

Susan Murray and Tracey Turnbull
Central Legal Office
NHS National Services Scotland
Anderson House
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Bonnington Road
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EH6 5JR

28 November 2012

Dear Susan and Tracey

The Penrose Inquiry – Request for further evidence from Professor Ludlam on the topic of Statistics

Following the procedural hearing on the topic of Statistics held on 29 October 2012, Lord Penrose issued his written decision on 9 November. Specifically he said in his written decision: '[T]here are issues on which it is appropriate to have further information, concerning the basis on which Dr Schnier and Professor Goldberg proceeded and concerning the up to date data supplied by UKHCDO.'

As a result the Inquiry would be grateful if the questions contained in the attached schedule could be put to your client, Professor Ludlam. Please note I have also written to Dr Charles Hay who gave evidence at the oral hearings and have put the same questions to him.

You will see that the schedule of questions refers to several documents which for your ease of reference we have put onto the **enclosed CD**, which also contains a copy of the questions to be put to your client.

Lord Penrose has decided not to make any approach to Professor Goldberg at this stage but will decide whether or not to put any further questions to him once he has received the replies from the other witnesses.

Lord Penrose would be grateful to receive a response from your client within four weeks, if at all possible, if this is unlikely to happen could you please advise me as soon as possible.

Kind regards

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Yours sincerely

Janet Marsh

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SCHEDULE

FURTHER QUESTIONS ON STATISTICS

Professor Ludlam

Patients with bleeding disorders – HIV

There is a discrepancy in the evidence before the Inquiry as to the number of patients with bleeding disorders likely to have been infected with HIV as a result of NHS treatment in Scotland.

The evidence provided by the Scottish Haemophilia Directors identified 59 such patients (23 at Edinburgh, 21 at the Royal Hospital for Sick Children, Glasgow, 12 at Glasgow Royal Infirmary and 3 at Aberdeen),¹ the evidence recently provided by the UKHCDO identified between 68 and 70 such patients² and the evidence provided by Health Protection Scotland identified 76 patients.³

1. What is the explanation for the discrepancy between these figures?
2. Is one set of figures more likely to be correct and, if so, why?
3. Has any further work been undertaken in an attempt to reconcile the figures or arrive at more definitive figures?
4. Does Professor Ludlam consider that any further work can reasonably be undertaken to try and reconcile the figures or arrive at more definitive figures?
5. Has any further work been undertaken on the number of patients with bleeding disorders who were infected with HIV as a result of NHS treatment in Scotland who have died (including any further work in respect of the cause of death)?
6. The Inquiry is unaware of any evidence that any patients with von Willebrand's Disease were infected with HIV as a result of NHS treatment in

¹ Edinburgh methodology statement [[PEN.012.0153](#)] and spreadsheet [[PEN.012.0159](#)]; Yorkhill statement [[PEN.012.0155](#)] and spreadsheet [[PEN.012.0160](#)]; GRI statement [[PEN.012.0152](#)] and spreadsheet [[PEN.012.0158](#)]; Aberdeen statement [[PEN.012.0156](#)] and spreadsheet [[PEN.012.0161](#)]

² UKHCDO report, April 2012, page 29, [[PEN.019.0927](#)] at 0961

³ Letter dated 23.3.11 from HPS to the NHS Scotland Central Legal Office, [[PEN.012.0151](#)]

Scotland. For the avoidance of doubt, can Professor Ludlam confirm that that is also his understanding of matters?