresses

For action

Chief Executives, NHS Boards
Medical Directors, NHS Boards

For information

Chairs, NHS Boards
Directors of Public Health

Enquiries to:

Samantha Baker
3E, St Andrew's House
Regent Road
Edinburgh EH1 3DG

Tel: 0131 244 7011

E-mail sam.baker@gov.scot

transplants, records regarding diagnosis and treatment of patients with hepatitis c, HIV, hepatitis b and patients suspected to be at risk of variant CJD.

I understand that there is already a hold on destroying GP patient records due to the Scottish Child Abuse Inquiry. I would ask that you also ensure hospital patient records are not destroyed for the time being – at least for the coming year – where they might be requested by the Inquiry or patients or their families. That will particularly apply to any records about whether or not a patient had a blood transfusion up to September 1991, any records relating to patients with inherited bleeding disorders and any other records relating to patients diagnosed with either hepatitis C or HIV, or both, who may have acquired their infection via NHS blood, tissue or blood products.

Sir Brian Langstaff's letter also asks that any fees for patients and their families to access patient records are waived. I would hope that this is not problematic. Under the General Data Protection Regulation (GDPR), it is no longer permissible to charge patients for access to their own medical records, although there are a few exceptions, such as for second or further copies which are requested within a short period of time. Whilst GDPR does not apply in the case of patients who have died, I would also ask that you do not charge fees in the case of family members seeking medical records of a deceased relative.

Action

I would therefore ask that you review the attached letter from Sir Brian Langstaff and arrange for staff in relevant areas to:

- Seek to identify records which may be relevant to the Inquiry and ensure that those records are not destroyed;
- Ensure that fees are not charged for access to patient medical records, including in the case of patients who have died.

Yours sincerely,



Gareth Brown
Deputy Director and Head of Health Protection Division

From: [text redacted – personal data]

Sent: 27 September 2018 17:10

To: Minister for Public Health, Sport and Wellbeing <MinisterPHSW@gov.scot>

Cc: Cabinet Secretary for Health and Sport <CabSecHS@gov.scot>; DG Health & Social Care <DGHSC@gov.scot>; Director of Population Health

<Directorofpopulationhealth@gov.scot>; Brown GJ (Gareth) <Gareth.Brown@gov.scot>;

[text redacted – personal data]; Ferguson SE (Shirley) <Shirley.Ferguson@gov.scot>;

Paterson J (John) <John.Paterson@gov.scot>; [text redacted – personal data]; UK Relations Mailbox <UK_Relations_Team_Mailbox@gov.scot>; Hutchison D (David)

<David.Hutchison@gov.scot>; Communications Healthier

<CommunicationsHealthier@gov.scot>; [text redacted – personal data]

Subject: UK Infected Blood Inquiry - draft letter to Haemophilia Scotland

Importance: High

[text redacted – personal data]

As discussed, see attached a draft letter to Bill Wright at Haemophilia Scotland which covers the points agreed with the Minister on confirming that the Scottish Government will become a core participant in the Inquiry. If the Minister is content it would be good to issue this soon. Bill's email address is [text redacted – personal data] and [text redacted – personal data]@haemophilia.scot. Once issued, I can also forward copies to [text redacted – personal data] and [text redacted – personal data] for their awareness.

Let me know if there are any queries.

Regards

[text redacted – personal data]

Organ Donation, Blood Policy and Abortion Services

Scottish Government

St Andrew's House

Regent Road

Edinburgh EH1 3DG

Tel: [text redacted – personal data]

T: 0300 244 4000
E: scottish.ministers@gov.scot

Bill Wright
Chair
Haemophilia Scotland
4th Floor, Hayweight House
23 Lauriston Street
Edinburgh EH3 9DQ

Your ref:
Our ref:
September 2018

Thank you for coming to meet me today. In the meeting I agreed to write to you urgently in relation to the UK Infected Blood Inquiry.

