

<p>1 Monday, 24 September 2018 2 (2.00 pm) 3 Address by the Chair 4 SIR BRIAN LANGSTAFF: This morning's commemoration has made 5 me reflect, as I suspect it made all of us. I doubt if 6 any of us could call ourselves truly human if we had not 7 been affected, each in our own different ways, by what 8 we have just witnessed. 9 It is common form for the Chair of an inquiry to 10 welcome people to its first oral open hearing. In one 11 sense, therefore, I do welcome so many of you, well over 12 500 people, whose lives have all been touched, one way 13 or another, by the subject of this Inquiry. 14 But, reflecting on this morning, I have to think 15 about what I'm saying. How can I both have humanity and 16 welcome the fact that any of you is here at all to take 17 part in an inquiry. 18 I had rather that none of you had any need to be. 19 That there had been not been what has been described 20 since as "a catastrophe", that was from a campaigner, 21 Sue; "a tragedy", that was Lord Archer of Sandwell, and 22 has recently been repeated by our own Prime Minister. 23 "The worst treatment disaster in the history of the 24 NHS", Lord Winston, and even as early as 1975 was 25 labelled a "bloody scandal" by at least one doctor in</p> <p style="text-align: center;">Page 1</p>	<p>1 because you have told me, that some of you who have been 2 infected, or affected by the illness of someone dear to 3 you, have felt that not enough attention has been given 4 in the media to the serious issues to be investigated; 5 the sound of silence, if you like. 6 So, I can also welcome the fact that both the 7 written and the televisual press are here in numbers to 8 give some of that attention. I hope that as the Inquiry 9 progresses they will do what they do best and report it 10 both fearlessly and fairly. 11 Also, before I turn to the purposes of these days of 12 preliminary hearings, I'd like to say a thank you, 13 a thank you that is to all of you who spoke to me during 14 the consultation period, who helped to shape the terms 15 of reference. In your different ways, from your 16 different backgrounds, from your different perspectives 17 and with stories to tell which were all individual. You 18 have already taught me a lot, a lot I had not previously 19 appreciated, and I hope that you will continue to do 20 just that. 21 Whether the Inquiry succeeds in answering its terms 22 of reference depends very much on you. I know because 23 a woman who lost her son specifically asked a member of 24 the Inquiry staff last week to remind me of it, that for 25 some the very fact of the Inquiry will reopen old</p> <p style="text-align: center;">Page 3</p>
<p>1 the New Scientist. 2 The numbers here today pay silent testimony to the 3 sheer scale of the tragedy. It's a truly sobering 4 thought that if some claims are well-founded -- and it 5 is for this Inquiry to find out if they are -- there may 6 yet be many thousands more who do not feel well, but 7 have not yet been told that the reason for this is that 8 they suffer from hepatitis C. Far better there were 9 none, or if there had to be some, then few, than that 10 there should be so many. 11 I should mention in passing that estimates proposed 12 by some sources go well beyond the 25,000 or so that was 13 referred in the Victoria Derbyshire programme last week, 14 and there is a real chance that those estimates may 15 prove right. It is a sobering thought that the 16 consequences of what happened then may be continuing to 17 cause death even now. 18 Many inquiries are about events which have happened 19 where it is known exactly how many people may have died. 20 Few, if any -- this may be the first -- are where deaths 21 are continuing to happen. 22 So, you'll understand why I say in that sense 23 I cannot be glad that you are here at all. Though what 24 I do welcome is that by sheer numbers you are drawing 25 attention to the importance of this Inquiry. I know,</p> <p style="text-align: center;">Page 2</p>	<p>1 wounds, which makes it all the more difficult to bring 2 themselves to play a part and yet they nonetheless wish 3 to do so. I recognise that bravery, which makes their 4 contributions all the more valuable. 5 What is the purpose of the preliminary hearings over 6 these next three days? 7 As the word "preliminary" suggests, the inquiry is 8 not taking evidence. It is not hearing the stories of 9 those who want to tell them during the two and a half 10 days to follow. So, what is the purpose? 11 Just as I have already learned a lot by listening 12 and thinking about some of the accounts given to me 13 during the consultation period, I am here to listen. 14 I want to know in particular two things from the core 15 participants. 16 First, to know what aspect of the terms of reference 17 each wishes to emphasise and concentrate on and, 18 secondly, how they can best help to shape the Inquiry's 19 procedures, to address the mammoth task which it has set 20 itself. 21 So, that's its purpose. I want to listen to what 22 you have to say rather than to express any view which 23 I may have. Indeed, how could I have an answer to any 24 of the terms of reference without first considering all 25 the evidence? And we're still very much in the early</p> <p style="text-align: center;">Page 4</p>

<p>1 stages of gathering it, even though there has been quite 2 a lot received so far.</p> <p>3 Counsel to the Inquiry, Jenni Richards, 4 Queen's Counsel, will have more to say about that in 5 a few minutes time. She'll tell you a lot of the detail 6 of what has happened, what is being done at the moment, 7 what is yet to be done and what you can expect to 8 happen.</p> <p>9 I am happy for now to leave that detail to her.</p> <p>10 I do want to say something about the way I intend 11 this Inquiry to be conducted. I am determined that the 12 process of this Inquiry should be governed by principle. 13 With an inquiry of this magnitude, the principles that 14 will need to guide it have to be very clear, so let me 15 tell you what they are.</p> <p>16 The first is that I want to put people at the heart 17 of this Inquiry. Now, that's not just a slogan. I mean 18 it. It has at least -- at least -- three practical 19 consequences. One, the first three months of oral 20 hearings will be taken up by hearing from some of those 21 who have been infected and some of those close to them, 22 parents, family, friends, colleagues, carers who have 23 been affected. The infected and affected first, but 24 also last.</p> <p>25 At the end of the oral hearings, there will be</p> <p style="text-align: center;">Page 5</p>	<p>1 Putting people at the heart of this Inquiry also 2 leads to the next three principles. The longer the 3 Inquiry takes, the more will not live to see its 4 consequences, the longer some may suffer the significant 5 anxieties of waiting for its conclusions.