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RECORDED DELIVERY

Ms Gemma Lovell
The Penrose Inquiry
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Your ref:
Our ref: JL
18 August 2011

Dear Ms Lovell

THE PENROSE INQUIRY
B4 - SHHD GUIDANCE ON ALTERNATIVE HTLV-III TESTING FACILITIES OUTSIDE THE
NBTS AND SNBTS

I refer to the above matter and to your letter of 4 August 2011. I apologise for the delay in responding but as you know I have been on leave and returned to the office on 16 August.

As I advised you by email on 4 August, SHHD issued guidance to Chief Administrative Medical Officers on 14 August 1985 ("CAMO(85)14 ") advising them of the necessity for Health Boards to arrange alternative testing facilities for taking samples from persons other than blood donors, and to publicise those facilities. The relevant document is to be found in our file NQH 20/1, Part 3 at pages 63-64 and I believe that the Inquiry's reference is SGH.002.6995.

My clients have checked for any further circulars issued on the subject of HTLV III testing.

The only other directly relevant document which my clients have been able to locate is a letter in the name of Dr Graham Scott, DCMO, addressed to Chief Administrative Medical Officers, dated 6 July 1985 in which CAMOs are asked to advise SHHD of the arrangements for alternative testing facilities which they intend to put in place. This document was obtained from Information Services Division and is not filed in any of the files delivered to the Inquiry; a copy is enclosed. The contact name for this letter is Dr R Covell; Dr Covell was an SMO whose areas of responsibility included communicable and sexually transmitted diseases. He was not a member of Dr McIntyre's PMO group; Dr McIntyre's group included the medical officer who covered blood transfusion (Dr Bell and later Dr Forrester). As Dr Covell appears to have had an involvement in relation to the issue of alternative testing facilities, I have asked my clients to check whether any files relating to infectious diseases more generally from this time, but not relating to blood, might contain anything relevant. I do not expect that anything will be discovered which has not already been delivered to the

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Inquiry, as my clients attempted to locate any potentially relevant SHHD files using very wide search parameters (they did not simply look for blood policy files, but checked for any files mentioning "HIV", "AIDS" and so on), but clearly I will let you know if any documents are located. I did in fact contact Dr Covell earlier in the year and provided him with a copy of the Inquiry's B4 schedule however he was unable to respond to any of the questions posed.

In addition, CAMO(85)12 was issued to Chief Administrative Medical Officers, copied to the Director of SNBTS and the Regional Transfusion Directors, on 6 August 1985. This document is to be found in our file NQH 20/1, Part 3, pages 50-52. You will note that this circular relates to the evaluation of HIV testing kits carried out during 1985. It does not refer to alternative testing facilities. I enclose a copy

It is perhaps understandable that no written guidance on alternative facilities was produced for the benefit of the Scottish Regional Transfusion Directors, given that there were only 5 Scottish Regional Transfusion Centres. Although no records remain in SHHD files of any conversations between administrators or medical advisers in SHHD and SNBTS, it is clear that Dr Cash was aware that the responsibility for the provision of alternative testing facilities lay with Health Boards. I enclose a letter from Dr Cash to the Secretary of the Common Services Agency dated 26 February 1985 in which he encourages the Secretary to liaise with Area Health Boards in relation to alternative testing facilities. It would not be unreasonable to assume that the other SNBTS Directors were also aware that Health Boards were to make the arrangements.

Yours sincerely



Jill N Lavelle
Solicitor