

## **Case Study Calculation Explainer**

*This document contains case studies to help people understand how compensation awards are calculated for people through the Infected Blood Compensation Scheme. The case studies are example scenarios. The names, dates of birth and other clinical details are fictitious and have been created to show how the Scheme works. Figures are approximate and have been rounded for simplicity. Shorter versions of the case studies can be found in the Scheme summaries.*

*Further information on the Infected Blood Compensation Scheme can be found in the [Scheme Explainer](#).*

*Where the case studies reference the regulatory framework in place for the Scheme, this is referring to the Infected Blood Compensation Scheme Regulations 2025, as amended by the Infected Blood Compensation Scheme (Amendment) Regulations 2025 and the draft Infected Blood Compensation Scheme (Amendment) Regulations 2026.*

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## **Case Study 1: Application by an infected person living with chronic Hepatitis C and an autoimmune disorder who is an Infected Blood Support Scheme (IBSS) beneficiary**

### **Background:**

Meera was infected with chronic Hepatitis C during a blood transfusion she received following childbirth in 1983.

Meera had one round of interferon treatment for her Hepatitis C infection in 1993. As a result of this treatment, Meera developed an autoimmune disease, Coombs positive haemolytic anaemia.

Meera currently receives IBSS support payments. Due to her autoimmune disease, Meera qualifies for the England Infected Blood Support Scheme's Special Category Mechanism (SCM) regular payments.

As a person living with chronic Hepatitis C, Meera is eligible for compensation as an infected person. Meera has already received two interim compensation payments of £100,000 and £210,000. Meera's application to the Scheme was assessed by IBCA in April 2025 and she opted to receive support scheme payments for life.

### **Summary of application:**

Date of birth: 13 August 1960

Date of treatment which led to infection: 15 March 1983

Date of diagnosis with Coombs positive haemolytic anaemia: 4 January 1995

Year of treatment with interferon: 1993

Healthy life expectancy: 88

Infection severity band: Level 2B Hepatitis (chronic Hepatitis C, treated with interferon)

The table below shows Meera's compensation award as an infected person.

<b>Category of award</b>	<b>Value of compensation</b>	<b>Calculation</b>
<b>Injury</b>	£70,000	Award for infected person Level 2B Hepatitis infection
<b>Social Impact</b>	£50,000	Award for infected person Level 2B Hepatitis infection
<b>Autonomy</b>	£40,000	Award for infected person Level 2B Hepatitis infection
<b>Past Financial Loss</b>	£802,004.69	Core award, plus Severe Health Condition

		award for her autoimmune condition and SCM
<b>Past Care</b>	£206,310.81	Core award, plus Severe Health Condition award for her autoimmune condition and SCM
<b>Interim Payment</b>	- £310,000	Interim payments of £100,000 and £210,000 received. This is deducted from compensation awarded by IBCA.
<b>Total award, excluding support payments</b>	<b>£858,315.51</b>	This is the amount Meera will receive as either a lump sum or a periodic payment, separate to her support scheme payments
<b>Value of yearly support payments</b>	£35,997 per year	The value of support payments increases in line with CPI every year. This includes winter fuel payment (£670). She will receive these payments for life.

**How Meera’s award is calculated**

*Core award*

Meera is eligible to claim core compensation as an infected person who is already registered with an Infected Blood Support Scheme (IBSS).

Meera has chronic Hepatitis C. She received one round of interferon treatment for her infection. This means she has a Level 2B infection.

**Injury award**

Meera has a Level 2B Hepatitis infection. As per regulation 16(2)(b)(ia), this means she is entitled to an Injury award of £70,000.

**Social Impact award**

Meera has a Level 2B Hepatitis infection. As per regulation 17(2)(b), this means she is entitled to a Social Impact award of £50,000.

**Autonomy award**

Meera has a Level 2B Hepatitis infection. As per regulation 18(2)(b)(i), this means she is entitled to an Autonomy award of £40,000.

## Financial Loss award

Financial Loss awards for infected people are made up of two parts:

1. A basic, flat-rate Financial Loss award to cover miscellaneous expenses including travel to appointments, extra cost of insurance etc. This is set out in regulation 19.
2. An additional Financial Loss award to recognise the past and future financial losses suffered as a result of infection. This is set out in regulation 20.

To calculate Meera's Financial Loss award, the following information is required:

- Type and severity of infection: Level 2B - Hepatitis C (chronic), treated with interferon
- Meera's year of birth: 1960
- The year Meera was infected: 1983
- Meera's year of healthy life expectancy: 2048

### *Basic Financial Loss*

The basic Financial Loss award for an infected person with a Level 2B Hepatitis infection is £12,500.

### *Additional Financial Loss*

The additional Financial Loss award for an infected person provides compensation for the earnings they have lost and may in future continue to lose due to infection and treatment.

- Financial loss is calculated from the year of infection, or the year the infected person turns 16. Meera was infected over the age of 16. This means her financial loss is calculated from the first year of infection.
- Effective treatments were introduced for Hepatitis C in 2016, which are assumed to have improved an infected person's health and ability to work from 2017. If someone with Hepatitis C was 55 years or older when effective treatment was introduced (i.e. they were born before 1961), the introduction of effective treatment is not taken into account when calculating compensation as they would have been less likely to return to employment even if their health improved.
- Meera was born before 1961, so the introduction of effective treatment does not affect her Financial Loss calculation. Therefore, for her Level 2B infection, Meera is entitled to compensation of £11,863 for each year she was infected at working age.
- For each year between retirement age (from 66 years old) and a person's healthy life expectancy, they are entitled to 50% of their working age rate, to reflect a pension payout. This means for each year in which Meera was 66 or older she is eligible for £5,931.50.
- Because Meera's infection was treated with one round of interferon in 1993, her Financial Loss award increases from £11,863 to £23,726 for the year of treatment and the year immediately after treatment to reflect the impact on her working ability during this two-year period.

To calculate Meera's total core Financial Loss award, we therefore need to know how many years of compensation she is entitled to, and how many of these will be paid at working age rate versus pensionable age rate.

- Total years eligible for Financial Loss: The period between infection (1983) and healthy life expectancy (2048), which is 66 years.
- Years at working age: The period between infection (1983) up to and including the year she turns 65 (2025), which is a total of 43 years.
- Years at pensionable age: The period between the year she turns 66 (2026) up to and including the year she reaches healthy life expectancy (2048), which is a total of 23 years.

This means Meera will get a total of 66 years of Financial Loss award, with 43 years at working age rate (£11,863) and 23 years at pensionable age rate (£5,931.50). Because Meera had one round of interferon treatment in 1993, for two of the years she would have otherwise been at the working age rate, her Financial Loss award increases to £23,726.

$$\begin{aligned} 41 \times £11,863 &= £486,383 \\ 23 \times £5,931.50 &= £136,424.50 \\ 2 \times £23,726 &= £47,452 \end{aligned}$$

Adding this compensation to her basic Financial Loss award of £12,500 means Meera's total core Financial Loss award is £682,759.50.

### **Care award**

Meera has a Level 2B infection. As per regulation 21(3)(b)(ia)(aa), she is entitled to a Care award of £54,600.

As per regulation 21(3)(b)(ia)(bb), for every round of treatment with interferon, Meera is entitled to an additional year of Level 2 Care award at a rate of £23,424.72. A 25% discount is applied to this award because this care is assumed to have been provided free of charge by loved ones, and therefore exempt of costs such as tax and national insurance. For the one round of treatment with interferon that Meera received, she is therefore entitled to an additional £17,568.54.

Meera's total core Care award is therefore £72,168.54.

### ***Supplementary Route - Severe Health Condition award***

On 4 January 1995, following treatment with interferon, Meera was diagnosed with Coombs positive haemolytic anaemia. With evidence of this diagnosis, Meera can apply for a Severe Health Condition award. This award may provide additional Financial Loss and Care compensation to recognise the impact that her health condition has had on her ability to work and the level of care she needs.

To calculate Meera's additional Financial Loss and Care award as part of the Severe Health Condition award, the following information is needed:

- Meera's year of healthy life expectancy: 2048
- Year Meera was diagnosed with the severe health condition: 1995

*Severe Health Condition award - supplementary Care award*

Meera's core Care award provides compensation for a total of 11 years: 10 years for her Hepatitis infection, and 1 extra year due to treatment with interferon.

However, because of her severe health condition diagnosis, Meera is expected to require general support around the home (Level 1 Care) from the year she was diagnosed with Coombs positive haemolytic anaemia. Through the Severe Health Condition award, she will therefore receive an additional Care award to cover the years between diagnosis and the year that the core Care award already provides compensation. In Meera's case, this is between 1995 and 2039, which is a total of 44 extra years of Care award.

This means that through the Severe Health Condition award, Meera will receive compensation for 44 years of Level 1 care at a rate of £5,460 per year.

$$44 \times £5,460 = \underline{\underline{£240,240}}$$

*Severe Health Condition award - supplementary Financial Loss award*

Through the Severe Health Condition award, Meera is also entitled to additional compensation for financial loss, on the assumption that her ability to work has reduced due to her severe health condition.

Meera already receives a core Financial Loss award of £11,863 per year. Because of her severe health condition, she is entitled to a yearly Financial Loss award of £20,760 per year while at working age. The Financial Loss award Meera will receive per year on top of her core award is therefore the difference between the two awards: £20,760 - £11,863 = £8,897 per year. This will be reduced by 50% for years where Meera is at pension age.

Between Meera's diagnosis in 1995 and her healthy life expectancy of 2048, there are 54 years where Meera is entitled to an additional Financial Loss award.

This must be split between working years and pension years. The period between her being diagnosed with her health condition (1995) and turning 66 (2026) is 31 years. She will therefore be entitled to 31 years of financial loss at working age rate (£8,897).

The period between her pensionable age (2026) and her healthy life expectancy (2048) is 23 years. She will therefore be entitled to 23 years of financial loss at pension age rate (£4,448.50).

$$\begin{aligned}
& 31 \times \text{£}8,897 = \underline{\text{£}275,807} \\
& + \\
& 23 \times (\text{£}8,897/2) = \underline{\text{£}102,315.50} \\
& = \text{£}378,122.50
\end{aligned}$$

### **IBSS Payments - Core Financial Loss**

Meera is eligible for IBSS and has chosen to continue receiving support payments for life.