</p> <p>6 Let me tell you, when we were consulting about the 7 terms of reference, I confess that the Inquiry made 8 something of a mistake. It asked what the time period 9 was that the Inquiry should cover. What it meant was 10 should it be the time period between 1974 to 1990, 1981 11 to 1984, 1981 thereafter, whatever the years might have 12 been, but the question as put was a bit clumsy and 13 unclear. A large number of respondents understood it to 14 be meaning: how long should the Inquiry itself last?</p> <p>15 There was a strong view, for reasons which are sadly 16 obvious, that it should be quick. Now, putting people 17 at the heart of the Inquiry, whether those people seek 18 to attribute blame or seek to evade it, or simply want 19 answers, means listening to what's being said. The 20 question may have been badly drafted, but the answer 21 coming back was clear about the time the Inquiry should 22 last. It was there to be heard and it was.</p> <p>23 It has led to the principle that the Inquiry should 24 be as fast as reasonable thoroughness will permit.</p> <p>25 Putting people at the heart of the Inquiry must</p> <p style="text-align: center;">Page 7</p>
<p>1 a further opportunity for some we could not hear in the 2 first few months. So, the infected and affected first 3 and last.</p> <p>4 Two, the hearings will not be in a courtroom. They 5 won't be here, but they'll not be in a courtroom. This 6 is an Inquiry. It is not a court case. Much as 7 I welcome legal representatives, and I do, it is not 8 a trial, whatever it may lead to later.</p> <p>9 It is not run for the benefit of lawyers, but for 10 people who are involved. So, the hearing room will be 11 designed so that there won't be ranks of lawyers in the 12 front row, obscuring the view of the public, who need to 13 hear, the people who have been infected, affected, those 14 concerned, those touched by the Inquiry. My aim is to 15 have lawyers to one side, press to the other and members 16 of the public in front of the witness, who will take 17 centre stage, as the witness should. The judge won't. 18 There isn't a judge. It is an Inquiry.</p> <p>19 Three, the Inquiry recognises how difficult it is 20 for some to relive matters they would want to put behind 21 them. It may be traumatic, so we intend to have 22 a counselling service, a support service available for 23 those who want it and to do our best in how we proceed, 24 to be sensitive to the way in which individuals are 25 feeling.</p> <p style="text-align: center;">Page 6</p>	<p>1 recognise that people have different perspectives to 2 bring to the Inquiry. You saw some of them this 3 morning, reflected in what those who were recorded were 4 saying to you. The perspectives go wider than that. It 5 cannot just be a favoured few or even a favoured many 6 who are at its heart. Those who wish to attribute 7 blame, those seeking to escape blame, those who wish 8 neither, but just seek to understand what happened and 9 why it happened, or to explain their actions, why they 10 did what they did. Those who are haemophiliacs, those 11 who were transfused with infected blood or those who 12 were both. Those who were patients or those who were 13 doctors, all are people, all are entitled to be heard.</p> <p>14 I'd ask all participants to respect that 15 entitlement. However unpalatable they may find some of 16 the ideas or explanations or accusations or assertions 17 being put forward. The principle is to give proper 18 respect to a person's entitlement to be heard.</p> <p>19 Putting people at the heart of the Inquiry means, 20 too, that it will hear infected and affected individuals 21 across the country. The Inquiry will not confine itself 22 to London. It is UK wide. It will be UK wide, and it 23 will conduct some of its hearings in Edinburgh, in 24 Belfast, in Cardiff and in the north of England, 25 probably in Leeds.</p> <p style="text-align: center;">Page 8</p>

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<p>1 That should enable more people to come in and hear 2 its proceedings first hand, if they should wish. Though 3 there will of course be live streaming too. 4 Those then are the principles by which this inquiry 5 will operate. 6 But let me deal also with this: that I am 7 determined, so far as it is open to me, to ensure that 8 the work which has to be done by representatives to 9 enable those infected and affected to play a meaningful 10 part in the Inquiry will be properly funded. For the 11 heart of the Inquiry properly to beat no less is 12 required. 13 I want this Inquiry to be as open and transparent as 14 it is legally possible to be. There is an allegation of 15 cover up to be investigated so how could the Inquiry 16 itself hide something from you and keep any integrity? 17 You will see the evidence. You will read or hear the 18 evidence which our experts are giving to me. And just 19 look at the range of experts, the range in number of 20 experts who are willing to give their time to help so 21 far. They are true leaders in their fields and there 22 are more yet to be appointed. 23 The documents which the Inquiry sees as relevant 24 will all be available to core participants. 25 I mentioned the allegation of cover-up. You should</p> <p style="text-align: center;">Page 9</p>	<p>1 to address the task it has been set. The Inquiry 2 involves after all a collective effort by all 3 participants: by you, by me, by the Inquiry team, by the 4 experts working together. 5 Listening. Well thank you for your part for 6 listening to me now. You have set out the principles 7 and I shall now pass the baton over to counsel to the 8 Inquiry Jenni Richards QC to tell you more of the detail 9 what has been, what is and what is yet to be. And 10 I hope you will listen to her as you have listened to me 11 and thank you again for that. 12 Opening statement by Counsel to the Inquiry 13 MS RICHARDS: Good afternoon. The purpose of my statement 14 today is to provide information about the workings of 15 the Inquiry, in particular to give an update on its work 16 so far and to map out where the Inquiry proposes to go 17 from here. I do not propose at this stage to talk about 18 the events which bring us here, nor could I hope to 19 match the eloquence and power of those whose voices were 20 heard this morning. 21 I want to start by saying a little about the 22 Inquiry's terms of reference. The terms of reference 23 for a public inquiry describe the matters which the 24 Inquiry is permitted to investigate. An inquiry cannot 25 begin considering evidence until its terms of reference</p> <p style="text-align: center;">Page 11</p>
