

INFECTED BLOOD INQUIRY
SUBMISSIONS ON INTERIM COMPENSATION SCHEME
ON BEHALF OF THE HAEMOPHILIA SOCIETY

INTRODUCTION

This submission is made by the Haemophilia Society (“The Society”) on its own behalf and on behalf of its members, to include those designated with Core Participant status in the Inquiry and represented by Eversheds Sutherland (International) LLP. It is made further to the Chair’s invitation to Core Participants on 15 July 2022, that they address:

- (a) whether he should make a recommendation about interim payments; and*
- (b) if so, what the scope of the recommendation should be.*

The Society has also had the opportunity to consider the submissions made collectively by the recognised legal representatives (“RLRs”) of the infected and affected core participants represented by Milners and Leigh Day in the Inquiry, and agrees with those submissions, but has received further representations from its members as outlined below.

This submission is made without prejudice to fuller and wider submissions to be made on or before 24 October 2022.

THE SOCIETY’S POSITION

Paragraph 11 of the Inquiry’s Terms of Reference¹ empowers the Chair to make interim recommendations, where appropriate. The Society submits that the Chair should exercise that power by making the following interim recommendations:-

- 1. A recommendation that the UK government make interim compensation payments**

¹ [IBI Terms of Reference \(infectedbloodinquiry.org.uk\)](https://infectedbloodinquiry.org.uk)

The Inquiry will note that The Society has already made its position clear with regards to the need for immediate, interim payments of at least £100,000 to all living infected people currently registered on a UK infected blood support scheme (see The Society's Submission dated 20 June at paragraphs 43 to 45). Identifying and defining a complete set of categories of beneficiaries of any future scheme is likely to be a work in progress. However, that should not be an obstacle to the immediate payment of at least the above sum by the Government to all those currently registered, and those registered between now and the inception of any future scheme.

Sir Robert Francis QC provided written and oral evidence to the Inquiry, based on what he had read and what he was told by the infected and affected when he met with them, that there was a compelling case for the interim payments he recommended.

Further, he stressed the urgency of the unmet need and thus the urgent need for interim payments to be made. Not for the first time, the Inquiry Chair highlighted in his July 2022 invitation, that for the infected and affected, *'time is not on their side'*. The urgency of the situation is incontrovertible.

- 2. An interim payment of no less than £100,000 should be paid, without delay, to all those infected and affected currently registered, and those registered between now and the inception of any future scheme, on UK infected blood support schemes.**

The sum of £100,000 represents the minimum acceptable interim figure and should not be taken as anything other than a starting point.

- 3. Proposed uplift to current support schemes to 5%**

Sir Robert's framework study also shone a light on the importance to registrants of secure, annual payments. He found that *"the case for continuing them in a form which is guaranteed for life is very strong and is supported by all the beneficiaries of the current schemes to whom we have spoken. A regular annual payment of that nature is vital to enable victims who have lacked security for so much of their lives because of these infections. They need stability as well"*

as a guarantee of sufficient income to enable them to maintain themselves without resort to benefits.”

Sir Robert’s recommendation is that *“the regular, guaranteed annual payments under the support schemes should be brought to a level where it equates to a total of the following”*:²

- 5 % above national median earnings – net, as these payments are and should remain, exempt from tax. Median national full time earnings in April 2021 were £31,772 per year (£611 per week). If that were taken as the base figure the 5% enhancement would make a total of £33,361.
- A tax free sum in recognition of additional financial issues caused by the diagnosis of HIV or HCV, for example, increased or hard to get insurance cover, convenient medical treatment, additional transport costs, etc. of, say £10,000.

The Society and its members submit that the Chair should make a recommendation that the above increases to the support schemes are made as soon as reasonably practicable, and that they should not delay the lump sum interim payments of at least £100,000 (see above).

General matters

In order to ensure fair representation of its members, despite the tight deadline for these submissions, The Society wrote to 1,779 of its membership. 1,389 e-mails were sent and 390 letters by post. 90 responses were received. 100% of the responses supported an immediate payment of no less than £100,000 to those infected who are currently registered on a UK infected blood support scheme. 79% felt that the same payment should be made to those affected. 60% considered that the above mentioned uplift should be paid.

56% of members who responded considered that an interim payment of no less than £100,000 should also be paid to the estate of anyone who has previously been registered on a support scheme, such as the Skipton Fund or the Macfarlane Trust. At paragraph 2.16 of his study, Sir Robert recommended that *“Where an eligible infected person has died, a claim may be brought*

² See page 116, paragraph 9.88 Sir Robert Francis, ‘Compensation and Redress for the Victims of Infected Blood – Recommendations for a Framework’ dated 7 June 2022 (‘Infected Blood Compensation Study Report’), https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1081007/Compensation_and_Redress_for_the_Victims_of_Infected_Blood_-_Recommendations_for_a_Framework_-_Sir_Robert_Francis_Final_.pdf

on behalf of their estate for compensation for the injury and loss suffered during their lifetime, by the deceased's personal representatives."

Many of the members of The Society have expressed that they wish to see payments made to the bereaved families before the end of the Inquiry. However, it is acknowledged that there may be significant administrative hurdles to deliver this to all the bereaved due to the practicalities of finding historical documents for those not held by the support schemes, those that may not have ever need registered on any of the schemes. There are also questions that need to be addressed over inheritance tax , the division of estates and complications of multiple claims on one estate. We ask that work start as soon as possible to overcome these challenges without hindering the payments set out above in the other categories.

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Serjeants' Inn Chambers

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25 July 2022