This means Meera's total core Financial Loss award must be split into a past Financial Loss award and a future Financial Loss award, with future financial loss paid in the form of continuing support scheme payments. The mechanism for splitting awards into past and future components is found in regulation 7. Any support scheme payments Meera receives on or after 1 April 2025 are taken into account when the IBCA calculates the amount of compensation that she is entitled to for future financial loss and care costs.

#### *Past core Financial Loss award*

There are two ways that past financial loss can be calculated, using or not using an averaging approach. Meera would be entitled to the compensation resulting from whichever of these two calculation approaches results in the highest amount in her circumstances. Meera would not need to do anything at this stage of the process - IBCA would run both calculation methods based on the information about Meera's personal circumstances and award Meera with the higher of the two award values.

#### *Averaging approach to past core Financial Loss award*

There is a formula to create a Past Financial Loss award for Meera that covers the period between her infection and 31 March 2025. It does this by determining how much of Meera's expected period of infection fell between the date of her infection and 1 April 2025 and assigning a proportionate monetary value to that period.

To calculate this, the following information is needed:

- Number of years between 2024 and Meera's first year of infection, including both of those years ( $Y_2$ ):  $2024 - 1983 + 1 = 42$
- Number of years between Meera's healthy life expectancy and her first year of infection, including both of those years ( $Y_1$ ):  $2048 - 1983 + 1 = 66$
- Meera's Financial Loss award (T): £682,759.50

The formula to calculate the past amount of an award is in regulation 7(2):

$$((Y_2 + 0.25) \div Y_1) \times T$$

For Meera this formula is:

$$((42 + 0.25) \div 66) \times \underline{\text{£}682,759.50} = \text{£}437,069.53$$

This means her past financial loss payment is £437,069.53.

We now need to check if Meera's core past Financial Loss award could be higher under the non-averaging approach.

*Non-averaging approach to past core Financial Loss award*

The averaging approach, as set out above, would give Meera a past Financial Loss award of £437,069.53.

For the non-averaging approach, we need to know how many years Meera has been at working age at the time she applies to IBCA (i.e. how many years of past financial loss she has already suffered). This period is the time between her applying to the Scheme in April 2025 and the year she became infected (1983), which is 42.25 years.

Meera was born before 1961, and therefore it is assumed that all of the years of financial loss she suffered are at the pre-effective treatment rate. For two of the pre-effective treatment years, Meera is eligible for a higher rate of financial loss due to interferon treatment.

$40.25 \times \text{£}11,863 = \text{£}477,485.75$   
 $2 \times \text{£}23,726 = \text{£}47,452$   
Portion of basic £12.5k award = £7,932.69  
Total past financial loss = £532,870.44

The value of Meera's compensation under the non-averaging approach is higher than the value of the compensation using the averaging calculation method. This means that Meera is entitled to the higher award of £532,870.44 for her past Financial Loss award.

This is the amount she can take as a lump sum or periodic payment, depending on her preference, alongside the rest of her core award.

*Future Financial Loss Core award*

To calculate the future Financial Loss core award, we take Meera's total core Financial Loss award and subtract her past Financial Loss core award.

$\text{£}689,759.50 - \text{£}532,870.44 = \text{£}149,889.06$

This means her future Financial Loss core award is **£149,889.06**

*Financial Loss Supplemental award*

The same past and future split must be done for Meera's Severe Health Condition award. As above, we will run the calculation using an averaging and non-averaging approach to work out which award is higher. The higher award will be given to Meera.

*Averaging approach to past Financial Loss Supplemental award*

To calculate this, the following information is needed:

- Number of years between 2024 and Meera's first year of infection, including both of those years ( $Y_2$ ):  $2024 - 1983 + 1 = 42$
- Number of years between Meera's healthy life expectancy and her first year of infection, including both of those years ( $Y_1$ ):  $2048 - 1983 + 1 = 66$
- Meera's Financial Loss award (T): £378,122.50

The formula to calculate the past amount of an award is in regulation 7(2):

$$((Y_2 + 0.25) \div Y_1) \times T$$

For Meera this formula is:

$$((42 + 0.25) \div 66) \times \text{£}378,122.50 = \underline{\text{£}242,055.69}$$

This means her past financial loss supplemental award through the averaging approach is £242,055.69.

We now need to check if Meera's award could be higher under the non-averaging approach.

#### *Non-averaging approach to past Financial Loss award (supplementary)*

The non-averaging approach considers Meera's past financial loss from the point she is diagnosed with the severe health condition (1995) to the point she applies to the Scheme (1 April 2025), which is 30.25 years.

For the non-averaging approach, we need to create a past Financial Loss supplementary award for Meera for being in the SCM band, which covers the period between her infection and 31 March 2025.

Meera already receives a core Financial Loss award of £11,863 per year. Because of her severe health condition, she is entitled to a yearly Financial Loss award of £20,760 per year while at working age. The Financial Loss award Meera will receive per year on top of her core award is the difference between the two awards:  $\text{£}20,760 - \text{£}11,863 = \text{£}8,897$  per year.

$$30.25 \times \text{£}8,897 = \text{£}269,134.25$$

Total past financial loss = £269,134.25

The value of Meera's compensation under this approach is higher than the value of the compensation using the averaging calculation method. Meera is therefore entitled to an award of £269,134.25 for her past supplementary Financial Loss award. This is the amount she can take as a lump sum or periodic payment, depending on her preference.

To calculate Meera's overall past Financial Loss award, we add together the highest past core Financial Loss amount and the highest past supplementary Financial Loss amount:

Therefore Meera's total Past Financial Loss award will be made up of:

Past Financial Loss core award + Past Financial loss supplementary award = Meera's overall past Financial Loss award

$$\underline{\pounds 532,870.44} + \underline{\pounds 269,134.25} = \pounds 802,004.69$$

Meera can choose whether to take this award as a lump sum or in a series of periodic payments.

*Future Financial Loss Supplementary award*

To calculate the future Financial Loss supplementary award, we take Meera's total Financial Loss supplementary award and subtract her past Financial Loss supplementary award.

$$\pounds 378,122.50 - \pounds 269,134.25 = \pounds 108,988.25$$

This means her future Financial Loss supplementary award is **£108,988.25**

Meera's total Future Financial Loss award will be made up of:

Future Financial Loss core award + future Financial Loss supplementary award

$$\pounds 149,889.06 + \pounds 108,988.25 = \pounds 258,877.31$$

This amount is paid in the form of continuing support scheme payments\*.

*IBSS Payments - Care*

Meera is eligible for IBSS and has chosen to continue receiving support scheme payments. This means her Care awards must also be split into past and future, the latter of which will be paid through continuing support scheme payments\*.

*Past Care*

This formula creates a Past Care award for Meera that covers the period between her infection and April 1 2025. It does this by determining how much of Meera's expected period of infection fell between the date of her infection and 1 April 2025 and assigning a proportionate monetary value to that period.

To calculate the past/future split for the Care award, the following information is needed:

- Meera's first year of infection: 1983
- Meera's healthy life expectancy: 2048
- The amount of Meera's Care award (T): £54,600
- Number of years between Meera's healthy life expectancy and her first year of infection, including both of those years ( $Y_1$ ):  $2048 - 1983 + 1 = 66$

- Number of years between 2024 and Meera's first year of infection, including both of those years ( $Y_2$ ):  $2024-1983+1= 42$

The formula to calculate the past amount of an award is in regulation 7(2):

$$((Y_2 + 0.25) \div Y_1) \times T$$

For Meera this means:

$$((42 + 0.25) \div 66) \times £54,600 = £34,952.27$$

As stated previously, Meera received one round of interferon treatment. Because this care was in the past, a 25% deduction is applied. The Care award for this period is therefore £17,568.54.

This means her past care payment is  $£17,568.54 + £34,952.27 = \underline{£52,520.81}$ . This is the amount she can take as a lump sum or periodic payment, depending on her preference, alongside the rest of her core award.

#### *Future Care award*

To calculate Meera's future Care award  $Y_3$  must be calculated.  $Y_3$  is the years between 2026 and healthy life expectancy, including both of those years:  $2048-2026+1=23$

The formula to calculate the future amount of an award is in regulation 7(3):

$$((Y_3 + 0.75) \div Y_1) \times T$$

For Meera this means:

$$((23 + 0.75) \div 66) \times £54,600 = £19,647.73$$

This means her future care payment is £19,647.73. This will be paid in the form of continuing support scheme payments\*.

#### *Care Supplementary award*

The same past and future split must be done for Meera's Severe Health Condition award under the supplementary route.

#### *Past Care Supplementary award*

This formula creates a past Care award for Meera that covers the period between her infection and April 1 2025. It does this by determining how much of Meera's expected period of infection fell between the date of her infection and 1 April 2025 and assigning a proportionate monetary value to that period.

In order to calculate the past/future split for the Care award, the following information is needed:

- Meera's first year of infection: 1983
- Meera's year of healthy life expectancy: 2048
- The amount of Meera's Care award (T): £240,240

- Number of years between Meera's healthy life expectancy and her first year of infection, including both of those years ( $Y_1$ ):  $2048 - 1983 + 1 = 66$
- Number of years between 2024 and Meera's first year of infection, including both of those years ( $Y_2$ ):  $2024 - 1983 + 1 = 42$

The formula to calculate the past amount of an award is in regulation 7(2):  
 $((Y_2 + 0.25) \div Y_1) \times T$

For Meera this means:  
 $((42 + 0.25) \div 66) \times £240,240 = £153,790.00$

This means her past care payment is £153,790.00. This is the amount she can take as a lump sum or periodic payment, depending on her preference.

#### *Future Care Supplemental award*

To calculate Meera's future Care award  $Y_3$  must be calculated, which is the years between 2026 and healthy life expectancy:  $2048 - 2026 + 1 = 23$

The formula to calculate the future amount of an award is in regulation 7(3):  
 $((Y_3 + 0.75) \div Y_1) \times T$

For Meera this means:  
 $((23 + 0.75) \div 66) \times £240,240 = £86,450$

This means her future care payment is £86,450. This will be paid in the form of continuing support scheme payments\*.

Therefore Meera's total past Care award will be made up of:

Past core care award + past Care supplemental award  
 $£52,520.81 + £153,790.00 = £206,310.81$

This amount is paid in the form of a lump sum or a periodic payment.

Meera's total Future Care award will be made up of:

Future core Care award + future Care supplemental award  
 $£19,647.73 + £86,450 = £106,097.73$

This amount is paid in the form of continuing support scheme payments\*.

#### **Total award**

In total, Meera is entitled to **£858,315.51** as an infected person (not including future support scheme payments).