<p>1 know that it is not only the law but a central principle 2 of mine that this Inquiry is independent of government. 3 I am willing to seek documents which may not have been 4 seen before. We have already requested a number of 5 documents which we would not have got had this not been 6 a statutory Inquiry. It is willing to hold people to 7 account where appropriate and it will express its views 8 at the end without fear or favour, affection or ill 9 will. 10 The principles. The Inquiry will put people at its 11 heart worldwide. It will be as fast as reasonable 12 thoroughness will. It will pay proper respect to 13 people's entitlements to be heard. It will be as open 14 and transparent as it is legally possible to be. It 15 will be independent of government and frightened of 16 no one in the conclusions it draws. 17 But there is one final principle which I haven't yet 18 mentioned except in passing. It is that the Inquiry 19 will listen to what is being said to it orally or in 20 writing, and it will think about what is being said. 21 It brings me back to these preliminary hearings. 22 I want for the next two days to listen to what you core 23 participants have to tell me is your particular focus 24 from within the terms of reference and to hear how you 25 think you can best help shape the Inquiry's procedures</p> <p style="text-align: center;">Page 10</p>	<p>1 are established. That is not a choice for the Inquiry. 2 That is the effect of the Inquiry's Act. 3 This Inquiry's terms of reference were approved by 4 the Minister as the Act requires them to be but they 5 were approved in the form recommended by the Chair with 6 no alterations and they were published on 2 July of this 7 year. They were, as many of you know, and as the Chair 8 has referred to, the product of a public consultation to 9 which many individuals and others contributed. I think 10 I speak for the whole Inquiry team when I say that all 11 those involved in the consultation process found it 12 moving, humbling and enlightening to listen to what was 13 said, and those contributions informed and shaped those 14 terms of reference. 15 Now, the terms of reference have been widely 16 publicised and they appear on the Inquiry's website and 17 I know that many here have read and re-read them. 18 I don't propose to read them out but for the benefit of 19 those listening, those watching elsewhere who are not 20 familiar with the terms of reference, I am just going to 21 set out briefly the six key themes or areas that they 22 cover. 23 Firstly, the terms of reference require us to look 24 at what happened and why. It will involve an 25 examination of the circumstances in which men, women and</p> <p style="text-align: center;">Page 12</p>

<p>1 children treated by the National Health Services in the 2 four parts of the United Kingdom were given infected 3 blood and infected blood products. It will look at what 4 was known about the risks by the medical and scientific 5 community. It will look at issues such as 6 self-sufficiency in blood and blood products.</p> <p>7 The second area or theme for the terms of reference 8 will seek to establish the scale of what happened, to 9 ascertain as far as practicable the true numbers of 10 people infected in consequence of the use of infected 11 blood products or infected blood and to examine whether 12 people may have been exposed to the risk of other 13 viruses.</p> <p>14 The third theme of the terms of reference are the 15 questions of impact and support. The Inquiry will look 16 at the impact in all respects on those infected and 17 affected, the mental and emotional impact, the physical 18 and medical impact, social, work related, financial, the 19 strain familiar, as we heard this morning, of living 20 lives in secret for many years, and the Inquiry in this 21 part of its work will scrutinise the support that has or 22 has not been made available both in terms of treatment 23 and care and in terms of financial support.</p> <p>24 The fourth theme of the Inquiry's terms of reference 25 is to explore key ethical issues around consent,</p> <p style="text-align: center;">Page 13</p>	<p>1 In due course we will set out and publish, as is the 2 practice for public statutory inquiries, a more in-depth 3 and detailed risk of list of the specific issues on 4 which the Inquiry is focusing within each of the terms 5 of reference. That list will be informed by what we 6 hear over the next two days about the priorities of core 7 participants and when published it will remain a living 8 and evolving document. We expect the core participants 9 and others will have plenty of suggestions to make by 10 way of additions to that list of issues and that the 11 Inquiry itself will continue to identify new lines of 12 investigation as it analyses the evidence which it 13 receives.</p> <p>14 Before I describe some of the steps which the 15 Inquiry has taken since its formal establishment on 16 2 July of this year, I want to say a few words about 17 scale. The Inquiry does not underestimate the scale of 18 the task which it faces. It recognises that this is an 19 immense undertaking which will require an enormous 20 amount of work.</p> <p>21 It is immense because of the breadth of the issues 22 which are encompassed within the terms of reference. It 23 is immense because of the periods of time which are 24 under investigation. This Inquiry is looking not at 25 events which unfolded over minutes, days, weeks or even</p> <p style="text-align: center;">Page 15</p>
<p>1 communication and information sharing. In that part of 2 the Inquiry's work we will look at matters such as what 3 information was provided to people about the risks, 4 diagnosis and treatment options, how such information 5 was communicated, whether people were treated or tested 6 without their knowledge or consent or for the purposes 7 of research or otherwise.</p> <p>8 The fifth area of the Inquiry's work will be to look 9 at the response of government, of the National Health 10 Services and others, the medical profession and the 11 like.</p> <p>12 And the sixth will be to examine whether there has 13 been, as many allege, a cover-up or a lack of candour 14 and openness.</p> <p>15 Those are by way of broad outline the areas which 16 the Inquiry is investigating. The Inquiry is empowered 17 by its term of reference to look at individual 18 responsibilities as well as organisational and systemic 19 responsibilities to look at whether there are lessons 20 which can be learnt for the future and to make 21 recommendations.</p> <p>22 The terms of reference have been crafted in broad 23 but comprehensive terms to allow the Inquiry to pursue 24 the lines of investigation identified by so many of you 25 in responding to the consultation.