



## **Infected Blood Inquiry Response Expert Group**

### **Terms of Reference**

#### **Background**

- In 2017, the UK government launched an independent ‘Infected Blood Inquiry’ ([www.infectedbloodinquiry.org.uk](http://www.infectedbloodinquiry.org.uk)) to “examine the circumstances in which men, women and children treated by National Health Services in the United Kingdom were given infected blood and infected blood products in particular since 1970” under the Inquiries Act 2005. This is the largest public inquiry ever carried out in the UK.
- The inquiry is ongoing and is expected to publish its final report on 20 May 2024. To date, there have been two interim reports published. On 29 July 2022, the Chair of the inquiry, Sir Brian Langstaff, published his first interim report on the subject of interim compensation for victims of infected blood. On 17 August 2022, the Government announced that interim payments of £100,000 would be made to infected and bereaved partner beneficiaries of the current infected blood support schemes. These payments were made by October 2022. The government has also accepted the moral case for compensation.
- On 5 April 2023, Sir Brian Langstaff’s second interim report was published outlining the Chair’s final word on compensation and recommending that work begin immediately to develop a compensation system.  
<https://www.infectedbloodinquiry.org.uk/reports/second-interim-report>
- The Government is currently considering all recommendations made by Sir Brian Langstaff, alongside the 2022 Compensation Framework Study and recommendations made by Sir Robert Francis. [Compensation and redress for the victims of infected blood: recommendations for a framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/compensation-and-redress-for-the-victims-of-infected-blood-recommendations-for-a-framework)
- The Cabinet Office (CO) is the sponsor department for the Infected Blood Inquiry and is leading on the Government’s response. The CO has been working with other government departments, including the Department of Health and Social Care, HM Treasury, Department for Work and Pensions and Ministry Of Justice [not exhaustive], to consider the recommendations and Government’s response.

#### **Role and Purpose of the Expert Group**

- The Infected Blood Expert Group will provide expert advice (legal and clinical) to the HMG, working with officials to help develop a potential infected blood compensation framework. Advice provided by group members will be based on their area of expertise.
- This includes but is not limited to:
  - Reviewing existing work undertaken by officials on policy and cost analysis;
  - Advising and supporting Government in defining eligible infections and severities;
  - Providing advice and support to Government on potential compensation tariffs for the eligible infected and affected beneficiaries based on infection severities, within the principles agreed by Government;



- Advising and supporting Government to develop a potential compensation framework within the principles agreed by Government;
- Members of the group are expected to work collaboratively with the Chair, other group members, CO and other cross-government officials and the Minister for the Cabinet Office.
- In addition, the Expert Group is expected to respond to any ad-hoc issues that the CO may require expert advice on during the development of the compensation framework, which might be required at short notice.
- The Expert Group will consider a variety of evidence available to it to formulate its advice. 'Evidence', includes, but is not limited to:
  - The expertise of each group member and any evidence provided to the members (e.g. independent research / findings on infection severities and care requirements, case law on Personal Injury damages);
  - Evidence and modelling provided by CO and/or other government departments or agencies;
  - Evidence and feedback gathered from any separate targeted consultation with infected and affected focus groups.
  - Evidence submitted to and made public by the Inquiry.
- For the avoidance of doubt, 'evidence', as listed above, cannot be provided by the Expert Group inviting a person (or group of people) who is not ordinarily a member of the Expert Group to attend a meeting to provide such evidence.

### Membership

- The Expert Group will have representation from legal and clinical experts. The full list of expert members can be found at **Annex A** [REDACTED].
- Direct Ministerial appointed members will be remunerated for their time (to be agreed with each member separately) and reasonable travel and subsistence which will be paid in line with the CO expenses policy.
- For commercially contracted members of the group, costs will be in accordance with the CCS Framework terms and conditions or as agreed in the contract at the time of appointment.