- £70,000 (Injury award)
- £50,000 (Social Impact award)

- £40,000 (Autonomy award)
- £802,004.69 (Past Financial Loss award)
- £206,310.81 (Past Care award)
- -£310,000 (Interim Payments)

**= £858,315.51**

Meera can access this compensation as a lump sum or periodic payment over 5, 10 or 25 years.

#### **\*Future Support Scheme Payments**

In addition to this compensation, as Meera is registered with England Infected Blood Support Scheme in the SCM category, she is entitled to an annual support scheme payment of £35,997. This consists of a winter fuel payment of £670 and an IBSS category amount of £35,327. The annual amount will be updated in line with the Consumer Price Index for the rest of her life.

#### *Support Scheme Top-Up award*

Meera has opted to continue to receive support scheme payments for life. This means a Support Scheme Top-Up award must be calculated. If her Future Financial Loss and Future Care awards are larger than her expected support scheme payments over her lifetime, then she will be entitled to a further award.

According to regulation 22 the amount of a person's Top-Up award is determined by the following formula:

$$(F + C) - (S \times (Y3 + 0.75))$$

where F is the person's Future Financial Loss award, C is their Future Care award, S is the value of their support scheme payments in the 2025/2026 financial year, and Y3 is the number of years between 2026 and the person's year of healthy life expectancy (inclusive of both years).

For Meera this is:

$$(\pounds149,889.06 + \pounds19,647.73) - (\pounds35,997.00 \times (23 + 0.75)) = - \pounds685,391.97$$

Because the award is negative, regulation 22(3) instructs that it should be set to £0 and no award is due. This is because the expected value of Meera's support scheme payments for life is worth £685,391.97 more than her Future Financial Loss and Future Care awards. This means no top-up award is applied.

#### *Supplemental Support Scheme Top-Up award*

As with the core award, regulation 24 notes that we must calculate whether Meera is due a Support Scheme Top-Up award. This must be done again because of the extra Financial Loss and Care awards due from the supplementary route.

The formula here is  $G - H$ , where  $H$  is the original Support Scheme top-up award (£0) and  $G$  is determined using the following formula:

$$(F2 + C2) - (S \times (Y3 + 0.75))$$

$F2$  is Meera's future Financial Loss from both the core and supplemental routes,  $C2$  is her future Care award from both routes.  $S$  is the value of her support scheme payments in the 2025/2026 financial year, and  $Y3$  is the number of years between 2026 and her year of healthy life expectancy (inclusive of both years). So the formula is:

$$(\pounds258,877.31 + \pounds106,097.73) - (\pounds35,997 \times (23 + 0.75)) = - \pounds489,953.72$$

As with the core route, the outcome is negative, so no top up award is needed.

## Case Study 2: Application by an infected person living with HIV and chronic Hepatitis C who is an IBSS beneficiary

### Background:

Henry was born with a bleeding disorder in 1970. He received infected blood products as a child in January 1983 during an unethical research study.

Henry currently lives with HIV and chronic Hepatitis C but has not developed liver cirrhosis. Henry currently receives IBSS support payments for co-infection with HIV and Hepatitis C.

As a person living with an HIV and Hepatitis C co-infection, Henry is eligible for compensation through the Scheme. Henry is also eligible for an additional Autonomy award for unethical research. As a living infected person, Henry has already received interim compensation payments of £100,000 and £210,000. Henry's application to the Scheme was assessed by IBCA in April 2025.

### Summary of Henry's application

Date of birth: 1 January 1970

Date of treatment which led to an infection: 8 January 1983

Date of first diagnosis (HIV): 1 May 1985

Date of Hepatitis C diagnosis: 2 February 1992

Healthy life expectancy date: 2054

Infections severity band: HIV and Level 2 Hepatitis (chronic Hepatitis C)

The table below shows Henry's compensation award as an infected person.

Category of award	Value of compensation	Calculation
<b>Injury</b>	£195,000	Award for infected person with HIV and Level 2 Hepatitis co-infection
<b>Social impact</b>	£70,000	Award for infected person with HIV and Level 2 Hepatitis co-infection
<b>Autonomy</b>	£150,000	Award for infected person with HIV and Level 2 Hepatitis co-infection, uplifted due to infection in childhood. This award also includes an Unethical Research award for treatment of a bleeding disorder as a child before 1986.
<b>Past Financial Loss</b>	£1,171,299.57	50 years of core financial loss at working age, plus a flat rate award of £12,500 for miscellaneous costs.

<b>Past Care</b>	£398,884.96	Core care award
<b>Interim Payments (deduction)</b>	-£310,000	Interim payments of £100,000 and £210,000 received
<b>Total (not including support payments)</b>	£1,675,184.53	This is the amount Henry will receive as either a lump sum or a periodic payment
<b>Support scheme payments</b>	<b>£48,622 per year</b>	This is the 2025/26 rate, uprated for CPI every year. This includes winter fuel payment (£670). Henry will receive these payments for life.

### How Henry's award is calculated

Henry is eligible to claim as an infected person who is already registered with an Infected Blood Support Scheme.

Henry has HIV and Chronic Hepatitis C, which is a Level 2 Hepatitis infection for the purposes of calculating compensation.

### Injury award

Henry has an HIV and Level 2 Hepatitis co-infection. As per regulation 16(3)(b)(ii)(aa), an infected person with HIV and a Level 2 Hepatitis infection receives an Injury award of £195,000.

### Social Impact award

Henry has an HIV and Level 2 Hepatitis co-infection. As per regulation 17(3), an infected person with a co-infection of any kind receives a Social Impact award of £70,000.

### Autonomy award

Henry has an HIV and Level 2 Hepatitis co-infection. As per regulation 18(3), an infected person with a co-infection of any kind receives an Autonomy award of £70,000.

As per regulation 18(3B), Henry will receive an additional Autonomy award of £35,000 under the core route, as he was infected while under the age of 18.

Further to this, as per regulation 27(1)(3)(a), Henry will receive an additional Autonomy award of £45,000 under the supplementary route, as he was a victim of unethical research whilst under the age of 18.

Henry's total Autonomy award is therefore £150,000.

### **Care award**

Henry has an HIV and Level 2 Hepatitis co-infection. As per regulation 21(3)(c), this means he is entitled to a Care award of £679,756.62.

### **Financial Loss award**

Financial Loss awards for infected people are made up of two parts:

1. A basic, flat-rate Financial Loss award to cover miscellaneous expenses including travel to appointments, extra cost of insurance etc. This is set out in regulation 19.
2. An additional Financial Loss to recognise the past and future financial losses suffered as a result of infection. This is set out in regulation 20.

To calculate Henry's Financial Loss award, the following information is required:

- Type and severity of Henry's infection: HIV and Level 2 Hepatitis
- Henry's year of birth: 1970
- The year Henry was infected: 1983
- The year Henry was diagnosed with HIV: 1985
- The year Henry reaches his healthy life expectancy: 2054

#### *Basic Financial Loss*

The basic Financial Loss award for an infected person with an HIV co-infection is £12,500.

#### *Additional Financial Loss*

The additional Financial Loss award for an infected person provides compensation for the earnings they have lost and may in future continue to lose due to infection and treatment.

- Henry was infected before working age (16 years old). His financial loss is therefore calculated from the year he turned 16.
- For HIV and HIV and Hepatitis co-infections it is assumed that people will have lived without symptoms before diagnosis. Given that it is not always easy to identify the timing of the onset of symptoms, financial loss compensation is paid from the date of infection, with an increased rate following diagnosis where the onset of symptoms will have impacted their earnings.
- As Henry was diagnosed in 1985 before he turned 16, there is no need to consider a different rate for years in which he was infected but not diagnosed. For each year from the year in which he turned 16, he is entitled to £29,657 per year.
- Financial loss from the age of 66 onwards is 50% of the working age yearly rate. This means Henry is eligible for £14,828.50 for each year from the year he turned 66 to the year he reaches his healthy life expectancy.

To calculate Henry's total core Financial Loss award, we therefore need to know how many years of compensation he is entitled to, and how many of these will be paid at working age rate versus pensionable age rate.

- Total years eligible for Financial Loss: The period between Henry turning 16 (1986) and healthy life expectancy (2054), which is 69 years.
- Years at working age: The period between Henry turning 16 (1986) up to and including the year he turns 65 (2035), which is 50 years.
- Years at pensionable age: The period between the year he turns 66 (2036) up to and including the year he reaches healthy life expectancy (2054), which is 19 years.

This means Henry will get a total of 69 years of Financial Loss award, with 50 years at working age rate (£29,657) and 19 years at pensionable age rate (£14,828.50).

$$50 \times £29,657 = \underline{£1,482,850}$$

$$19 \times £14,828.50 = \underline{£281,741.50}$$

Adding these two figures to Henry's basic Financial Loss award of £12,500, means his total Financial Loss award is £1,777,091.50

### ***Henry's supplementary compensation award***

#### **Unethical Research award**

Henry was treated for a bleeding disorder while he was a child, and before 1986. This means he receives an award of £45,000 as compensation for being a victim of unethical research practices.

#### **IBSS Payments - Financial Loss**

Henry is eligible for IBSS and has chosen to continue receiving support payments for life.

This means Henry's total core Financial Loss award must be split into a past Financial Loss award and a future Financial Loss award, with future financial loss paid in the form of continuing support scheme payments. The mechanism for splitting awards into past and future components is found in regulation 7. Any support scheme payments Henry receives on or after 1 April 2025 are taken into account when the IBCA calculates the amount of compensation that he is entitled to for future financial loss and care costs.

#### ***Past core Financial Loss award***

There are two ways that past financial loss can be calculated, using or not using an averaging approach. Henry would be entitled to the compensation resulting from whichever of these two calculation approaches results in the highest amount in his circumstances. Henry would not need to do anything at this stage of the process - IBCA would run both calculation methods based on the information about Henry's personal circumstances and award Henry with the higher of the two award values.

### *Averaging approach to past core Financial Loss award*

There is a formula to create a Past Financial Loss award for Henry that covers the period between his infection and April 1 2025. It does this by determining how much of Henry's expected period of infection fell between the date of his infection and 1 April 2025 and assigning a proportionate monetary value to that period.

In order to calculate this, the following information must be obtained:

- Number of years between 2024 and Henry's first year of infection, including both of those years ( $Y_2$ )= 2024-1983+1=42
- Number of years between Henry's healthy life expectancy and his first year of infection, including both of those years ( $Y_1$ )= 2054-1983+1=72
- Henry's Financial Loss award (T) = £1,777,091.50

The formula to calculate the past amount of an award as per regulation 7(2):

$$((Y_2 + 0.25) \div Y_1) \times T$$

For Henry this formula is:

$$((42 + 0.25) \div 72) \times £1,777,091.50 = £1,042,807.16$$

This means his past financial loss payment is £1,042,807.16.