I want to confirm in writing that the Scottish Government does intend to apply for core participant status in the UK Inquiry. As I explained, while we are not yet registered as a core participant, I can assure you that we have always intended to become core participants in the Inquiry. It is very unfortunate if Counsel to the Inquiry gave people the impression that the Scottish Government did not intend to participate as this is not correct and I am sorry for any distress or misunderstandings this has caused for yourself and the Scottish people who are affected. I can assure you that the Scottish Government has already been working hard to contribute to the Inquiry, for example by writing to NHS Boards to ensure they do not destroy any documents which may be relevant and working with the National Records of Scotland to locate documents and file lists so that these can be provided to the Inquiry.

Therefore, whilst we are still seeking to iron out some points with the Cabinet Office, we do expect to seek core participant status soon. As you know, we have been discussing points regarding the fact that the terms of reference are slightly different from what we thought had been originally agreed in earlier discussions and regarding financial support for the Scottish Government and NHS bodies. However, I must emphasise that it's not all about money and that we do largely welcome the Inquiry's terms of reference.

I hope this letter gives you some reassurance that the Scottish Government does take the Inquiry seriously and is, like you, keen to ensure that it can help give people infected in Scotland and their families more answers about what happened and why.

JOE FITZPATRICK

From: [text redacted – personal data]@gov.scot> **On Behalf Of** Minister for Public Health, Sport and Wellbeing
Sent: 25 October 2018 13:54
To: [text redacted – personal data] @gov.scot>; Minister for Public Health, Sport and Wellbeing <MinisterPHSW@gov.scot>
Cc: Cabinet Secretary for Health and Sport <CabSecHS@gov.scot>; DG Health & Social Care <DGHSC@gov.scot>; Director of Population Health <Directorofpopulationhealth@gov.scot>; Brown GJ (Gareth) <Gareth.Brown@gov.scot>; Paterson J (John) <John.Paterson@gov.scot>; [text redacted – personal data]; Hutchison D (David) <David.Hutchison@gov.scot>; Communications Healthier <CommunicationsHealthier@gov.scot>; [text redacted – personal data]; Ferguson SE (Shirley) <Shirley.Ferguson@gov.scot>
Subject: RE: Infected Blood Inquiry - core participant status

Hi [text redacted – personal data].

Mr FitzPatrick is content for the Scottish Government to become a core participant with immediate effect

Thanks, [text redacted – personal data]

Private Secretary, Minister for Public Health, Sport and Wellbeing

Tel: [text redacted – personal data]

ministerphsw@gov.scot



year of young people
bliadhna na h-òigridh
2018

All e-mails and attachments sent by a Ministerial Private Office to another official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the primary recipient. Private Offices do not keep official records of such e-mails or attachments.

From: [text redacted – personal data]

Sent: 25 October 2018 11:01

To: Minister for Public Health, Sport and Wellbeing <MinisterPHSW@gov.scot>

Cc: Cabinet Secretary for Health and Sport <CabSecHS@gov.scot>; DG Health & Social Care <DGHSC@gov.scot>; Director of Population Health

<Directorofpopulationhealth@gov.scot>; Brown GJ (Gareth) <Gareth.Brown@gov.scot>;

Paterson J (John) <John.Paterson@gov.scot>; [text redacted – personal data]; Hutchison D (David) <David.Hutchison@gov.scot>; Communications Healthier

<CommunicationsHealthier@gov.scot>; [text redacted – personal data]; Ferguson SE (Shirley) <Shirley.Ferguson@gov.scot>

Subject: Infected Blood Inquiry - core participant status

[text redacted – personal data]

Further to previous discussions about the UK Inquiry and core participant status, Gareth Brown and I had a useful meeting with the Inquiry's solicitors this morning. We agreed that, whilst there is no real need for the Scottish Government to become a core participant

immediately given there will not be further hearings until 30 April 2019, it would enable us to access the evidence provided to the Inquiry so far. There have also been a number of queries coming in, including a current media enquiry, a PQ and a letter from Haemophilia Scotland and the Scottish Infected Blood Forum so there would be some presentational advantage in terms of becoming a core participant now to avoid any further misconceptions that the Scottish Government is not cooperating or participating and to avoid further questions in future about when the Scottish Government will become a core participant.

