

Witness Name: GRAHAM ALEXANDER
SCOTT

Statement No.: 2

Dated: 19 JANUARY 2011

Inquiry Ref:

THE PENROSE INQUIRY
STATEMENT OF DR GRAHAM ALEXANDER SCOTT

1. My name is Graham Alexander Scott. My date of birth is 26 November 1927. My qualifications are MBChB, FRCPE, FFPH and DPH. Between 1951-56, I did my national service with the Royal Australian Army Medical Corps. I joined Stirling County Council as Senior Assistant Medical Officer in 1957. In 1962, I was promoted to Deputy County Medical Officer. In 1965, I joined the Scottish Home and Health Department (SHHD) as a Medical Officer. I was promoted to Senior Medical Officer in 1968. In 1975, I was promoted to Deputy Chief Medical Officer (I had been a Principal Medical Officer for around a year before being promoted to DCMO). Between 1965-74, my work primarily related to medical manpower matters, for example control of the number of medical students, control of training grade and consultant numbers and negotiating with the profession in relation to conditions of service of medical and technical staff. During this period, I did not have any involvement with either scientific or blood matters. When I became Deputy Chief Medical Officer in 1974, I was one of 2 DCMOs. The other was Dr Iain Macdonald. The Chief Medical Officer at that time (Sir John Reid) was often absent from the Department as he was much concerned with WHO matters, which took him out of the office a lot of the time. It was for this reason that it was felt appropriate for there to be two DCMOs.

2. When I became the DCMO, I took over responsibility for all matters relating to the SNBTS. I only spent around 5% of my time on SNBTS matters. I used to sit on the Common Services Agency Management Committee, and in that capacity was involved in discussions regarding funding etc. The Committee had wide membership; there were Health Board representatives, and the Departmental Assistant Secretary was also a member. I cannot now recollect the level of my input

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(although I suspect my opinion carried a fair bit of weight), and cannot recollect the detail of any discussions I had in that capacity. This is true in relation to all issues covered by the witness statement request; I stand by my past actions, but cannot now remember why I did what I did or why I advised in the way that I advised. I should say that I was heavily reliant on my colleagues Dr McIntyre and Dr Forrester. I had the highest regard for them both, particularly Dr McIntyre. He would really only come to see me if he was in doubt about something.

3. This statement relates to the witness statement request received by the Scottish Government Legal Directorate on 26 October 2010. The events/documents mentioned in the request took place up to 35 years ago; while I would stand by any actions I took or advice that I gave, I cannot now recall the specifics of the reasoning process I employed at the time.

The consideration, if any, given by the Scottish Home and Health Department (SHHD) between 1975 and 1984 to the practice of collecting blood from penal institutions, the risk of non-A, non-B hepatitis from such donations and whether the practice of collecting blood from such institutions should continue.

4. I do not know whether SHHD gave any consideration to this issue; I do not recall being asked to consider it. In any event, I would not have considered it appropriate to interfere with SNBTS practices. The SNBTS Directors were excellent, scientific individuals. I have been provided with a copy of a minute from J G Davies to Mr MacKay dated 6 May 1983 (taken from file NQH 20/1, Part 1 at page 293, attached as an Annex to this statement) which records that this issue was under constant consideration by SNBTS.

The communications, if any, between the SHHD and the Scottish National Blood Transfusion Service (SNBTS) between 1975 and 1984 on the subject of the collection of blood from penal institutions.

5. I have no recollection of any communications which may have passed between SHHD and SNBTS.

The communications, if any, between the SHHD and the Department of Health between 1975 and 1984 on the subject of the collection of blood from penal institutions.

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6. I have no recollection of any communications which may have passed between SHHD and DHSS. I do not recall whether this subject was discussed at meetings of DHSS medical staff which I attended.

The extent, if at all, to which the Chief Medical Officer, the Deputy Chief Medical Officer and the Permanent Secretary of the SHHD were aware of and were involved in any consideration by the SHHD between 1975 and 1984 of the practice of collecting blood from penal institutions.

7. I cannot recall being involved in any consideration by SHHD of the practice of collecting blood from penal institutions. As I mentioned previously, Dr McIntyre would only refer matters to me if he needed my assistance.

Whether the witness/SHHD were aware of the evidence produced by the National Blood Transfusion Service for England and Wales around July 1974 (SGH.001.7095) that the incidence of hepatitis B in donors from prisons was approximately five times greater than the incidence in donations from the general public. If so, what, if anything, did the witness/SHHD do in response to that information?

8. I do not recall being aware of this evidence, or of taking any steps in response to it. I do not recall whether SHHD took any action.

9. I have been provided with copies of papers by Wallace et al ("Total screening of blood donations for Australia (Hepatitis Associated) antigen and its antibody", BMA, 11 March 1972:663-664 (SGH.002.9831)) and Barr et al ("Hepatitis B virus markers in blood donors in the West of Scotland", Medical Laboratory Sciences, 1981;38:405-407 (SNB.008.0002)). I do not recall having been aware of these papers. I do not feel it is appropriate for me to offer any comments on these papers, or their relevance to the practice of donor selection, as the subject of donor selection was not within the province of SHHD. SNBTS Directors were in the best position to make informed decisions, based on local circumstances.

Whether the witness/SHHD were aware of the letter dated 6 January 1975 by J Garrott Allen (Stanford) to Dr William Maycock (Blood Products Laboratory) (SGH.004.6061) warning of the increased risk of hepatitis, including NANB hepatitis, from blood collected from prisoners. If so, what, if anything did the witness/SHHD do in response to the concerns raised in that letter?

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10. I do not recall being aware of this particular piece of correspondence, or of taking any steps in response to it. I do not recall whether SHHD took any action.

Whether the witness/SHHD were aware of the letter dated 1 May 1975 by H Yellowlees, CMO, England and Wales, to all Regional Medical Officers on the subject of blood donation and hepatitis (SGH.003.0187) and whether the witness/SHHD agreed with the advice contained in that letter i.e. that it was not necessary to discontinue the collection of blood from prisons providing that all donations were tested for hepatitis B using a sensitive test.

11. I have been provided with papers from file NQJ 1/2, Part 2 (pages 184-188; reproduced in the Annex to this statement). It is clear from these papers that the letter from Dr Yellowlees was copied to me, and that I gave some consideration to the issue of whether SHHD should endorse the introduction of a more specific test for Hepatitis B (the reverse passive haemagglutination test (RPH)). My handwritten notes on Dr McIntyre's minute of 13 May 1975 record that SHHD had no objection to the introduction of RPH testing. The question of donor selection is a separate issue and one which was dealt with by SNBTS.

Whether the witness/SHHD were aware of the internal correspondence within the DHSS in July and August 1983 on the practice of collecting blood from prisons (SGH.001.0575 and SGH.001.0574).

12. I do not recall being aware of this internal DHSS correspondence.

In the 1970s and early 1980s, did the Scottish Home and Health Department, or Ministers, encourage donations in prisons and, if so, for what reasons?

13. Neither SHHD nor Ministers encouraged donations from prisons.

What was the view, if any, of the witness/SHHD between 1975 and 1984 on the practice of the collection of blood from penal institutions?

14. I do not have a view on this; in my opinion, this was a matter for SNBTS.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed..... *M.D. Hall*
Dated..... *19 JAN 2011*