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08 October 2018

Dear Joe,

Thank you for the promptness of your letter following our meeting on 27 September confirming in writing that the Scottish Government does intend to apply for core participant status in the Infected Blood Inquiry. We welcome this affirmation. Both charities are publishing your letter, and this reply, online so our joint membership is fully aware of the current situation.

While many of our members will be relieved you are committed to engaging fully with the Inquiry, we cannot consider this matter resolved until the Scottish Government is confirmed as an organisational core participant.

You are aware of the damage that secrecy has done to infected and affected people as a fundamental element of the contaminated blood and blood products disaster. In the current circumstances that means it is incumbent on the Scottish Government to be as candid as possible about what outstanding issues remain as a bar to you making your core participant application. In particular,

- Do you object to any of the agreed Terms of Reference? If so, which ones and what are you proposing as alternatives?
- Did you have any prior agreement from the Cabinet Office that they would meet any, or all, of the costs associated with the involvement of the Scottish Government with the Infected Blood Inquiry?
- Did the Cabinet Office give you any assurances that evidence examined by the Penrose Inquiry would not be included in the work of the Infected Blood Inquiry? If it did, how was it envisaged that this assurance would be enforced once the Inquiry had been established and the delivery of the agreed terms of reference was entirely the duty of the Chair to ensure the independence of the process?

Our own view is that the Penrose Inquiry was comparatively effective at gathering evidence, establishing the underlying facts of the elements of the disaster within its terms of reference, and producing a chronology of events. However, it utterly failed to provide an analysis of those facts to ensure all possible lessons were learnt or apportion responsibility, as evidenced by the fact its only recommendation was a repetition of a recommendation made 12 years previously by the Expert Panel under Lord Ross. The Infected Blood Inquiry should therefore be able to rely on the evidence that was gathered and tested by the Penrose Inquiry. However, by definition, this evidence will have to revisit in sufficient detail to allow unasked questions to be put, the wider terms of reference of the Infected Blood Inquiry to be reflected, and the Chair to complete the unfinished analytical work of the Penrose Inquiry resulting in appropriate recommendations.

As was discussed when we met, the time for negotiation between the Scottish Government and the Cabinet Officer ran out at the start of the Infected Blood Inquiry Preliminary Hearings. We don't believe infected and affected people in Scotland can be expected to wait any longer to have this matter resolved. The longer this situation continues the more the hard-won trust that has developed between the community and the Scottish Government is undermined. As we made clear in person last Thursday, the current situation is untenable and unacceptable.

Allowing disagreements with the Cabinet Office over funding and terms of reference to stand between victims and justice sends entirely the wrong message to our community. Hitherto the Scottish Government response has been characterised by accepting a moral duty to those affected and working collaboratively to both meet current needs and learn relevant lessons for the future. We are as anxious, as we are sure you are, to return to that constructive relationship. Therefore, can you please confirm accordingly, when you anticipate being able to apply for core participant status?

We very much look forward to hearing from you.

With best wishes

Yours sincerely,

A handwritten signature in blue ink that reads "Bill Wright".

Bill Wright  
Chair, Haemophilia Scotland

A handwritten signature in blue ink that reads "John Rice".

John Rice  
Convener, Scottish Infected Blood Forum