The Inquiry solicitor therefore proposes to write to us today to invite us to become a core participant and we would propose to accept.

[text redacted]

Therefore, **I would be grateful if Mr FitzPatrick could confirm if he's content for the Scottish Government to become a core participant with immediate effect.** This is not urgent, but an early response would be helpful so that this could be reflected in the PQ answer due with private office early next week.

Regards

[text redacted – personal data]

Organ Donation, Blood Policy and Abortion Services
Scottish Government
St Andrew's House
Regent Road
Edinburgh EH1 3DG
Tel: [text redacted – personal data]

From: [text redacted – personal data]@gov.scot> **On Behalf Of** Minister for Public Health, Sport and Wellbeing
Sent: 06 November 2018 11:59
To: [text redacted – personal data]@gov.scot>
Cc: Cabinet Secretary for Health and Sport <CabSecHS@gov.scot>; DG Health & Social Care <DGHSC@gov.scot>; Director of Population Health <Directorofpopulationhealth@gov.scot>; Brown GJ (Gareth) <Gareth.Brown@gov.scot>; Paterson J (John) <John.Paterson@gov.scot>; [text redacted – personal data]; Hutchison D (David) <David.Hutchison@gov.scot>; Communications Healthier <CommunicationsHealthier@gov.scot>; [text redacted – personal data]; Ferguson SE (Shirley) <Shirley.Ferguson@gov.scot>
Subject: RE: Infected Blood Inquiry - core participant status

Thanks [text redacted – personal data], Mr FitzPatrick has noted. [text redacted – personal data].

[text redacted – personal data]

Private Secretary, Minister for Public Health, Sport and Wellbeing

Tel: [text redacted – personal data]

ministerphsw@gov.scot



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All e-mails and attachments sent by a Ministerial Private Office to another official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the primary recipient. Private Offices do not keep official records of such e-mails or attachments.

From: [text redacted – personal data]

Sent: 31 October 2018 17:41

To: Minister for Public Health, Sport and Wellbeing <MinisterPHSW@gov.scot>

Cc: Cabinet Secretary for Health and Sport <CabSecHS@gov.scot>; DG Health & Social

Care <DGHSC@gov.scot>; Director of Population Health

<Directorofpopulationhealth@gov.scot>; Brown GJ (Gareth) <Gareth.Brown@gov.scot>;

Paterson J (John) <John.Paterson@gov.scot>; [text redacted – personal data]; Hutchison D

(David) <David.Hutchison@gov.scot>; Communications Healthier

<CommunicationsHealthier@gov.scot>; [text redacted – personal data]; Ferguson SE

(Shirley) <Shirley.Ferguson@gov.scot>

Subject: RE: Infected Blood Inquiry - core participant status

Thanks [text redacted – personal data]

This is just to confirm that the Inquiry chairman has today confirmed that he has designated the Scottish Government as a core participant in the Inquiry.

Regards

[text redacted – personal data]

Organ Donation, Blood Policy and Abortion Services

Scottish Government

3E, St Andrew's House, Edinburgh

Tel: [text redacted – personal data]

From: [text redacted – personal data]@gov.scot>

Sent: 07 November 2018 14:57

To: [text redacted – personal data]@gov.scot>

Cc: [text redacted – personal data]@gov.scot>

Subject: RE: Penrose Inquiry and report

Yes, no problem. Just put something in the diary. Or shout down.

Thanks,

[text redacted – personal data] | Policy lead- Public Health Reform, Legislation team

t: [text redacted – personal data] | e: [text redacted – personal data]@gov.scot

HEALTH AND SOCIAL CARE DEPARTMENT: SCOTTISH GOVERNMENT

From: [text redacted – personal data]
Sent: 07 November 2018 14:39
To: [text redacted – personal data]
Cc: [text redacted – personal data]>
Subject: FW: Penrose Inquiry and report

Hi – sorry to bother you after you’ve only just escaped, but could we have a quick chat about this at some point this week? The proposals below sound sensible to me, but I’d be grateful for your views.