We now need to check if Henry's core past Financial Loss award could be higher under the non-averaging approach.

### *Non-averaging approach to past core Financial Loss award*

The averaging approach, as set out above, would give Henry a past Financial Loss award of £1,042,807.16.

For the non-averaging approach, we need to know how many years Henry has been at working age at the time he applies to IBCA (i.e. how many years of past financial loss he has already suffered). This period is the time between him applying to the Scheme in April 2025 and the year he turned 16 (1986), which is 39.25 years.

$$39.25 \times £29,657 = £1,164,037.25$$

$$\text{Portion of basic £12.5k award} = £7,262.32$$

$$\text{Total past financial loss} = \underline{£1,171,299.57}$$

The value of Henry's compensation under the non-averaging approach is higher than the value of the compensation using the averaging calculation method. This means that Henry is entitled to the higher award of £1,171,299.57 for his past Financial Loss award.

This is the amount he can take as a lump sum or periodic payment, depending on his preference, alongside the rest of his core award.

#### *Future Financial Loss award*

To calculate the future Financial Loss award, we take Henry's total core Financial Loss award and subtract his past Financial Loss award.

$$£1,777,091.50 - £1,171,299.57 = £605,791.93$$

This means his future Financial Loss award is £605,791.93. This will be paid in the form of continuing support scheme payments\*.

#### **IBSS Payments - Care award**

Henry receives support scheme payments through an IBSS scheme and has chosen to continue doing so for life.

This means his Care award must be split into a Past Care award and a Future Care award, with the latter paid in the form of continuing support scheme payments.

#### *Past Care award*

A formula is required to create a Past Care award for Henry that covers the period between his infection and April 1 2025. It does this by determining how much of Henry's expected period of infection fell between the date of his infection and 1 April 2025 and assigning a proportionate monetary value to that period.

In order to calculate this, the following information is needed:

- Henry's first year of infection: 1983
- Henry's year of healthy life expectancy: 2054
- Henry's Care award (T): £679,756.62
- Number of years between Henry's healthy life expectancy and his first year of infection, including both of those years ( $Y_1$ ):  $2054 - 1983 + 1 = 72$
- Number of years between 2024 and Henry's first year of infection, including both of those years ( $Y_2$ ):  $2024 - 1983 + 1 = 42$

The formula to calculate the past amount of an award is in regulation 7(2):

$$((Y_2 + 0.25) \div Y_1) \times T$$

For Henry this means:

$$((42 + 0.25) \div 72) \times £679,756.62 = £398,884.96$$

This means his past care payment is £398,884.96. This is the amount he can take as a lump sum or periodic payment, depending on his preference, alongside the rest of his core award.

### *Future Care award*

To calculate Henry's future Care award  $Y_3$  must be calculated, which is the years between 2026 and healthy life expectancy, including both of those years:

$$2054 - 2026 + 1 = 29$$

The formula to calculate the future amount of an award is in regulation 7(3):

$$((Y_3 + 0.75) \div Y_1) \times T$$

For Henry this means:

$$((29 + 0.75) \div 72) \times £679,756.62 = £280,871.66$$

This means his future care payment is £280,871.66. This will be paid in the form of continuing support scheme payments\*.

### **Total award**

Adding up all five awards, he is entitled to **£1,675,184.53** as an infected person.

	£195,000 (Injury award)
+	£70,000 (Social Impact award)
+	£150,000 (Autonomy award)
+	£1,171,299.57 (Past Financial Loss award)
+	£398,884.96 (Past Care award)
-	£310,000 (Interim Payments)
=	<b>£1,675,184.53</b>

### **Future Support Scheme Payments**

Henry has chosen to continue receiving support scheme payments for life. This means that in addition to the compensation he can take now as a lump sum or through periodic payments, he will receive support scheme payments of £48,622 per year for the rest of his life. This figure includes a winter fuel payment of £670, and an IBSS category amount of £47,952. The annual amount will be uprated in line with the Consumer Price Index (CPI) for the rest of his life.

### *Support Scheme Top-Up award*

Because Henry has chosen to continue receiving support scheme payments, IBCA will consider whether the amount he would have otherwise received through the Scheme for Future Financial Loss and Care was higher. If it would have been higher than the amount he is expected to receive over his lifetime in support payments, Henry will receive a top-up award. This is set out in regulation 22.

To work out the value of a potential top-up award, the following formula is used:

$$(F + C) - (S \times (Y_3 + 0.75))$$

Where F is the person's future Financial Loss award, C is their future Care award, S is the value of their support scheme payments in the 2025/2026 financial year, and Y3 is the number of years between 2026 and the person's year of healthy life expectancy (inclusive of both years).

For Henry this is:

$$(\pounds605,791.93 + \pounds280,871.66) - (\pounds48,622 \times (29 + 0.75)) = - \pounds559,840.91$$

The calculation leads to a negative number. This means that Henry would not be better off if he had chosen to stop receiving support scheme payments and to instead receive all his compensation through IBCA. As such, no top up award is necessary.

### Case Study 3: Application by someone who is both an affected partner and an infected person living with Hepatitis B

#### Background:

Sandy was infected with Hepatitis B and diagnosed with a chronic infection in 1971. Sandy contracted chronic Hepatitis B from her partner who has been living with a chronic Hepatitis B infection since he received infected blood during a surgical procedure in 1968. Sandy's partner had a Level 2 infection severity when she applied to IBCA for compensation.

Sandy is not eligible for IBSS support payments. Sandy is eligible for compensation through the Scheme as an infected person, as well as an affected person due to her relationship with her partner who is also living with an infection.

#### Summary of Sandy's application

Date of birth: 13 August 1952

Date of infection (from partner): 5 August 1971

Date of application to IBCA: 1 October 2025

Healthy life expectancy: 89

Infection severity band: Level 2 Hepatitis (Chronic Hepatitis B)

The table below shows Sandy's compensation award as an infected person:

Category award	Value of compensation	Calculation
<b>Injury</b>	£60,000	Award for infected person with Level 2 Hepatitis
<b>Social Impact</b>	£50,000	Award for infected person with Level 2 Hepatitis
<b>Autonomy</b>	£40,000	Award for infected person with Level 2 Hepatitis
<b>Financial Loss</b>	£712,417	47 years of financial loss at working age rate and 24 years at pensionable age rate; plus £12,500 flat rate award for miscellaneous costs.
<b>Care</b>	£54,600	Based on 10 years of general support around the home (Level 1 Care)
<b>Total award</b>	<b>£917,017</b>	

The table below shows Sandy's compensation award as an affected person:

Category of award	Value of compensation	Calculation
<b>Injury</b>	£34,000	Injury award for the partner of an infected person with Level 2 Hepatitis.
<b>Social Impact</b>	N/A	Already received as part of first award
<b>Autonomy</b>	N/A	Already received as part of first award
<b>Financial Loss</b>	N/A	Affected partners are not eligible for Financial Loss awards in their own right where their infected partner is alive.
<b>Care</b>	N/A	Affected people are not eligible for the Care award.
<b>Total award</b>	<b>£34,000</b>	

### **How Sandy's award is calculated**

Sandy is eligible to claim as both an infected person and as an affected person, because her partner was also infected.

#### ***Sandy's compensation as an Infected Person***

Sandy has chronic Hepatitis B. Chronic Hepatitis B is categorised as a Level 2 Hepatitis infection for the purposes of calculating compensation.

#### **Injury award**

Sandy has a Level 2 infection. As set out in regulation 16(2)(b)(i), an infected person with a Level 2 Hepatitis infection receives an Injury award of £60,000.

#### **Social Impact award**

Sandy has a Level 2 infection. As set out in regulation 17(2)(b), an infected person with a Level 2 Hepatitis infection receives a Social Impact award of £50,000.

#### **Autonomy award**

Sandy has a Level 2 infection. As set out in regulation 18(2)(b)(i), an infected person with a Level 2 Hepatitis infection receives an Autonomy award of £40,000.

#### **Financial Loss award**

Financial Loss awards for infected people are made up of two parts:

1. A basic, flat-rate Financial Loss award to cover miscellaneous expenses including travel to appointments, extra cost of insurance etc. This is set out in regulation 19.
2. An additional Financial Loss to recognise the past and future financial losses suffered as a result of infection. This is set out in regulation 20.

To calculate Sandy's Financial Loss, the following information is required:

- The type and severity of Sandy's infection: Level 2 - Chronic Hepatitis B
- Sandy's year of birth: 1952
- The year Sandy was infected: 1971
- Sandy's healthy life expectancy year using version 8 of the Ogden Tables: 2041

#### *Basic Financial Loss*

The basic Financial Loss award for an infected person with a Level 2 Hepatitis infection is £12,500.

#### *Additional Financial Loss*

The additional Financial Loss award for an infected person provides compensation for the earnings they have lost and may in future continue to lose due to infection and treatment.

- Financial loss is calculated from the year of infection, or the year the infected person turns 16. Sandy was infected over the age of 16. This means her financial loss is calculated from the first year of infection.
- Effective treatments were introduced for Hepatitis B in 2008, which are assumed to have improved an infected person's health and ability to work from 2009. If an infected person with Hepatitis B was 55 years or older when effective treatment was introduced (i.e. they were born before 1953), the introduction of effective treatment is not taken into account when calculating compensation as they would have been less likely to return to employment even if their health improved.
- Sandy was born before 1953, therefore the introduction of effective treatment is not taken into account when calculating her compensation. Based on a Level 2 infection, Sandy is therefore entitled to compensation of £11,863 for each year that she was at working age while infected.
- For each year between retirement age (from 66 years old) and healthy life expectancy, Sandy is entitled to 50% of her working age rate, to reflect a pension payout. This means for each year in which Sandy was 66 or older she is eligible for £5,931.50.

To calculate Sandy's total core Financial Loss award, we therefore need to know how many years of compensation she is entitled to, and how many of these will be paid at working age rate versus pensionable age rate.

- Total years eligible for Financial Loss: The period between infection (1971) and healthy life expectancy (2041), which is 71 years

- Years at working age: The period between infection (1971) up to and including the year she turns 65 (2017), which is a total of 47 years.
- Years at pensionable age: The period between the year she turns 66 (2018) up to and including the year she reaches healthy life expectancy (2041), which is a total of 24 years.