</p> <p style="text-align: center;">Page 14</p>	<p>1 months but at actions and inaction, conduct, 2 decision-making, policy-making over decades.</p> <p>3 Indeed, whilst the terms of reference take 1970 4 onwards as their particular focus, the Inquiry is 5 already asking for and looking at material dating back 6 to the inception of the National Health Service in 1948.</p> <p>7 The scale of the task is immense too because of the 8 volume of material, documentary material which the 9 Inquiry is likely to receive and which will run, no 10 doubt, to hundreds of thousands of documents. And most 11 importantly, the scale of the task is immense because of 12 the sheer numbers of people already known to have been 13 infected and affected, the thousands of lives lost or 14 irrevocably damaged or overshadowed by what has 15 happened.</p> <p>16 Since the Inquiry was formally established on 17 2 July, one of its earliest tasks has been the 18 determination of applications for core participants 19 status. This Inquiry has to the best of our knowledge 20 the largest number of core participants of any public 21 Inquiry. There are currently 1,288 core participants of 22 which the vast majority are infected and affected 23 individuals, 1,272.</p> <p>24 Those core participants will have a significant role 25 to play in shaping the work of the Inquiry. But we</p> <p style="text-align: center;">Page 16</p>

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<p>1 recognise of course that there are many infected and 2 affected individuals who are not core participants and 3 it is very important for us to emphasise that this does 4 not mean that their evidence is of any lesser value to 5 the Inquiry. 6 In addition to the individuals there are currently 7 eight charities or campaigning organisations who are 8 core participants. The Scottish Infected Blood Forum, 9 Haemophilia Scotland, Haemophilia Northern Ireland, 10 Haemophilia Wales, The Haemophilia Society, the UK 11 Thalassaemia Society, the Hepatitis C Trust and 12 Factor VIII. We anticipate that there are likely to be 13 further applications by other campaigning organisations 14 and charities. 15 Three government departments are core participants: 16 The Department of Health and Social Care for England, 17 The Department of Health for Northern Ireland and The 18 Health and Social Services Group of the Welsh 19 Government. You will hear briefly statements on behalf 20 of each of those on Wednesday. 21 You will notice that I have not mentioned the 22 Scottish Government's Department of Health. The 23 Scottish Government's Department of Health and Social 24 Care Directorate is not currently a core participant, 25 and I should, for the benefit of the many affected and</p> <p style="text-align: center;">Page 17</p>	<p>1 not it becomes a core participant. Likewise, the Chair 2 can, and if necessary will, exercise his power under 3 section 21 of the Inquiries Act to order the production 4 of documents and material irrespective of core 5 participant status. 6 I should in fairness add that in any event we have 7 no reason to believe that the Scottish Government will 8 not voluntarily provide that which we ask of it. 9 The four national Blood Transfusion Services are 10 also core participants. NHS Blood and Transplant in 11 England, The Scottish National Blood Transfusion 12 Service, the Welsh Blood Service and the Northern 13 Ireland Blood Transfusion Service and the Regional 14 Health and Social Care Board for Northern Ireland, which 15 was the successor body to the board responsible for 16 Northern Ireland's Blood Transfusion Service until 1994. 17 It is, we think, very likely that the numbers of 18 core participants will continue to grow. In particular 19 we are giving careful consideration as to how best to 20 ensure the participation in the Inquiry of other NHS 21 bodies such as the trusts and boards responsible for the 22 many haemophilia centres across the United Kingdom, the 23 conduct and decisions of whose former employees will be 24 a central part of the Inquiry's work. 25 The Inquiry's investigative work has begun in</p> <p style="text-align: center;">Page 19</p>
<p>1 infected individuals from Scotland who are participating 2 in this Inquiry, explain why we understand that to be 3 the case. 4 We understand that the Scottish Government's current 5 position is that it will not apply to be a core 6 participant because it considers that the Inquiry should 7 not, insofar as Scotland is concerned, revisit issues 8 already considered by the Penrose Inquiry. That is not 9 the view of this Inquiry. Nor does it accurately 10 reflect the terms of reference which were the subject of 11 extensive consultation including in Scotland. 12 Whilst this Inquiry will of course avoid unnecessary 13 duplication of work done by the Penrose Inquiry, the 14 terms of reference which it must deliver clearly applies 15 as much to Scotland as it does to Northern Ireland, 16 Wales and England. 17 It is a matter of regret to the Inquiry that the 18 Scottish Government has taken this position but we can 19 assure all concerned that this does not affect the 20 Inquiry's powers vis à vis the Scottish Government at 21 all. 22 The Inquiry can and will, and indeed already has, 23 exercised its powers under the Inquiry rules to request 24 the Scottish Government to provide the documents and 25 other information which the Inquiry requires, whether or</p> <p style="text-align: center;">Page 18</p>	<p>1 earnest but there is very much more to do. There have 2 been two principal focuses for the Inquiry's 3 investigative work so far. Firstly, obtaining witness 4 statements from infected and affected people and 5 secondly, seeking the disclosure of relevant documents 6 from governmental and public bodies and other relevant 7 sources. 8 I shall deal with each in turn. 9 Gathering witness statements from the individuals 10 who are infected or affected is a priority for the 11 Inquiry's work for two reasons. Firstly, the poor and 12 deteriorating health of a number of them means we want 13 to receive as many witness statements early in the 14 Inquiry as we can. Secondly, as the Chair has 15 explained, the experiences of infected and affected 16 people, the accounts they have to give lie at the heart 17 of this Inquiry. 18 On 2 July immediately upon being set up the Inquiry 19 invited people who were infected or affected in 20 consequence of infected blood products or blood to 21 complete a short form telling the Inquiry whether, and 22 if so, how they would like to give evidence. 23 We received over 1,300 such forms and since then 24 many further individuals have come forward and we expect 25 currently in the region of about 2,200-odd statements</p> <p style="text-align: center;">Page 20</p>