Thanks.

[text redacted – personal data]
Organ Donation, Blood Policy and Abortion Services
Scottish Government
3E, St Andrew’s House, Edinburgh
Tel: [text redacted – personal data]

[note – forwarded email from the Inquiry solicitor regarding the Penrose Inquiry was included in reply to previous FOI request]

From: [text redacted – personal data]
Sent: 09 November 2018 17:40
To: SGProcurement <Scottish_Government_Procurement@gov.scot>
Cc: [text redacted – personal data]
Subject: RE: UK Infected Blood Inquiry - external legal advisors

Hi [text redacted – personal data]

Sorry for the delay. Please see attached RPA and initial draft spec for this mini tender using the SGLD litigation lot.

Thanks.

[attachments withheld]

[text redacted – personal data]
Organ Donation, Blood Policy and Abortion Services
Scottish Government
3E, St Andrew’s House, Edinburgh
Tel: [text redacted – personal data]

From: [text redacted – personal data]
Sent: 24 October 2018 10:32
To: [text redacted – personal data]
Subject: RE: UK Infected Blood Inquiry - external legal advisors

Hi [text redacted – personal data]

We will require a Request for Procurement Assistance form to be sent in.

Please complete the attached link below (link is on right hand side) and send over, I will watch out for this coming in.

<http://saltire/my-workplace/buying-goods-and-services/Pages/delegated-purchasing.aspx?pageid=77709b4d-925b-401e-9d0e-047bc1d53263>

Kind Regards

[text redacted – personal data] 

[text redacted – personal data]

Portfolio Specialist
Scottish Government Procurement Team
T: [text redacted – personal data]

Scottish Government

Area 3A South
Victoria Quay
Edinburgh
EH6 6QQ

<http://www.scotland.gov.uk/Topics/Government/Procurement>

From: [text redacted – personal data]

Sent: 18 October 2018 14:57

To: SGProcurement <Scottish_Government_Procurement@gov.scot>

Subject: FW: UK Infected Blood Inquiry - external legal advisors

Importance: High

Hi – as below, I need to appoint legal advisers for the UK Infected Blood Inquiry and have been advised [text redacted].

I'd be grateful for advice on progressing this and how to move forward with preparing a specification. Unfortunately this needs to be done quickly as [text redacted].

Could you get in touch with me to discuss?

Thanks in advance,

[text redacted – personal data]

Organ Donation, Blood Policy and Abortion Services
Scottish Government
3E, St Andrew's House, Edinburgh
Tel: [text redacted – personal data]

[text redacted]

From: [text redacted – personal data]@gov.scot>
Sent: 07 December 2018 16:24
To: [text redacted – personal data]@gov.scot>
Subject: RE: Blood Inquiry

Hi. Yes. I am on [text redacted – personal data].

[text redacted – personal data]

Sent with BlackBerry Work (www.blackberry.com)

From: [text redacted – personal data]
Sent: 7 Dec 2018 16:22
To: [text redacted – personal data]
Subject: Blood Inquiry

Hi [text redacted – personal data], are you picking up emails today? If so can I give you a call?

Thanks

[text redacted – personal data]

[text redacted – personal data] | Solicitor | Branch 2 : Public and Mental Health | Food, Health and Social Care Division | Scottish Government Legal Directorate | Area GD (South) | Victoria Quay | Edinburgh | EH6 6QQ | Tel: [text redacted – personal data]

This correspondence is from the Scottish Government Legal Directorate. To the extent that it may contain legal advice, it is legally privileged and therefore may be exempt from disclosure under the Freedom of Information (Scotland) Act 2002 or the Environmental Information (Scotland) Regulations 2004

From: [text redacted – personal data] @gov.scot> **On Behalf Of** DG Health & Social Care
Sent: 13 December 2018 16:49
To: [text redacted – personal data]
Cc: DG Health & Social Care <DGHSC@gov.scot>; Director of Population Health <Directorofpopulationhealth@gov.scot>; Brown GJ (Gareth) <Gareth.Brown@gov.scot>; [text redacted – personal data]; Gray P (Paul) (Health) <Paul.Gray@gov.scot>
Subject: RE: Request to Mr Paul Gray, Chief Executive of NHS Scotland, from the Chair to the Infected Blood Inquiry

Hi [text redacted – personal data]

The letter has now gone to Sir Brain Langstaff.