### The Chair

- The Chair will also be directly appointed by the Minister for the Cabinet Office (MCO).
- The Chair and Expert Group members will nominate a deputy who would act as the Chair in their absence. The deputy Chair will chair meetings and represent the Expert Group in Government led meetings as required.
- Alongside the duties outlined in the Letter of Engagement, the Chair is required to perform the following functions:
  - Harness the full expertise of the Expert Group;
  - Represent the views of the Expert Group;
  - Act impartially and ensure the independence of the Expert Group;
  - Ensure the Expert Group's advice stays within the scope agreed by Cabinet Office;



- Act as a liaison or 'point person' between the secretariat (**Annex B**) and the Expert Group;
- Undertake the role of the Chair in addition to the role of Expert Group members, working with CO and reporting directly to the MCO.

### **Conflict of Interest and confidentiality**

- Members will have signed a declaration form to alert the secretariat to potential conflicts of interest or concerns.
- All terms under the Letter of Engagement, particularly on confidentiality and use of official information at paragraphs 24-25 are applicable. Members will agree to honour confidentiality in terms of all information and advice provided by the MCO, CO and other government departments. The work of the Expert Group is to be treated with the strictest confidence, and the sensitivity of the discussion and individual members' views must be respected.
- This confidentiality applies to all discussions, papers and/or evidence provided by the MCO, CO and all other government departments, to the Expert Group, to facilitate the group's role. These papers must not be shared with anyone who is not a member of the Expert Group without consent from the Chair and CO.
- Expert Group members must not discuss or disseminate, in the public domain, any discussion or decision made by the group, CO, MCO and other government departments before, during and after work is completed on the infected blood inquiry.
- Expert Group members conduct in office should be at all times in accordance with the Nolan Report Recommendations, 'The Seven Principles of Public Life' which are attached as **Annex C**, and such relevant provisions of the Code of Conduct for Board Members of public bodies as could reasonably be applied to the appointment, which can be found at the following link: <https://www.gov.uk/government/publications/code-of-conduct-for-board-members-of-public-Bodies>

### **Governance and secretariat**

- The Expert Group will be sponsored by the CO, who will provide a secretariat function for the group. Only the appointed Chair of the Expert Group, members, CO officials and Minister of the Cabinet Office can request a meeting of the Expert Group and commission work as appropriate.
- The Chair of the Expert Group will provide advice to CO and other government departments as appropriate, who will advise their respective Ministers. However, on occasion the Expert Group may be requested to advise Ministers directly and attend other CO led meetings and, in such instances, advance notice and prior agreement with individuals will be sought as applicable.
- The secretariat will ensure timely meeting notifications and dissemination of meeting papers and minutes.



### **Timing and Meetings**

- The duration of the Expert Group is expected to be time limited, anticipated up to 3 months, with the possibility to extend for a further 6 months. If the Expert Group is extended, agreement from each member will be sought in advance.
- The Chair and Expert Group members will meet weekly on Thursdays for 1 hour or as required to progress work.
- The Expert Group will meet virtually (e.g. Microsoft Teams / Google meet). However, face to face meetings will be considered and if agreed, these will be held outside of the government estate, paid for by the CO.
- The quorum for a meeting of the Expert Group shall be two-thirds of members present. At least the Technical Chair or deputy Chair must be present before a meeting can commence.

### **Transparency**

- To facilitate transparency in this process, the government may publish on gov.uk:
  - Details of the Panel's Terms of Reference;
  - Membership of the Panel, (as agreed in the first instance the name of the Chair will be published); and
  - Meeting minutes so far as appropriate to disseminate into the public domain.



**Annex A**

**List of Infected Blood Expert Group [REDACTED]**

**Annex B**

**Cabinet Office contacts**

Name & responsibility	Contact details
Health Policy Team Lead	REDACTED
Expert Group Secretariat Support	REDACTED

**Annex C**

**THE SEVEN PRINCIPLES OF PUBLIC LIFE**

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**Selflessness**

Holders of public office should act solely in terms of the public interest.

**Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in their performance of their official duties.

**Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**Openness**



Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

### **Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interests.

### **Leadership**

Holders of public office should promote and support these principles by leadership and example.

These principles apply to all aspects of public life. The Committee has set them out for the benefit of all who serve the public in any way. Committee on Standards in Public Life [www.public-standards.gov.uk](http://www.public-standards.gov.uk)