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<p>1 from infected or affected people over the coming months. 2 The Inquiry has begun the process of obtaining 3 witness statements. So far in terms of the Inquiry's 4 own work is concerned, it has identified around 650 5 individuals from whom the Inquiry team itself will be 6 taking statements. You do not need legal representation 7 in order to provide evidence to the Inquiry and 8 individuals who feel able to can draft their own 9 statements or we, the Inquiry will assist with the 10 preparation of the statement for everyone who wants to 11 help. But for the many individuals who are legally 12 represented we will be asking their legal 13 representatives to obtain those statements and we will 14 be funding the costs of so doing. 15 This is a process that will continue over the coming 16 months. 17 The focus of these statements will be the individual 18 personal experiences of those who were infected and the 19 individual personal experiences of their families and 20 loved ones. We understand that it will not be an easy 21 task, that a number of those who will be giving 22 statements are in poor health and that they are being 23 asked to tell us about highly personal and distressing 24 matters. 25 I should also make clear that before any witness</p> <p style="text-align: center;">Page 21</p>	<p>1 individuals who in addition to being able to provide 2 their own personal account have through years of 3 campaigning and diligent research built up a substantial 4 amount of wider knowledge and information. The Inquiry 5 team is keen to work with those individuals so as to 6 make the best use of the information and knowledge which 7 they have acquired. 8 For those who very understandably do not feel able 9 to provide a detailed statement, there is an additional 10 alternative option of providing an account to 11 a rapporteur, a trained professional who will gather 12 together such accounts anomalously in a report to be 13 presented to the Chair. 14 That is the first strand of the Inquiry's 15 investigative work so far. 16 The second strand has been to require the provision 17 to the Inquiry of documents of potential relevance to 18 the terms of reference. I propose to say a few words 19 about the mechanics of that process, first. 20 There are certain processes which the Inquiry has to 21 follow. If the Inquiry wishes a person to produce 22 a document it will send a request, it is a called 23 a Rule 9 request. If that person doesn't comply, the 24 Chair can require the person to produce any documents in 25 their custody or control by making an order under</p> <p style="text-align: center;">Page 23</p>
<p>1 statement is disclosed i.e. made available to core 2 participants or is published on the Inquiry's website 3 individuals who are infected or affected will be able to 4 ask the Inquiry not to disclose or publish their name or 5 not to disclose or publish particular information within 6 their statement. And where a witness who is infected or 7 affected requests anonymity, it is likely that the Chair 8 will grant that request in light of the fact that so 9 many of these statements will contain highly sensitive 10 and personal medical information. 11 There is a lot more information about this process 12 published on the Inquiry's website in its statements of 13 approach. 14 The Inquiry has asked and obtained the agreement of 15 the heads of the health service in England, Northern 16 Ireland, Scotland and Wales to waive the fees that might 17 otherwise be charged for accessing and copying patients' 18 medical records. The practical effect of that is that 19 you should be able to obtain your medical records 20 without any payment. There is available on the 21 Inquiry's website guidance as to how to go about 22 obtaining your medical records or those of a deceased 23 family member and copies of the request forms that 24 families can use. 25 We also know that there are significant numbers of</p> <p style="text-align: center;">Page 22</p>	<p>1 Section 21 of The Inquiries Act. 2 Once documents are provided to the Inquiry, they'll 3 first be assessed by the Inquiry for relevance. 4 Consideration will be given by the Inquiry at that stage 5 as to whether any material that is irrelevant, such as 6 irrelevant personal information, should be redacted. 7 A process of categorising and indexing documents also 8 has to be undertaken, and I am sure you will appreciate 9 that this is a time consuming process that has to be 10 carried out with care and attention to detail. 11 Documents that are assessed as relevant will then be 12 disclosed to core participants. We are ready to 13 disclose to core participants the first batch of 4,864 14 documents, which is over 39,000 pages of material. They 15 will be disclosed to core participants via the Inquiry's 16 document management known as Relativity. 17 The Inquiry has so far made a large number of 18 requests for documentation from a range of sources. 19 I don't propose to go through all those requests in 20 detail, but to give you a flavour of some of the main 21 requests. 22 Requests for documentation have been issued to the 23 Department of Health and Social Care in England. We 24 have asked, amongst other things, for provision of 25 documentation from the HIV Haemophilic litigation, the</p> <p style="text-align: center;">Page 24</p>

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<p>1 Group Contaminated Blood Products litigation and 2 unredacted copies of documents hosted on the 3 National Archives, including those provided to the 4 Archer Inquiry and Lord Owen's papers. Documents 5 provided by the Department of Health to the 6 Penrose Inquiry and other material.</p> <p>7 We have asked the Scottish government to provide all 8 documents and information provided to the 9 Penrose Inquiry, and all documents and information sent 10 to National Records Scotland potentially relevant to the 11 terms of reference. Similar requests have been made to 12 the Welsh and Northern Irish departments.</p> <p>13 We have made requests to each of the four blood 14 services and have received a very significant volume of 15 material from NHSBT in England and the Scottish National 16 Blood Transfusion Service.</p> <p>17 Requests have gone to all the health trusts and 18 boards across the United Kingdom which are responsible 19 for each of the haemophilia centres, and we are starting 20 to receive documentation from them.</p> <p>21 We have received a schedule of information held by 22 the Haemophilia Society and we await provision of those 23 documents.