Regards

[text redacted – personal data] | Private Secretary to Paul Gray | DG Health and Social Care and Chief Executive NHS Scotland | Rm 1E.16 | SAH

☎ [text redacted – personal data] ✉ dghsc@gov.scot

From: [text redacted – personal data]

Sent: 13 December 2018 13:52

To: Gray P (Paul) (Health) <Paul.Gray@gov.scot>

Cc: DG Health & Social Care <DGHSC@gov.scot>; Director of Population Health <Directorofpopulationhealth@gov.scot>; Brown GJ (Gareth) <Gareth.Brown@gov.scot>; [text redacted – personal data]

Subject: RE: Request to Mr Paul Gray, Chief Executive of NHS Scotland, from the Chair to the Infected Blood Inquiry

Thank you Paul

That looks fine. As you suggest, I will send it on to Ministers, SPADs and Comms with some briefing.

Regards

[text redacted – personal data]

Organ Donation, Blood Policy and Abortion Services

Scottish Government

3E, St Andrew's House, Edinburgh

Tel: [text redacted – personal data]

From: Gray P (Paul) (Health) <Paul.Gray@gov.scot>

Sent: 13 December 2018 13:32

To: [text redacted – personal data]

Cc: DG Health & Social Care <DGHSC@gov.scot>; Director of Population Health <Directorofpopulationhealth@gov.scot>; Brown GJ (Gareth) <Gareth.Brown@gov.scot>; [text redacted – personal data]

Subject: RE: Request to Mr Paul Gray, Chief Executive of NHS Scotland, from the Chair to the Infected Blood Inquiry

[text redacted – personal data]

Many thanks.

Please see attached – if this is acceptable my office will issue it. I suggest that you send the final letter to Cabsec's office, SpAds and Comms with briefing along the lines below.

Paul

From: [text redacted – personal data]

Sent: 13 December 2018 12:15

To: Gray P (Paul) (Health) <Paul.Gray@gov.scot>

Cc: DG Health & Social Care <DGHSC@gov.scot>; Director of Population Health <Directorofpopulationhealth@gov.scot>; Brown GJ (Gareth) <Gareth.Brown@gov.scot>; [text redacted – personal data]

Subject: RE: Request to Mr Paul Gray, Chief Executive of NHS Scotland, from the Chair to the Infected Blood Inquiry

Paul

Please see attached a draft response for you to send to Sir Brian Langstaff regarding this issue.

There are a few points to note:

- The Chief Executives of NHS England, NHS Wales and the Head of the Department of Health and Social Care in Northern Ireland have all received the same letter so there is no sense that this a particularly Scottish problem (see <https://www.infectedbloodinquiry.org.uk/news/sir-brian-langstaff-calls-action-help-patients-access-medical-records> for copies). Colleagues in DHSC, Wales and Northern Ireland all seemed surprised by this letter and [text redacted].
- I have emailed Brian Stanton, the Inquiry's lead solicitor, to ask for more details and I, along with Welsh and Northern Irish officials, also raised it with the Inquiry's records manager on a call this morning - he agreed to look into it details of which particular organisations people were complaining about and what sort of delays people are experiencing (it's not clear if people are waiting a few weeks or a few months).
- When we get more details from the Inquiry, we can provide a draft letter for you to send to NHS Boards – depending on what the Inquiry can tell us this may be targeted at certain Boards or may be a letter to all.

Please let me know if there are any queries.