This means Sandy will get a total of 71 years of Financial Loss award, with 47 years at working age rate (£11,863) and 24 years at pensionable age rate (£5,931.50).

$$47 \times £11,863 = £557,561$$

$$24 \times £5,931.50 = £142,356$$

These two figures, added to her basic Financial Loss award of £12,500, comes to £712,417

### **Care award**

Sandy is a living infected person with a Level 2 Hepatitis infection. As set out in regulation 21(3)(b)(i), an infected person with a Level 2 Hepatitis infection is entitled to a Care award of £54,600.

### **Total award for Sandy as an infected person**

Adding up all five awards, Sandy is entitled to **£917,017** as an infected person.

	£60,000 (Injury award)
+	£50,000 (Social Impact award)
+	£40,000 (Autonomy award)
+	£712,417 (Financial Loss award)
+	£54,600 (Care award)
=	<b>£917,017</b>

### ***Sandy's compensation as an Affected Person***

Sandy is married to an eligible infected person who has chronic Hepatitis B. This means she is also entitled to compensation as an affected person.

### **Injury award**

Sandy's partner has chronic Hepatitis B, which is a Level 2 Hepatitis infection. As set out in regulation 50(2)(a), Sandy is entitled to an Injury award of £34,000.

### **Social Impact award**

Sandy's partner has a Level 2 Hepatitis infection. If Sandy was not also an infected person, this would entitle her to a £12,000 Social Impact award. However, claimants can only ever receive one Social Impact award, regardless of the number of claims they make. They will always be given the highest individual Social Impact award they are entitled to.

In this case, Sandy's Social Impact award as an infected person is higher than the Social Impact award for affected partners of someone with a Level 2 infection. For this reason, Sandy will not receive a Social Impact award as part of her compensation as an affected partner.

### **Autonomy award**

Sandy's partner has a Level 2 Hepatitis infection. If Sandy was not also an infected person, this would entitle her to a £16,000 Autonomy award. However, claimants can only ever receive one Autonomy award, regardless of the number of claims they make. They will always be given the highest individual Autonomy award they are entitled to.

In this case, Sandy's Autonomy award as an infected person is higher than the Autonomy award for affected partners of someone with a Level 2 Hepatitis infection. For this reason, Sandy will not receive an Autonomy award as part of her compensation as an affected partner.

### **Financial Loss award**

Affected people are not automatically eligible for Financial Loss awards in their own right, unless they are a bereaved partner or child of an infected person, where it is assumed that the affected person was financially dependent on their infected loved one when they died. Sandy's partner is alive, so no Financial Loss award will be given as part of Sandy's compensation as an affected person.

As above, however, Sandy is entitled to a Financial Loss award as part of her compensation award as an infected person.

### **Care award**

Affected people are not eligible for Care awards in their own right.

### **Total award for Sandy as an affected partner**

Sandy is entitled to **£34,000** as an affected person.

**Case Study 4: Application by a living person infected with Hepatitis B (cirrhosis) whose actual care costs exceeded the value of their Care award under the core route.**

**Background:**

Elaine was infected with Hepatitis B as a result of an infected blood product received during a blood transfusion. Elaine developed cirrhosis and paid for professional care to help her manage the impact of her infection.

Elaine believes that the actual cost of her past care, specifically relating to care she paid for to give her general support around the home, exceeds the amount of core route care compensation she would receive, according to her infection severity band (£5,460 per year for a period of 10 years).

Elaine therefore decided to make a supplementary route application alongside her core claim. As part of this application, she provided historic care receipts and invoices to apply for an Exceptional Loss award to recover the additional care costs she had incurred.

**Summary of Elaine’s application:**

Elaine’s date of birth: 2 February 1959

Infection severity band: Level 3 Hepatitis (Hepatitis B, cirrhosis)

Date of infection: 7 July 1978

Year of healthy life expectancy: 2046

Date applied to Scheme: 1 April 2025

The table below shows Elaine’s compensation award as an infected person:

Category of award	Value of compensation	Calculation
<b>Injury</b>	£120,000	Award for someone with a Level 3 infection
<b>Social Impact</b>	£50,000	Award for someone with a Level 3 infection
<b>Autonomy</b>	£40,000	Award for someone with a Level 3 infection
<b>Financial Loss</b>	£730,198	47 years at working age rate and 22 years at retirement rate

<b>Care</b>	£228,556.86	Core award for someone with a Level 3 infection, plus Exceptional Loss award (Excess actual care costs)
<b>Total</b>	<b>£1,168,754.86</b>	

**How Elaine’s award is calculated**

Elaine’s core route compensation offer is calculated before her application for the Exceptional Loss award through the supplementary route. She will need to accept her core route compensation offer before she is able to apply for further compensation through the supplementary route.

***Elaine’s core compensation award***

**Injury award**

Elaine has a Level 3 Hepatitis infection. As set out in regulation 16(2)(b)(ii), an infected person with a Level 3 infection is entitled to an Injury award of £120,000.

**Social Impact award**

Elaine has a Level 3 Hepatitis infection. As set out in regulation 17(2)(b), an infected person with a Level 3 infection is entitled to a Social Impact award of £50,000.

**Autonomy award**

Elaine has a Level 3 Hepatitis infection. As set out in regulation 18(2)(b)(i), an infected person with a Level 3 infection is entitled to an Autonomy award of £40,000.

**Financial Loss award**

Financial Loss awards for infected people are made up of two parts:

1. A basic, flat-rate Financial Loss award to cover miscellaneous expenses including travel to appointments, extra cost of insurance etc. This is set out in regulation 19.
2. An additional Financial Loss to recognise the past and future financial losses suffered as a result of infection. This is set out in regulation 20.

To calculate Elaine’s Financial Loss award, the following information is needed:

- The type and severity of Elaine’s infection(s): Hepatitis B (cirrhosis) - Level 3
- Elaine’s year of birth: 1959
- The year Elaine was infected: 1978

- Elaine's healthy life expectancy year using version 8 of the Ogden Tables: 2046

#### *Basic Financial Loss*

The basic Financial Loss award for an infected person with a Level 3 Hepatitis infection is £12,500.

#### *Additional Financial Loss*

The additional Financial Loss award for an infected person provides compensation for the earnings they have lost and may in future continue to lose due to infection and treatment.

- Financial loss is calculated from the year of infection, or the year the infected person turns 16. Elaine was infected over the age of 16. This means her financial loss is calculated from the first year of infection.
- In this case Elaine does not have evidence of her disease progression, so she cannot show exactly how her infection became more severe over time. Where an infected person is unable to evidence disease progression, compensation is calculated based on the assumption that cirrhosis was suffered for the five years prior to the year she applied to IBCA.
- This means that she will be eligible for compensation at the rate for Level 2 Hepatitis for 42 working years, and then a subsequent five working years at the Level 3 Hepatitis rate to account for cirrhosis until her date of application to the Scheme.
- The base annual financial loss rate for someone with a Level 2 Hepatitis is £11,863 per year. For Hepatitis B it is assumed that the introduction of effective treatments in 2008 improved an infected person's ability to effectively manage their infection, and therefore to work, from 2009 onwards. This means that from 2009 Elaine will receive payments for her Level 2 infection at a rate of £5,931 per year. From the year she is assumed to have developed cirrhosis, she will be eligible for £17,794 per year.
- Financial loss from the age of 66 onwards is reduced to 50% of the award that would otherwise be calculated to reflect that a person is likely to be retired. This means for each year in which Elaine was 66 or older she is eligible for £8,897 per year.

	£195,734 (22 years at Level 3 rate from retirement age at £8,897 per year)
+	£88,970 (5 years at Level 3 rate post-2008 at £17,794 per year)
+	£65,241 (11 years of Level 2 rate post-2008 at £5,931 per year)
+	£367,753 (31 years of Level 2 rate pre-2009 at £11,863 per year)
+	£12,500 (basic rate)
=	<u>£730,198</u>

#### **Care award**

Elaine has a Level 3 Hepatitis infection. As per regulation 21(3)(b)(iii), an infected person with a Level 3 infection receives a Care award of £195,148.32.

#### ***Elaine's supplementary compensation award***

Core route Care awards recognise that infected people will have needed care in the past, and that they should be compensated for this.

The Exceptional Loss award for Excess actual care costs, available through the supplementary route, can provide additional compensation to infected people who can evidence they paid for care in the past (before 31 March 2025) that cost more than the core route assumes.

Elaine has submitted evidence of the care costs she has paid in the past and is eligible to claim for an award through the supplementary route.

As per regulation 39(1), this award is calculated by adjusting Elaine's past actual care costs in line with CPI and comparing that figure against the core Care award Elaine received. The maximum value of the award is 25% of Elaine's core past Care award. This is paid in addition to the core award. This means that the total compensation someone can receive is the value of their core Care award plus 25%.

The first step is therefore to adjust Elaine's past care costs in line with CPI. The below table shows the years she paid for care, how much she paid, and what that is worth based on CPI uplifts in April 2024.

<b>Year</b>	<b>Actual Care Costs</b>	<b>Costs (uprated by CPI<sup>1</sup>, rounded to the nearest pound)</b>
1989	£6,200.00	£15,851
1990	£6,450.00	£15,412
1991	£6,550.00	£14,556
1992	£6,600.00	£14,072
1993	£6,600.00	£13,724
1994	£6,700.00	£13,660
1995	£6,800.00	£13,508
1996	£6,900.00	£13,382
1997	£7,200.00	£13,714
1998	£7,400.00	£13,879
1999	£7,400.00	£13,697
2000	£7,600.00	£13,956
<b>Total Care Costs</b>	<b>£82,400</b>	<b>£169,411</b>

<sup>1</sup> Calculated using the Bank of England's CPI inflation calculator:  
<https://www.bankofengland.co.uk/monetary-policy/inflation/inflation-calculator>

As the table shows, once the inflated care costs are totalled together, this comes to £169,411. This figure is what Elaine's total past actual care costs are worth in April 2024 (as of February 2025).