</p> <p>24 In terms of the trusts and schemes, we have 25 requested the provision of information and documents</p> <p style="text-align: center;">Page 25</p>	<p>1 expect to receive and to have to analyse many more times 2 that number.</p> <p>3 In a letter to the public earlier this year, the 4 Chair said that inquiries go through a number of phases, 5 some of which are highly visible to the public, such as 6 hearing evidence from witnesses or indeed these 7 preliminary hearings, some of which are less so, for 8 example, when working through documentary evidence.</p> <p>9 The Chair observed in that letter that it may seem 10 as if nothing is happening, but be assured a huge amount 11 of work will be performed if the Inquiry is to report 12 within a reasonable time, time spent in preparation is 13 critical. Those observation apply with particular force 14 at the present time.</p> <p>15 Over the coming months, it may seem to you that 16 little is happening, but we can give our assurance that 17 a huge amount of work will be being undertaken.</p> <p>18 Finally, on the issue of disclosure of documents, 19 earlier this month the Chair made a statement on 20 disclosure, which is, I think, important and worth 21 repeating now. In that statement, the Chair reminded 22 all relevant organisations of the commitment made by the 23 government to produce all relevant papers. The minister 24 for the cabinet office having informed Parliament that 25 the Prime Minister had made it clear that the Department</p> <p style="text-align: center;">Page 27</p>
<p>1 from the chief executive of the MacFarlane Trust and the 2 directors of the other Alliance House organisations and 3 we will be arranging for the inspection of material, 4 which we know they hold.</p> <p>5 We have sent requests for disclosure and information 6 for five of the large pharmaceutical companies, and to 7 the medicines and healthcare regulatory agency.</p> <p>8 From the police, we have received documents relating 9 to two criminal investigations in Scotland arising out 10 of the treatment of haemophiliacs with blood products. 11 We have sought information from the prisons and 12 probation service about material relating to blood 13 donations by prisoners in the United Kingdom.</p> <p>14 The UKHCDO has given the Inquiry unrestricted access 15 to all of its material, physical and electronic. There 16 is a huge repository of material there that we have 17 begun to search through. Indeed, there are repositories 18 of vast amount of documentation in various physical and 19 electronic locations. By way of example of scale, NHSBT 20 holds some 90,000 boxes of materials. Many of those 21 will not be relevant to the work of the Inquiry, but you 22 will understand that it will take us a considerable 23 amount of time and work to identify, analyse and share 24 the material that is relevant.</p> <p>25 So far we have received about 100,000 documents. We</p> <p style="text-align: center;">Page 26</p>	<p>1 of Health and Social Care, the National Health Service 2 and all branches of government should provide full 3 cooperation.</p> <p>4 The Chair emphasised in his statement the 5 expectation the Inquiry has that it will receive the 6 highest level of cooperation from all organisations in 7 responding to requests for documentation and 8 information. The Chair also explained his expectation 9 that all those providing documents and information give 10 careful consideration to waiving legal professional 11 privilege, rather than relying on legal professional 12 privilege to justify withholding material from the 13 Inquiry.</p> <p>14 The next part of the Inquiry's work to date has been 15 to gather together the beginnings of the expert groups. 16 The Inquiry recognises the importance of independent 17 expert evidence. It is keen to ensure that all 18 expertise provided to the Inquiry is transparent and 19 subject to scrutiny and is in the process of 20 establishing a series of expert groups comprising 21 individuals with recognised experience in the relevant 22 fields of expertise. We are not aware of this being 23 a course that has been taken in other public inquiries. 24 This will, we believe, be a first for this Inquiry. 25 The purpose of that expert evidence will be to</p> <p style="text-align: center;">Page 28</p>

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<p>1 inform and support the Inquiry's work, to ensure that 2 the Chair's factual conclusions are soundly based and 3 that any recommendations which he makes are supported by 4 the weight of the best expert opinion.</p> <p>5 Five broad areas of expertise have been identified 6 thus far: firstly, public health and administration; 7 secondly, medical ethics; thirdly, psycho social; 8 fourthly, statistical and, fifthly, clinical. That will 9 cover clinical specialisms of haematology, transfusion 10 medicine, hepatology and virology.</p> <p>11 In terms of process, we will be inviting core 12 participants to identify broad issues for consideration 13 by the expert groups. We will publish the letters of 14 instruction that we send to the experts. We will share 15 the reports that are produced by the experts with core 16 participants and we will publish them on the Inquiry's 17 website so that all can read their contents.</p> <p>18 We will also afford the opportunity for core 19 participants to pose additional questions to the expert 20 groups.</p> <p>21 If there are differences of view or emphasis amongst 22 members of the group on issues relevant to the Inquiry's 23 terms of reference, or where we judge that it will be 24 beneficial or important for expert views to be explored 25 at the hearings, the experts will be invited to give</p> <p style="text-align: center;">Page 29</p>	<p>1 King's College, London. Mary Dixon-Woods, professor of 2 healthcare improvement studies at the University of 3 Cambridge, Anne-Maree Farrell, professor and Chair of 4 health law and society at the Trobe Law School, in 5 Australia. Charles Vincent, professor of psychology at 6 Oxford University, and Kieran Walshe professor of health 7 policy and management at Manchester Business School.</p> <p>8 In the field of psychosocial impact, the experts 9 identified so far are Dame Lesley Fallowfield, professor 10 of psycho-oncology at Brighton and Sussex Medical School 11 and Dame Theresa Marteau, director of the Behaviour and 12 Health Research Unit at the University of Cambridge.</p> <p>13 Statistics is the next expert area. There, the 14 members of the group identified so far are Sheila Bird, 15 honorary professor University of Edinburgh. Penny Chan, 16 who was scientific coordinator of the Canadian 17 Krever Inquiry. Daniela De Angelis, deputy director of 18 the Medical Research Council Biostatistics Unit, at the 19 University of Cambridge. Christl Donnelly, professor of 20 applied statistics at Oxford University and statistical 21 epidemiology at Imperial College. Stephen Evans, 22 professor of pharmaco-epidemiology at the London School 23 of Hygiene and Tropical Medicine. Nicholas Jewell, 24 professor of biostatistics and epidemiology at the 25 London School of Hygiene and Tropical Medicine.</p> <p style="text-align: center;">Page 31</p>