Regards

[text redacted – personal data]

Organ Donation, Blood Policy and Abortion Services

Scottish Government

3E, St Andrew's House, Edinburgh

Tel: [text redacted – personal data]

From: Brown GJ (Gareth) <Gareth.Brown@gov.scot>

Sent: 13 December 2018 11:58

To: [text redacted – personal data]

Subject: RE: Request to Mr Paul Gray, Chief Executive of NHS Scotland, from the Chair to the Infected Blood Inquiry

I've made a wee tweak – thank you for doing this so quickly. Can you send back to Paul?

Gareth Brown

Head of Health Protection Division | Population Health Directorate

Scottish Government | Tel: 0131 244 6910 | Mob: [text redacted – personal data]

From: [text redacted – personal data]

Sent: 13 December 2018 11:41

To: Brown GJ (Gareth) <Gareth.Brown@gov.scot>

Subject: RE: Request to Mr Paul Gray, Chief Executive of NHS Scotland, from the Chair to the Infected Blood Inquiry

Hi – is the attached reply OK? The Inquiry has confirmed the replies will be published. I and the Welsh and NI officials have all asked Sam Green at the Inquiry for more info on where the issues are (he said he didn't know about the letter in advance, but wasn't aware of particular concerns about any particular Boards – however he agreed to look into it). He also

agreed to look into what sort of delays people are experiencing (is it a few days or a few months?).

Regards

[*text redacted – personal data*]

Organ Donation, Blood Policy and Abortion Services
Scottish Government
3E, St Andrew's House, Edinburgh
Tel: [*text redacted – personal data*]

From: Brown GJ (Gareth) <Gareth.Brown@gov.scot>

Sent: 12 December 2018 11:54

To: Gray P (Paul) (Health) <Paul.Gray@gov.scot>

Cc: DG Health & Social Care <DGHSC@gov.scot>; Director of Population Health <Directorofpopulationhealth@gov.scot>; [*text redacted – personal data*]

Subject: RE: Request to Mr Paul Gray, Chief Executive of NHS Scotland, from the Chair to the Infected Blood Inquiry

Thanks – we will make immediate inquiries, of the Inquiry, although I expect they may need the consent of the people who have complained before they can tell us anything.

[*text redacted*]. Will keep you updated.

Gareth Brown

Head of Health Protection Division | Population Health Directorate
Scottish Government | Tel: 0131 244 6910 | Mob: [*text redacted – personal data*]

From: Gray P (Paul) (Health) <Paul.Gray@gov.scot>

Sent: 12 December 2018 11:49

To: Brown GJ (Gareth) <Gareth.Brown@gov.scot>

Cc: DG Health & Social Care <DGHSC@gov.scot>; Director of Population Health <Directorofpopulationhealth@gov.scot>; [*text redacted – personal data*]

Subject: RE: Request to Mr Paul Gray, Chief Executive of NHS Scotland, from the Chair to the Infected Blood Inquiry

Gareth

Thank you – I did wonder how we were meant to respond to the letter given its generality and vagueness. I did see that there were two NHS contacts included in the copy list and wondered if they would know anything. But I am entirely content that you contact the Inquiry direct.

Paul

From: Brown GJ (Gareth) <Gareth.Brown@gov.scot>
Sent: 12 December 2018 11:47
To: Gray P (Paul) (Health) <Paul.Gray@gov.scot>
Cc: DG Health & Social Care <DGHSC@gov.scot>; Director of Population Health <Directorofpopulationhealth@gov.scot>; [text redacted – personal data]
Subject: RE: Request to Mr Paul Gray, Chief Executive of NHS Scotland, from the Chair to the Infected Blood Inquiry

Paul

We have no information on those affected by delays and nobody has come to us to say they are having trouble accessing records. You wrote to Boards earlier this year requiring them to make files available to anyone seeking information in relation to the Inquiry. The only way that we could investigate this further is to ask the Inquiry for details about those who have said to them they are having difficulties – are you content for us to do this?