To compare against Elaine's past core Care award, the following information is needed:

- The first year of Elaine's infection: 1978
- The year of healthy life expectancy: 2046
- Core Care award (T): £195,148.32
- Number of years between Elaine's healthy life expectancy and her first year of infection, including both of those years ( $Y_1$ ):  $2046 - 1978 + 1 = 69$
- Number of years between 2024 and Elaine's first year of infection, including both of those years ( $Y_2$ ):  $2024 - 1978 + 1 = 47$

The formula to calculate the past amount of an award is in regulation 7(2):

$$((Y_2 + 0.25) \div Y_1) \times T$$

So in this case the formula would be:

$$((47 + 0.25) \div 69) \times £195,148.32 = £133,634.18$$

This means her past Care award is £133,634.18

This is then subtracted from her core Care award in order to calculate the difference between the care costs she received under the core award, and her excess care costs.

$$£169,411 - £133,634.18 = £35,776.82$$

According to regulation 39(1) this must then be compared against the value of 25% of Elaine's past core Care award. This is because the maximum supplementary award Elaine can receive is 25% of the value of her core award.

This is done with the following formula, where B is Elaine's total past Care award = £133,634.18

$$0.25 \times (B \div 1)$$

Therefore:

$$0.25 \times (£133,634.18 \div 1) = £33,408.54$$

The amount Elaine can receive for the Exceptional Loss award for Excess actual care costs is the lesser of these two values, making the award £33,408.54.

### **Total award**

Calculating up all five awards for both her core route and supplementary route applications, Elaine is entitled to **£1,168,754.86** as an infected person.

	£120,000 (Injury award)
+	£50,000 (Social Impact award)
+	£40,000 (Autonomy award)
+	£730,198 (Financial Loss award)
+	£195,148.32 (Care award)
+	£33,408.54 (Supplementary Route - Exceptional Loss Award)
=	<b>£1,168,754.86</b>

**Case Study 5: ‘Return to the scheme’ application for an infected person who has suffered a health deterioration.**

Hayley was infected with Hepatitis C and diagnosed with a chronic infection in 1971. Hayley was awarded a total of £917,017 when she applied to the Scheme for the first time on 1 April 2025 as an infected person. The compensation awards Hayley originally received from IBCA are outlined in the table below.

Category award	Value of compensation
Injury	£60,000
Social Impact	£50,000
Autonomy	£40,000
Financial Loss	£712,417
Care	£54,600
<b>Total award</b>	<b>£917,017</b>

Following her initial application, Hayley’s condition deteriorated and she was diagnosed with cirrhosis as a result of her Hepatitis C infection. Hayley therefore returned to IBCA on 1 September 2028 for additional compensation due to her change in infection severity and the impact this health deterioration had on her life.

**Summary of Hayley’s return to scheme application**

Date of birth: 13 August 1952

Date of infection: 5 August 1971

Healthy life expectancy date: 2041

Infection severity band for original application to IBCA: Level 2 Hepatitis - Chronic Hepatitis C

Date of diagnosis of severity change: 1 October 2026

New infection severity band: Level 3 Hepatitis - Hepatitis C (cirrhosis)

Return to scheme: 1 September 2028

The following table shows the additional compensation Hayley will receive after returning to the scheme due to a severity band change:

Category of award	Value of compensation	Calculation
Injury	£60,000	Difference between award for someone

		with a Level 2 and a Level 3 infection
<b>Social Impact</b>	£0	No increase based on infection severity
<b>Autonomy</b>	£0	No increase based on infection severity
<b>Financial Loss</b>	£94,904	Difference between award for someone with a Level 2 and a Level 3 infection
<b>Care</b>	£140,548.32	Difference between award for someone with a Level 2 and a Level 3 infection
<b>Total award</b>	<b>£295,452.32</b>	

**How Hayley’s additional compensation is calculated**

At the point of returning to the Scheme, Hayley has now been diagnosed with cirrhosis. This means her infection severity band has changed from the Level 2 Hepatitis band to Level 3 Hepatitis.

To work out the additional compensation she is owed, calculations are done to work out the total compensation for someone with a Level 3 infection. The awards Hayley previously received from IBCA are deducted from the Level 3 compensation awards to give the value of the additional compensation that Hayley is entitled to as a result of returning to the Scheme.

**Injury award**

Hayley originally had a Level 2 infection. As per regulation 16(2)(b)(i), an infected person with a Level 2 infection receives an Injury award of £60,000. This is Hayley’s original Injury award.

Hayley now has a Level 3 infection. As per regulation 16(2)(b)(ii), an infected person with a Level 3 infection receives an Injury award of £120,000. This is Hayley’s new Injury award.

Because Hayley has already received £60,000 as part of her original award, this is deducted from the new Injury award to give the total value of the additional award that Hayley will receive:

$£120,000 - £60,000 = \underline{£60,000}$

**Social Impact award**

Hayley originally had a Level 2 infection. As per regulation 17(2)(b), an infected person with a Level 2 infection receives a Social Impact award of £50,000. This is her original Social Impact award.

Hayley now has a Level 3 infection. As per regulation 17(2)(b), an infected person with a Level 3 infection receives a Social Impact award of £50,000. This is her new Social Impact award.

Because the new Social Impact award is the same value of the original Social Impact award, no further compensation is needed.

### **Autonomy award**

Hayley originally had a Level 2 infection. As per regulation 18(2)(b)(i), an infected person with a Level 2 infection receives an Autonomy award of £40,000. This is her original Autonomy award.

Hayley now has a Level 3 infection. As per regulation 18(2)(b)(i), an infected person with a Level 3 infection receives an Autonomy award of £40,000. This is her new Autonomy award.

Because the new Autonomy award is the same value of the original Autonomy award, no further compensation is needed.

### **Financial Loss award**

Based on a Level 2 infection, Hayley's original Financial Loss award was £712,417.00.

Financial Loss awards for infected people are made up of two parts:

1. A basic, flat-rate Financial Loss award to cover miscellaneous expenses including travel to appointments, extra cost of insurance etc. This is set out in regulation 19.
2. An additional Financial Loss award to recognise the past and future financial losses suffered as a result of infection. This is set out in regulation 20.

To calculate Hayley's Financial Loss award, the following information is required:

- The type and severity of Hayley's infection at the point of returning to Scheme: Level 3
- Hayley's year of birth: 1952
- The year Hayley was infected: 1971
- Hayley's healthy life expectancy: 2041

#### *Basic Financial Loss*

The basic Financial Loss award for an infected person with a Level 3 Hepatitis infection is £12,500.

#### *Additional Financial Loss*

The additional Financial Loss award for an infected person provides compensation for the earnings they have lost and may in future continue to lose due to infection and treatment.

- Financial loss is calculated from the year the infected person turns 16. Hayley was infected over the age of 16. This means her financial loss is calculated from the first year of her infection.

- Effective treatments were introduced for Hepatitis C in 2016, which are assumed to have improved an infected person's health and ability to work from 2017. If an infected person with Hepatitis C was 55 years or older when effective treatment was introduced (i.e. they were born before 1961), the introduction of effective treatment is not taken into account when calculating compensation as they would have been less likely to return to employment even if their health improved.
- As Hayley was born before 1961, the introduction of effective treatment does not affect her Financial Loss calculation. This means that for each working year that Hayley was at working age and had a Level 2 infection she is entitled to compensation of £11,863.
- For each year between retirement age (from 66 years old) and healthy life expectancy, Hayley is entitled to 50% of their working age rate, to reflect a pension payout. This means for each year in which Hayley was 66 or older and had a Level 2 infection, she is eligible for £5,931.50. When she has a Level 3 infection, she is eligible for £11,863.

To calculate Hayley's total core Financial Loss award, we therefore need to know how many years of compensation she is entitled to, and how many of these will be paid at working age rate versus pensionable age rate.

- Total years eligible for Financial Loss: The period between infection (1971) and healthy life expectancy (2041), which is 71 years.
- Years at working age: The period between infection (1971) and the year she reached 66 (2018), which is 47 years.
- Years at pensionable age: The period between the year she turns 66 (2018) up to and including the year she reaches healthy life expectancy (2041), which is 24 years.

This amounts to 71 years, split between 47 years at working age and 24 years at pensionable age.

Hayley was diagnosed with a Level 3 infection on 1 October 2026. This means she was 74 when she was diagnosed, and therefore at pensionable age. This means from the year she was diagnosed with a Level 3 infection (2026) up to the year of healthy life expectancy, (2041) which is 16 years, Hayley will receive the pensionable age rate of £11,863.

$$16 \times \text{£}11,863 = \text{£}189,808$$

For the period prior to her being diagnosed with a Level 3 infection, she receives the rest of her pensionable years at Level 2. This amounts to  $24 - 16 = 8$  years.

$$8 \times \text{£}5931.50 = \text{£}47,452$$

For the 47 years she spent at working age with a Level 2 infection:

$$47 \times \text{£}11,863 = \text{£}557,561$$

The sum of these figures is £794,821. Adding the Basic Financial Loss award of £12,500 gives a total of £807,321

As per regulation 43(5), the additional Financial Loss award is the sum of all current Financial Loss awards - the sum of all previous Financial Loss awards:

$$£807,321 - £712,417 = \underline{£94,904}$$

This means Hayley's return to scheme Financial Loss award is £94,904

#### **Care award**

Hayley's previous Care award was £54,600.

As per regulation 21(3)(b)(ii), someone with a Level 3 Hepatitis infection receives £195,148.32.

According to regulation 43(6) the additional Care award is the sum of all current Care awards - the sum of all previous Care awards.

$$£195,148.32 - £54,600 = \underline{£140,548.32}$$

This means Hayley's return to scheme Care award is £140,548.32

#### **Total additional compensation award**

Calculating up all five awards, Hayley is entitled to an additional **£295,452.32** as an infected person returning to the Scheme due to health deterioration.

	£60,000 (Injury award)
+	£0 (Social Impact award)
+	£0 (Autonomy award)
+	£94,904 (Financial Loss award)
+	£140,548.32 (Care award)
=	<b>£295,452.32</b>

Hayley can access this compensation as a lump sum or periodic payment. If she chooses periodic payments this must match the payment plan she chose for her original application to IBCA. In this case Hayley previously chose to receive her original compensation over a 10 year period. She can therefore receive this second payment over the remaining period.

## Case Study 6: Application by a solicitor as the personal representative of the estate of a deceased infected person

Alex was infected with Hepatitis C after receiving infected blood during a surgical procedure in 1983, when he was 13 years old. He died in 2001 as a result of decompensated liver cirrhosis caused by his infection. Alex was single and had no children or other family members who were financially dependent on him at his time of death.

Alex's estate is eligible for compensation through the Scheme. Alex has a living brother and sister who are the only beneficiaries of his estate. Alex's solicitor was the personal representative of the estate in 2001 and can therefore make an application to IBCA on behalf of Alex's estate.