<p>1 oral evidence.</p> <p>2 The Inquiry published on its new website, on Friday, 3 information about some of the experts who have been 4 approached so far. Before I list those experts, for the 5 benefit of those who have not already seen what's on the 6 website, I should make it clear that the membership of 7 the expert groups has not been finally determined 8 because we would like to hear from core participants any 9 suggestions they might have.</p> <p>10 We welcome further suggestions from core 11 participants or, indeed, from others of experts for 12 these groups or if there are additional areas of 13 expertise which you consider would assist the Inquiry.</p> <p>14 The current members of the groups identified so far, 15 some of whom I know are in attendance today, are as 16 follows: in the field of medical ethics, 17 Richard Ashcroft, professor of biomedical ethics at 18 Queen Mary University, Emma Cave, professor of 19 healthcare law, at Durham University. Melinee Kazarian, 20 lecturer in law at the University of Southampton. 21 Sir Ian Kennedy, QC, founder of the Centre for Medical 22 Law and Ethics, and Julian Savulescu, director of Oxford 23 Centre for Practical Ethics.</p> <p>24 In the field of public health and administration, 25 David Armstrong, professor of medicine and sociology, at</p> <p style="text-align: center;">Page 30</p>	<p>1 Graham Medley, professor of infectious disease modelling 2 and director of the Centre for Mathematical Modelling of 3 Infectious Disease at the London School of Hygiene and 4 Tropical Medicine and Sir David Spiegelhalter, president 5 of the Royal Statistical Society.</p> <p>6 The clinical groups are, at the moment, less fully 7 populated. The Inquiry has sought recommendations from 8 a number of the Royal Colleges and will share those 9 recommendations in due course with core participants. 10 The experts who have so far agreed to join the clinical 11 group are Jane Anderson, Chair of the National AIDS 12 Trust and a past Chair of the British HIV Association, 13 Claire Gerarda, former Chair of the Royal College of 14 General Practitioners and David Goldberg, consultant 15 clinical epidemiology at Health Protection Scotland.</p> <p>16 It will, I hope, be apparent from that list of those 17 who have been invited to join the expert groups that 18 they are leaders in their field; they are all willing to 19 facilitate the work of the Inquiry and know that what is 20 expected of them is the expression of their own 21 independent views.</p> <p>22 We look forward to receiving suggestions from core 23 participants of others of additional expertise and 24 I should emphasise that no one should feel under any 25 pressure to identify experts during the course of this</p> <p style="text-align: center;">Page 32</p>

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<p>1 preliminary hearing, they are welcome to provide their 2 suggestions to the Inquiry over the coming weeks.</p> <p>3 I turn next to consider the questions of involvement 4 and engagement more generally. In line with the Chair's 5 commitment to transparency and accessibility people will 6 be able to follow the Inquiry's work in a number of 7 ways. The Inquiry website will be a source of 8 information throughout the Inquiry. People can watch 9 hearings live at their convenience, read transcripts of 10 all the hearings, read witness statements and expert 11 reports, check the Inquiry's statements of approach, 12 which explains its ways of working, and check important 13 practicalities such as how to claim expenses. The 14 Inquiry team knows that not everyone likes websites, so 15 they are also communicating with people by email, phone, 16 letter and in person.</p> <p>17 Over the summer, the Inquiry team held a number of 18 engagement meetings in Belfast, Birmingham, Bristol, 19 Cardiff, Glasgow, Leeds, Liverpool, Manchester, 20 Newcastle and London, so that people could hear about 21 the terms of reference and the plans for these hearings 22 and talk about the work of the Inquiry. The Inquiry 23 team will be returning to these cities throughout the 24 Inquiry so that people can meet and ask questions of the 25 Inquiry team.</p> <p style="text-align: center;">Page 33</p>	<p>1 weeks out of four and for up to four days per week.</p> <p>2 The structure of the hearings -- and this is our 3 provisional thinking only -- will be as follows: we 4 propose, as the Chair has said, to start by hearing 5 evidence from a range of infected and affected people. 6 The Inquiry wants to hear at first-hand the accounts and 7 experiences of those infected and affected covering 8 different groups across the UK. That evidence will be 9 heard in London, in Edinburgh, in Belfast, in Cardiff 10 and probably in Leeds. We anticipate that this part of 11 the Inquiry's evidence will be heard over the three 12 month period in May, June and July next year.</p> <p>13 The next part of the Inquiry's hearings will in all 14 likelihood start again from the beginning of October of 15 next year. The Inquiry's current thinking is that it 16 will at this point start hearing evidence about the key 17 issues set out in the first part of its terms of 18 reference, namely what's happened and why. It's this 19 part of the Inquiry hearings that will look at what was 20 known or ought to have been known about the risks of 21 infection, by government, pharmaceutical companies, 22 licensing authorities, NHS bodies, the medical 23 profession and others.</p> <p>24 It is this part of the Inquiry's hearings that will 25 examine how it was that people with haemophilia were</p> <p style="text-align: center;">Page 35</p>