Gareth Brown

Head of Health Protection Division | Population Health Directorate
Scottish Government | Tel: 0131 244 6910 | Mob: [text redacted – personal data]

From: Brown GJ (Gareth) <Gareth.Brown@gov.scot>
Sent: 12 December 2018 12:05
To: [text redacted – personal data]
Subject: FW: Request to Mr Paul Gray, Chief Executive of NHS Scotland, from the Chair to the Infected Blood Inquiry

Gareth Brown

Head of Health Protection Division | Population Health Directorate
Scottish Government | Tel: 0131 244 6910 | Mob: [text redacted – personal data]

From: [text redacted – personal data]
Sent: 12 December 2018 12:02
To: Brown GJ (Gareth) <Gareth.Brown@gov.scot>
Subject: RE: Request to Mr Paul Gray, Chief Executive of NHS Scotland, from the Chair to the Infected Blood Inquiry

Thanks – can you forward a copy of Brian Stanton's letter?

[text redacted – personal data]
Organ Donation, Blood Policy and Abortion Services
Scottish Government
3E, St Andrew's House, Edinburgh
Tel: [text redacted – personal data]

From: Gray P (Paul) (Health) <Paul.Gray@gov.scot>
Sent: 12 December 2018 11:28
To: Brown GJ (Gareth) <Gareth.Brown@gov.scot>
Cc: DG Health & Social Care <DGHSC@gov.scot>; Director of Population Health <Directorofpopulationhealth@gov.scot>
Subject: FW: Request to Mr Paul Gray, Chief Executive of NHS Scotland, from the Chair to the Infected Blood Inquiry

Gareth

I need immediate follow up in terms of the numbers affected by delays, the location of the delays, and the actions to resolve these urgently. [text redacted].

Very happy to discuss today.

Thanks.

Paul

From: [text redacted – personal data] On Behalf Of DG Health & Social Care

Sent: 12 December 2018 11:19

To: Gray P (Paul) (Health) <Paul.Gray@gov.scot>

Cc: DG Health & Social Care <DGHSC@gov.scot>

Subject: FW: Request to Mr Paul Gray, Chief Executive of NHS Scotland, from the Chair to the Infected Blood Inquiry

Hi Paul

To note the attached letter from Sir Brian Langstaff.

He suggests that some people are experiencing delays accessing medical records and asks that you take the necessary measures to reduce any delays.

I'll forward to Gareth's area for advice and a draft.

Regards

[text redacted – personal data] Private Secretary to Paul Gray |DG Health and Social Care and Chief Executive NHS Scotland|Rm 1E.16 |SAH

☎ [text redacted – personal data] ✉ dghsc@gov.scot

[note – link to a copy of the Chair's letter is included in the covering letter]

From: [text redacted – personal data]

Sent: 14 December 2018 11:54

To: Minister for Public Health, Sport and Wellbeing <MinisterPHSW@gov.scot>; Cabinet Secretary for Health and Sport <CabSecHS@gov.scot>

Cc: DG Health & Social Care <DGHSC@gov.scot>; Director of Population Health

<Directorofpopulationhealth@gov.scot>; Brown GJ (Gareth) <Gareth.Brown@gov.scot>;

[text redacted – personal data]; Communications Healthier

<CommunicationsHealthier@gov.scot>; [text redacted – personal data]; Hutchison D (David)

<David.Hutchison@gov.scot>; [text redacted – personal data]

Subject: For information - UK Infected Blood Inquiry - reports of delays in patients accessing records

[text redacted – personal data]

For information, please see attached a copy of a recent letter from the Inquiry Chair, Sir Brian Langstaff, to Paul Gray and Paul Gray's response to this. Sir Brian raises concerns about patients or their family members experiencing delays in accessing copies of their medical records from NHS bodies.

The Chief Executives of NHS England, NHS Wales and the Head of the Department of Health and Social Care in Northern Ireland have all received the same letter so there is no sense that this a particularly Scottish problem. Colleagues in DHSC, Wales and Northern Ireland all seemed surprised by this letter and [text redacted].