### Summary of application

Date of birth: 6 June 1970

Date of treatment which led to an infection: 2 October 1983

Date of diagnosis: 12 October 1991

Date of death: 17 November 2001

Alex's infection severity band: Level 4 Hepatitis (decompensated cirrhosis)

The table below shows the compensation award payable to Alex's estate only. Alex's brother and sister may be eligible for further compensation in their own right as affected people.

Category of award	Value of compensation	Calculation
<b>Injury</b>	£180,000	Award for Level 4 Hepatitis
<b>Social Impact</b>	£50,000	Award for Level 4 Hepatitis
<b>Autonomy</b>	£75,000	Award for Level 4 Hepatitis, reflecting 50% increase given infection occurred in childhood
<b>Financial Loss</b>	£344,662	16 years of financial loss at working age rate; plus £12,500 flat rate award for miscellaneous costs.
<b>Care</b>	£330,968.81	Based on 19 years of care for Level 4 Hepatitis C, calculated at past care rate (i.e. 2024 commercial care rate minus 25%).
<b>Total award for Alex's estate</b>	<b>£980,630.81</b>	

### How Alex's estate award is calculated

Alex's estate representative can claim on behalf of Alex as a deceased infected person.

### **Injury award**

Alex had a Level 4 Hepatitis infection. As per regulation 16(2)(b)(iii), the estate of an infected person with a Level 4 infection receives an Injury award of £180,000

### **Social Impact award**

Alex had a Level 4 infection. As per regulation 17(2)(b), the estate of an infected person with a Level 4 infection receives a Social Impact award of £50,000.

### **Autonomy award**

Alex had a Level 4 infection. As per regulation 18(2)(b)(ii), the estate of an infected person with a Level 4 infection receives an Autonomy award of £50,000. Because Alex was infected while he was under 18, the award is uplifted by 50%. Alex therefore receives an Autonomy award of £75,000.

### **Financial Loss award**

Financial Loss awards for estates of infected people are made up of two parts:

3. A basic, flat-rate Financial Loss award to cover miscellaneous expenses including travel to appointments, extra cost of insurance etc. This is set out in regulation 19.
4. An additional Financial Loss to recognise the past and future financial losses suffered as a result of infection. This is set out in regulation 20.

To calculate the Financial Loss award for Alex's estate, the following information is needed:

- The type and severity of Alex's infection: Level 4 - Hepatitis C (Decompensated cirrhosis)
- Alex's year of birth: 1970
- The year Alex was infected: 1983
- The year Alex turned 16: 1986
- The year Alex died: 2001

#### *Basic Financial Loss*

The basic Financial Loss award for the estate of an infected person with a Level 4 Hepatitis infection is £12,500.

#### *Additional Financial Loss*

The additional Financial Loss award for the estate of an infected person provides compensation for the earnings they lost due to infection and treatment.

- Financial loss is calculated from the year of infection, or the year the infected person turns 16. Alex was infected when he was 13, so his financial loss is calculated from the year he turned 16.

To calculate Alex's total core Financial Loss award, we need to know how many years of compensation his estate is entitled to.

- Total years eligible for Financial loss: The period between Alex turning 16 (1986) and the year he died (2001), which is 16 years.

Because Alex's estate does not have evidence of Alex's disease progression, compensation is calculated based on the assumption that he suffered cirrhosis (Level 3) for six years before a progression to decompensated cirrhosis or liver cancer (Level 4) for a further 4 years before death.

	£118,628 (4 years of Level 4 at £29,657 per year)
+	£142,356 (6 years of Level 3 at £23,726 per year)
+	£71,178 (6 years of Level 2 at £11,863 per year)
+	£12,500 (basic Financial Loss award)
=	<u>£344,662</u>

### Care award

Alex died as a result of decompensated liver cirrhosis caused by his Hepatitis C infection. He was infected in 1983 and died in 2001. Alex's estate is eligible for a Care award for the years between the year Alex was infected in 1983, and the year Alex died in 2001.

This does not take into account the exact point in the year the person was infected or died, therefore an additional year is included to ensure it is inclusive of the year Alex was infected. Alex's estate is therefore entitled to 19 years of Care award.

The assumed level and duration of care (in years) required for different infection severities is set out in regulations. This means Alex's estate is entitled to 19 years of care broken into:

+	9 years of domestic support
+	6 years of low care
+	2 years of moderate care
+	1.5 years of high care
+	0.5 years of end of life care
=	19 years

For estate claims where care was provided to an infected person in the past, Care awards are discounted by 25%. This reflects the fact that where care was provided gratuitously (which we assume it was in the past), this was exempt from costs such as tax and national insurance which would be incurred when paying for care commercially.

The calculation for Alex's estate's Care award is therefore:

- Nine years of Level 1 Care at a rate of £4,095 per year ( $9 \times (£5460 \times 0.75) = £36,855$ )
- Six years of Level 2 Care at a rate of £17,568.54 per year ( $6 \times (£23,424.72 \times 0.75) = £105,411.24$ )
- Two years of Level 3 Care at a rate of £38,464.44 per year ( $2 \times (£51,285.92 \times 0.75) = £76,928.88$ )
- One and a half years of Level 4 Care at £47,056.80 per year ( $1.5 \times (£62,742.40 \times 0.75) = £70,585.20$ )
- Six months of Level 5 Care at £82,376.98 per year ( $0.5 \times (£109,835.96 \times 0.75) = £41,188.49$ )

In total this equates to: £330,968.81

### **Total Estate award**

Adding up all five awards, Alex's estate is entitled to **£980,630.81**.

	£180,000 (Injury award)
+	£50,000 (Social Impact award)
+	£75,000 (Autonomy award)
+	£344,662 (Financial Loss award)
+	£330,968.81 (Care award)
=	<b>£980,630.81</b>

## Case Study 7: Application by the estate and affected person (mother) of an infected person who died from HIV and Hepatitis C coinfection.

Ashwin was born with haemophilia. Ashwin was infected with HIV and chronic Hepatitis C as a result of receiving an infected blood product as a child. He died of an AIDS condition as a result of HIV when he was 24 years old.

Ashwin's estate is eligible for compensation through the Scheme. Ashwin's mother was the personal representative of Ashwin's estate in 1994 and can make an application to IBCA on behalf of his estate. In addition, Ashwin's mother is also eligible for compensation as an affected person (any other living parent may also be eligible for an affected person award).

### Summary of application

Date of birth: 14 August 1970

Date of treatment which led to an infection: 20 August 1984

Date of HIV diagnosis: 1 September 1988

Date of death: 17 November 1994

Infection Severity Band: HIV and Level 2 Hepatitis (chronic Hepatitis C)

Compensation award to Ashwin's personal representative:

Category of award	Value of compensation	Calculation
<b>Injury</b>	£195,000	Award for HIV co-infection
<b>Social Impact</b>	£70,000	Award for HIV co-infection
<b>Autonomy</b>	£150,000	Award for HIV co-infection, uplifted by 50% due to infection under the age of 18, plus a supplementary award for unethical research during childhood.
<b>Financial Loss</b>	£257,171	2 years of financial loss at the pre-diagnosis rate of £18,536 per year and 7 years post-diagnosis at £29,657 per year, plus £12,500 flat rate award for miscellaneous costs
<b>Care</b>	£416,161.85	11 years of past care for HIV and Hepatitis C co-infection calculated at past care rate (i.e. 2024 commercial care rate minus 25%).
<b>Total award for</b>	<b>£1,088,332.85</b>	

<b>Ashwin's estate</b>		
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Compensation award as an affected parent:

<b>Category of award</b>	<b>Value of compensation</b>	<b>Calculation</b>
<b>Injury</b>	£65,400	Award for affected parent where child had HIV co-infection under the age of 18
<b>Social Impact</b>	£12,000	Award for affected parent where child had HIV co-infection under the age of 18
<b>Autonomy</b>	£6,600	Award for affected parent where child had HIV co-infection under the age of 18
<b>Financial Loss</b>	N/A	Affected parents are not eligible for Financial Loss award in their own right under the core route.
<b>Care</b>	N/A	Affected people are not eligible for the Care award.
<b>Total award for affected:</b>	<b>£84,000</b>	

### **How the awards for Ashwin's mother are calculated**

Ashwin's mother is eligible to claim both as Ashwin's estate representative and as an affected person in her own right.

#### ***Compensation for Ashwin's estate***

##### **Injury award**

Ashwin had HIV and a Level 2 Hepatitis C coinfection. As per regulation 16(3)(b)(ii)(aa), the estate of an infected person with an HIV/Level 2 Hepatitis coinfection receives an Injury award of £195,000.

##### **Social Impact award**

Ashwin had HIV and a Level 2 Hepatitis C coinfection. As per regulation 17(3), any person with a co-infection receives a Social Impact award of £70,000.

##### **Autonomy award**

Ashwin had HIV and a Level 2 Hepatitis C coinfection. As per regulation 18(3), any person with a co-infection receives an Autonomy award of £70,000.

Because Ashwin was infected in childhood, his Autonomy award is uplifted by 50%. This equates to an additional £35,000. Further to this, because Ashwin was treated for a bleeding disorder whilst under the age of 18, he is also eligible for an additional Autonomy award of £45,000.

Added together, this means Ashwin's total Autonomy award is £150,000.

## **Financial Loss award**

Financial Loss awards for estates of infected people are made up of two parts:

1. A basic, flat-rate Financial Loss award to cover miscellaneous expenses including travel to appointments, extra cost of insurance etc. This is set out in regulation 19.
2. An additional Financial Loss to recognise the past and future financial losses suffered as a result of infection. This is set out in regulation 20.

To calculate the Financial Loss award for Ashwin's estate, the following information is required:

- Type and severity of Ashwin's infection: HIV and Level 2 Hepatitis co-infection
- Ashwin's year of birth: 1970
- The year Ashwin was infected: 1984
- The year Ashwin was diagnosed: 1988
- The year Ashwin turned 16: 1986
- The year Ashwin died: 1994

### *Basic Financial Loss*

The basic Financial Loss award for an infected person with an HIV and Level 2 Hepatitis coinfection is £12,500.

### *Additional Financial Loss*

The additional Financial Loss award for an infected person provides compensation for the earnings they have lost and may in future continue to lose due to infection and treatment.