<p>1 I turn next to the likely organisation of the 2 hearings that will commence in due course. We know that 3 many people have been anxious to know the timescale for 4 the Inquiry's work. There are two particularly 5 important factors that are at the forefront of the 6 Inquiry's planning in this regard.</p> <p>7 Firstly, we know that even in the time since 8 a public inquiry was announced a number of those 9 infected have died. We know -- and I can assure you 10 that this is something which the Inquiry team is acutely 11 conscious of -- that more will die before the Inquiry 12 ends. We understand, therefore, that it is important 13 for the Inquiry to undertake its work as quickly as 14 possible.</p> <p>15 Secondly, however, we know -- because this is what 16 you have told us -- that many of you consider this to be 17 the last chance to get the answers which you have sought 18 for so long and that the Inquiry must, therefore, be 19 thorough and vigorous. As the Chair has said, 20 therefore, the Inquiry's work will be completed as 21 quickly as reasonable thoroughness permits.</p> <p>22 We are able to give our intended start date for the 23 Inquiry's main public hearings. The Inquiry intends to 24 start hearing the evidence from the 30th April 2019. 25 Once it begins, the Inquiry proposes to sit for three</p> <p style="text-align: center;">Page 34</p>	<p>1 given infected blood products and people requiring 2 transfusion were given infected blood. This part of the 3 Inquiry's hearings will look at the adequacy of the 4 systems in place, the questions of self-sufficiency in 5 England, Wales, Scotland and Northern Ireland, and will 6 also hope, in that part of the Inquiry, to look at the 7 likely numbers infected and the risks of exposure to 8 other diseases.</p> <p>9 We cannot say at this stage precisely how long that 10 part of the Inquiry hearings will last, but we 11 anticipate that it is likely to be in the region of 12 something like 5 months' worth of hearings.</p> <p>13 The third part of the hearings -- again, this is all 14 provisional -- is to look at treatment, care and 15 support, including financial support and the many 16 concerns that have been expressed about the trusts and 17 schemes, the differences in financial assistance and the 18 justification or absence of justification for those 19 differences.</p> <p>20 We would then propose to sit to hear issues relating 21 to consent, communication and information sharing, those 22 key ethical issues that are still highly relevant to 23 modern day medical practice.</p> <p>24 We would then propose to look at the response of 25 government and other bodies and to examine forensically</p> <p style="text-align: center;">Page 36</p>

<p>1 the issues of cover up and lack of candour. 2 The penultimate part of the Inquiry's evidence 3 hearings would be to consider recommendations for the 4 future and to hear evidence related to that. Then, the 5 last part of the Inquiry's evidence to be heard would 6 be, as the Chair has said, further accounts from those 7 infected and affected. 8 However, I emphasise that this plan, in particular 9 the sequencing and organisation of issues after the 10 first three months, is very provisional. It is 11 dependent upon two factors in particular. 12 Firstly, the views of core participants and others 13 with an interest in the Inquiry as to how the Inquiry 14 should structure the hearings. You may tell us that you 15 think there are better ways of organising, and 16 structuring and listening to the evidence. 17 Secondly, it is dependent upon the volume of 18 material that we receive, both in terms of documents and 19 witness statements, all of which will require to be 20 processed, analysed and, where relevant, disclosed to 21 core participants sufficiently in advance of any 22 hearings to enable adequate time for consideration. 23 It may be that in light of those matters we will 24 have to make adjustments to this provisional timetable 25 and in particular to the order in which we consider</p> <p style="text-align: center;">Page 37</p>	<p>1 Inquiry process. It is the Inquiry's job to investigate 2 impartially and fairly and to report on the matters 3 detailed in the terms of reference. The Inquiry carries 4 out that task of investigation in all the ways that 5 I have been describing, from obtaining and analysing the 6 vast amounts of documentation, from gathering statements 7 from witnesses and we anticipate we will end up with 8 thousands of such statements, and from holding public 9 hearings at which key witnesses will be questioned. 10 It is a very different process from litigation and 11 the roles of those who participate, whether legally 12 represented or not, differs from the roles of litigants. 13 From the Inquiry's perspective there are no parties, 14 sides or cases to prove but a process of independent and 15 forensic investigation and examination. 16 My final point is this: we as an Inquiry team are 17 acutely aware that lives have been devastated and 18 destroyed in consequence of the use of infected blood 19 products and infected blood. This Inquiry cannot 20 reverse or undo what has happened but the Inquiry team 21 will do everything it reasonably can to provide the 22 answers to the questions that have been sought for so 23 long and to fulfil the Inquiry's terms of reference. 24 Thank you. 25 SIR BRIAN LANGSTAFF: Thank you, ladies and gentlemen. That</p> <p style="text-align: center;">Page 39</p>
<p>1 particular aspects of the terms of reference. We are 2 not at present able to give a reliable estimate as to 3 how long this process will take because of the huge 4 amount of material that we are expecting to receive, but 5 our best estimate is that once hearings begin at the end 6 of April next year they will not take less than a year 7 and a quarter. 8 One question that has been raised by many 9 respondents to the consultation process, and indeed was 10 trailed in the media yesterday, is whether the Inquiry 11 is likely to hear from government ministers at relevant 12 times. The answer to that question, we think, is yes. 13 We will in the course of the investigative work expect 14 to obtain witness statements from senior politicians 15 including successive Secretaries of State for Health, 16 from senior civil servants and senior doctors involved 17 in policy setting and decision making. We anticipate 18 that a number of such witnesses will be expected to give 19 oral evidence and thus be questioned publicly for the 20 first time about their decisions and actions. We expect 21 such witnesses will attend to give evidence without 22 compulsion but the Inquiry has no hesitation in using 23 the powers conferred by the Act if so required. 24 I would like to conclude by making two points. 25 Firstly, the inquisitorial not adversarial nature of the</p> <p style="text-align: center;">Page 38</p>	<p>1 brings the formal proceedings to a close today but you 2 are very welcome to stay for a while and chat to each 3 other. You may want to talk about what you have heard. 4 You may even want to talk to some of the Inquiry team if 5 you wish. You are welcome to do that. Thank you for 6 your attendance. Thank you for listening, and I look 7 forward to seeing you and to begin to hear what the core 8 participants have to say tomorrow. 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Page 40</p>

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