

RATIONALE FOR COMPENSATION

- To consider the rationale for compensation as a matter of general principle and in relation to any particular classes of compensation, recognising that it is not for the Study to pre-empt the determination by the Infected Blood Inquiry as to what, if any, rationale is supported by the evidence it has received;

INDEPENDENT ADVICE TO GOVERNMENT

- Give independent advice to the Government regarding the design of a workable and fair framework for compensation for individuals infected and affected across the UK to achieve parity between those eligible for compensation regardless of where in the UK the relevant treatment occurred or place of residence. While the Study is to take into account differences in current practice and/or law in the devolved nations, it is not asked to consider whether delivery of that framework should be managed centrally or individually by the devolved administrations;

SCOPE OF COMPENSATION

- To consider the scope of eligibility for such compensation (including the appropriateness or otherwise of any conditions such as 'cut-off' dates), and whether it should be extended beyond infected individuals and their partners, to include for example affected parents and children, the wider affected family (e.g. siblings), and significant non-family carers and others affected, either because of the impact of caring responsibilities or the effects of bereavement or some other impact; to include consideration of former and new partnerships/marriages; and whether the estate of any individual who has died should be eligible for compensation;

CATEGORIES OF INJURY AND LOSS

- To consider the injuries, loss and detriments that compensation should address, in relation to the past, present and future, including:
 - (a) the physical impact and consequences of infection/s (including the effect of any treatment, and potential future adverse effects);
 - (b) infections that cleared naturally; and the risk of any significant or long-term side effects of treatment (such as liver damage, increased risk of cancer) even if they are yet to materialise
 - (c) the mental health, social and financial impacts (including access to financial services) - both actual and in terms of loss of opportunities - suffered by both the infected and affected; and
 - (d) other types of loss if appropriate;

TYPES OF AWARD AND METHOD OF ASSESSMENT

- To consider: (a) the extent to which any framework should offer compensation on the basis of an individualised assessment and/or fixed sums or a combination of these (including

consideration of the position of an individual who was both infected, and affected by another individual's infection);

(b) whether awards should be by way of final lump sums, periodical payments or both

(c) whether an individual should be required to prove matters (if so what types of matters, by what means, and to what standard);

(d) whether there should be any limitation by way of time or other bar on entitlement or claim, and whether any existing time bars should be maintained;

(e) the extent to which compensation should be limited to matters currently recognised by the law (taking into account any differences in the law across the UK) on damages and evidence as recoverable for the purposes of compensation, or, if not, the basis on which broader matters should be taken into account;

MEASURES FOR COMPENSATION

- To consider the measures for compensation, looking at other national schemes (for example, the compensation tribunal established in the Republic of Ireland) to examine their merits or otherwise, and experiences, both as to form (i.e. administration/process) and the substance of compensation;

RELATIONSHIP WITH CURRENT SCHEMES

- To consider the relationship between a compensation framework and other receipts and payments by individuals, including: (a) the pre-existing financial support schemes; (b) legal claims; (c) welfare benefits and tax;

OPTIONS FOR ADMINISTERING THE SCHEME

- To consider options for administering the scheme (including but not limited to what bodies, organisations or tribunals might need to be established to facilitate such administration); what principles, aims or criteria etc might underpin the development of an appropriate scheme; and any ancillary matters which should be considered such as interim payments, publicity of the scheme, outreach to potential claimants, and support;

OTHER ISSUES

- To consider other issues that, in the course of his investigations, Sir Robert considers relevant; and

REPORTING TO GOVERNMENT BY FEBRUARY 2022

- To Submit to the Government its report and recommendations as quickly as possible and no later than the end of February 2022, to provide the Government with advice on potential options for compensation framework design.