A Director's letter was sent to all Scottish NHS Boards on 17 July 2018, following a letter from the Inquiry Chair, to ask all Boards both to ensure they do not destroy any records which may be relevant to the Inquiry and also to ensure they do not charge patients or (in the case of those who have died) their relatives to access patient records for the Inquiry.

I have emailed the Inquiry's lead solicitor to ask for more details about the delay and I, along with Welsh and Northern Irish officials, also raised it with the Inquiry's records manager yesterday - he agreed to look into details of which particular organisations people were complaining about and what sort of delays people are experiencing. We have not been made aware directly by either patients or Boards of there being an issue, but will look into this once we have further information. Some initial feedback from NHS Lothian suggests there are some requests for records being received from firms of solicitors.

When we get more details from the Inquiry, we will provide a draft letter for Paul Gray to send to NHS Boards – depending on what the Inquiry can tell us this may be targeted at certain Boards or may be a letter to all Boards.

Regards

[note – link to a copy of the Chair's letter is included in the covering letter]

[text redacted – personal data]

Organ Donation, Blood Policy and Abortion Services

Scottish Government

St Andrew's House

Regent Road

Edinburgh EH1 3DG

Tel: [text redacted – personal data]

Director-General Health & Social Care and
Chief Executive NHSScotland
Paul Gray



Scottish Government
Riaghaltas na h-Alba
gov.scot

T: 0131-244 2790
E: dghsc@gov.scot

Sir Brian Langstaff
Chair
UK Infected Blood Inquiry
Fleetbank House
1st floor, 2-6 Salisbury Square
LONDON EC4Y 8AE

13 December 2018

Dear Sir Brian

Thank you for your letter dated 12 December 2018 about patients and their families accessing medical records to help them participate in the Infected Blood Inquiry.

You raised concerns that some of those affected have been experiencing delays in accessing records. To enable me to ensure that any issues are resolved as quickly as possible, it would be helpful to have information on the nature of the problems people are experiencing, and the Health Boards, Departments or GP surgeries which are the focus of concern. I have asked Scottish Government officials to make contact with the Inquiry staff to investigate this further, and I can assure you that we will do everything we can to resolve any problems that may exist. The Scottish Government and NHS Scotland are of course committed to supporting the Inquiry and I will raise this issue directly with NHS Boards as soon we have more detailed information.

I would be grateful if you could publish this response alongside your own letter on the Inquiry's website.

Yours sincerely,

Paul Gray

From: [text redacted – personal data]
Sent: 17 December 2018 10:26
To: [text redacted – personal data]
Subject: RE: [CJSM] Infected Blood Inquiry - submissions on Penrose

Thanks – I found 2 copies and APS are sending us one.

[text redacted – personal data]
Organ Donation, Blood Policy and Abortion Services
Scottish Government
3E, St Andrew's House, Edinburgh
Tel: [text redacted – personal data]

From: [text redacted – personal data]
Sent: 17 December 2018 10:25
To: [text redacted – personal data]
Subject: RE: [CJSM] Infected Blood Inquiry - submissions on Penrose

There should be 3 or 4 at least in the store room. APS sent us them all I think.

Thanks,

[text redacted – personal data] | Policy lead- Public Health Reform, Legislation team
t: [text redacted – personal data] | e: [text redacted – personal data] [@gov.scot](mailto:[text redacted – personal data]@gov.scot)
HEALTH AND SOCIAL CARE DEPARTMENT: SCOTTISH GOVERNMENT

From: [text redacted – personal data]
Sent: 14 December 2018 15:25
To: [text redacted – personal data]
Subject: FW: [CJSM] Infected Blood Inquiry - submissions on Penrose

Hi – do you know if we still have any copies of the Penrose preliminary report or if APS would have them?

[text redacted – personal data]
Organ Donation, Blood Policy and Abortion Services
Scottish Government
3E, St Andrew's House, Edinburgh
Tel: [text redacted – personal data]

[text redacted]