- Financial loss is calculated from the year the infected person turns 16 if the person was infected before 16. This is the case for Ashwin who was infected at age 14.
- For HIV and HIV and Hepatitis co-infections it is assumed that people will initially have lived without symptoms for a period of time following HIV infection before suffering an impact on their earning potential after the onset of symptoms. Given that it is not always easy to identify the timing of the onset of symptoms, financial loss compensation is paid from the date of infection, with an increased rate following diagnosis.
- Ashwin was 18 when he was diagnosed with HIV. This means he receives 2 years of £18,536 per year, which is the Financial Loss award from the point of infection to

diagnosis. He was diagnosed at 18 and died 7 years later. That means his estate is eligible for 7 years of financial loss at a rate of £29,657.

+	£207,599 (7 years from diagnosis to Ashwin's death at £29,657 per year)
+	£37,072 (2 years from infection to diagnosis at £18,536 per year)
+	£12,500 (basic rate)
=	<u>£257,171</u>

### Care award

Ashwin had an HIV/Level 2 Hepatitis co-infection. Care awards for people with HIV are calculated in the same way whether or not they have a co-infection. The Care award rates for infected people who are deceased are set out in regulation 21(7).

Ashwin was infected for 11 years. This means Ashwin's estate is entitled to 11 years of care broken into:

+	2 years of low care
+	7 years of moderate care
+	1.5 years of high care
+	0.5 years of end of life care
=	11 years

For estate claims where care was provided to an infected person in the past, Care awards are discounted by 25%. This reflects the fact that where care was provided gratuitously, this was exempt from costs such as tax and national insurance which would be incurred when paying for care commercially.

The calculation for Ashwin's estate's Care award is therefore:

- Two years of Level 2 Care at a rate of £17,568.54 per year (2 x (£23,424.72 x 0.75) = £35,137.08)
- Seven years of Level 3 Care at a rate of £38,464.44 per year (7 x (£51,285.92 x 0.75) = £269,251.08)
- One and a half years of Level 4 Care at £47,056.80 per year (1.5 x (£62,742.40 x 0.75) = £70,585.20)
- Six months of Level 5 Care at £82,376.98 per year (0.5 x (£109,835.96 x 0.75) = £41,188.49)

In total this equates to: £416,161.85

### Total Estate award

Adding up all five awards, Ashwin's estate is entitled to **£1,088,332.85**

	£195,000 (Injury award)
+	£70,000 (Social Impact award)
+	£150,000 (Autonomy award)
+	£257,171 (Financial Loss award)
+	£416,161.85 (Care award)
=	<b>£1,088,332.85</b>

### ***Compensation for Ashwin's mother as an affected person***

#### **Injury award**

Ashwin had an HIV/Level 2 Hepatitis co-infection. As per regulation 50(4)(d) and regulation 50(4E)(b), his mother is eligible for an Injury award of £65,400.

#### **Social Impact award**

Ashwin had an HIV/Level 2 Hepatitis co-infection. As per regulation 51(2)(a)(ii), his mother is eligible for a Social Impact award of £12,000.

#### **Autonomy award**

Ashwin had an HIV/Level 2 Hepatitis co-infection. As per regulation 52(2)(b)(i), his mother is eligible for an Autonomy award of £6,600.

#### **Financial Loss award**

Affected people are not automatically eligible for Financial Loss awards in their own right, unless they are a bereaved partner or child of an infected person, where it is assumed that the affected person was financially dependent on their infected loved one when they died.

Other groups of affected people can apply for a Financial Loss award through the supplementary award if they were financially dependent on their infected loved one when they died. This was not the case for Ashwin's mother, therefore no Financial Loss award is given to her as part of her compensation as an affected person.

Ashwin's mother is the personal representative of her son's estate. She will therefore receive the Financial Loss award paid on behalf of Ashwin's estate.

#### **Care award**

Affected people are not eligible for Care awards in their own right.

#### **Total affected award**

Adding up all three awards, Ashwin's mother is entitled to **£84,000** as an affected person.

	£65,400 (Injury award)
+	£12,000 (Social Impact award)
+	£6,600 (Autonomy award)
=	<b>£84,000</b>

## Case Study 8: Estate application for a deceased person infected with HIV, who had a higher salary prior to leaving work as a result of their infection

Thomas was infected with HIV while receiving infected blood as a treatment for a bleeding disorder in 1983. He was 42 at the time of infection and was employed on a full-time basis in a bank.

Due to the impacts of his HIV infection, Thomas' capacity to work was impaired and in 1988, he reduced his hours to part-time as he could no longer manage full-time work. In 1990, Thomas medically retired due to the impacts of his HIV infection. He died in 1998, when he was 57. The personal representative of his estate applies to IBCA for compensation on 1 April 2025.

### Summary of Thomas' application:

- Date of birth: 3 March 1941
- Date of treatment which led to infection: 4 April 1983
- Date of HIV diagnosis: 1985
- Retirement: 1 January 1990
- Date of death: 15 October 1998
- Healthy life expectancy: 2026
- Year estate applies to IBCA: 1 April 2025
- Infection severity: HIV

The table below shows the compensation award paid to Thomas's estate:

Category of award	Value of compensation	Calculation
<b>Injury</b>	£180,000	Award for infected person with HIV (or estate)
<b>Social Impact</b>	£50,000	Award for infected person with HIV (or estate)
<b>Autonomy</b>	£90,000	Award for infected person with HIV (or estate), plus additional £30,000 award for unethical research.
<b>Financial Loss</b>	£559,280.02	This includes £457,356 for the core Financial Loss award and £101,924.02 through the supplementary route Exceptional Loss of earnings award.
<b>Care</b>	£477,057.47	16 years of past care for HIV calculated at past care rate (i.e. 2024 commercial care rate minus 25%).

<b>Total award for Thomas's estate</b>	<b>£1,356,337.49</b>	
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### **Explanation of award:**

#### *Core award*

Thomas's estate is eligible for compensation on behalf of a deceased person with an HIV infection.

#### **Injury award**

Thomas had an HIV infection. As per regulation 16(2)(d), the estate of an infected person with an HIV infection receives an Injury award of £180,000.

#### **Social Impact award**

Thomas had an HIV infection. As per regulation 17(2)(b), the estate of an infected person with an HIV infection receives a Social Impact award of £50,000.

#### **Autonomy award**

Thomas had an HIV infection. As per regulation 18(2)(d), the estate of an infected person with an HIV infection receives an Autonomy award of £60,000.

Further to this, because Thomas was treated for a bleeding disorder as an adult and therefore potentially a victim of unethical research, his estate is also eligible for an additional Autonomy award of £30,000.

Added together, this means the total Autonomy award is £90,000.

#### **Financial Loss award**

Financial Loss awards for estates of infected people are made up of two parts:

1. A basic, flat-rate Financial Loss award to cover miscellaneous expenses including travel to appointments, extra cost of insurance etc. This is set out in regulation 19.
2. An additional Financial Loss to recognise the past and future financial losses suffered as a result of infection. This is set out in regulation 20.

To calculate the Financial Loss award for Thomas's estate, the following information is required:

- Type and severity of Thomas' infection: HIV
- Thomas' year of birth: 1941
- The year Thomas was infected: 1983

- The year Thomas was diagnosed: 1985
- Thomas' year of death: 1998

**Basic Financial Loss**

The basic Financial Loss award for the estate of an infected person with HIV is £12,500.

**Additional Financial Loss**

The additional Financial Loss award for the estate of an infected person provides compensation for the earnings they have lost due to infection and treatment.

- Financial loss is calculated from the year of infection, or the year the infected person turns 16. Thomas was infected over the age of 16, so his Financial Loss is calculated from the first year of his infection.
- For HIV infections, it is assumed that people will initially have lived with no or minimal symptoms for a period of time following infection before suffering an impact on their earning potential after the onset of symptoms. Given that it is not always easy to identify the timing of the onset of symptoms, financial loss compensation will be paid from the date of infection, with an increased rate following diagnosis.
- Thomas was infected with HIV in 1983 and diagnosed in 1985. This means he receives two years of £14,829 per year, which is the Financial Loss award from the point of infection to diagnosis. He was diagnosed in 1985 and died 14 years later. That means his estate is eligible for a further 14 years of financial loss at a rate of £29,657.

+ £29,658 (2 years from infection to diagnosis at £14,829 per year)  
 + £415,198 (14 years from diagnosis to Thomas' death at £29,657 per year)  
 + £12,500 (basic rate)  
 = £457,356

**Care award**

Thomas had an HIV infection. The Care award rates for infected people who are deceased are set out in regulation 21(7).

Thomas was infected for 16 years. This means Thomas' estate is entitled to 16 years of care broken into:

+ 2 years of general care around the home  
 + 5 years of low care  
 + 7 years of moderate care  
 + 1.5 years of high care  
 + 0.5 years of end of life care  
 = 16 years

For estate claims where care was provided to an infected person in the past, Care awards are discounted by 25%. This reflects the fact that where care was provided gratuitously, this was exempt from costs such as tax and national insurance which would be incurred when paying for care commercially.

The calculation for Thomas' estate's Care award is therefore:

- Two years of Level 1 Care at a rate of £4,095 per year (2x (£5,460 x 0.75) = £8,190)
- Five years of Level 2 Care at a rate of £17,568.54 per year (5x (£23,424.72 x 0.75) = £87,842.70)
- Seven years of Level 3 Care at a rate of £38,464.44 per year (7 x (£51,285.92 x 0.75) = £269,251.08)
- One and a half years of Level 4 Care at a rate of £47,056.80 per year (1.5 x (£62,742.40 x 0.75) = £70,585.20)
- Six months of Level 5 Care at a rate of £82,376.98 per year (0.5 x (£109,835.96 x 0.75) = £41,188.49)

In total this equates to: £477,057.47

### ***Supplementary Route - Exceptional Loss award***

Some infected people will have lost more financially than the assumptions made under the tariff based Core Route. Where this is the case, they (or their estate) may be entitled to an Exceptional Loss award. Applicants will need to provide evidence of the infected person being a high earner.

This enables applicants to provide evidence of their actual losses beyond the awards in the Core Route. Under this approach, the assumptions made by the Core award about a person's capacity to work are disregarded.

Thomas's estate is eligible to claim for an additional award due to his higher salary prior to leaving work as a result of his infection. Thomas's personal representative has provided the following evidence of Thomas's salary:

<b>Year</b>	<b>Salary</b>	<b>Notes</b>
1987	£20,903	Full time salary
1988	£9,836	2 days/week
1989	£10,661	2 days/week
1990	£0	Medically retired on 1 Jan 1990
1991-1998	£0	Medically retired

### **Step One - Salary percentile matching**

Thomas's personal representative is able to show evidence of Thomas's earnings from 1988 until he medically retired in 1990. In order to work out the deemed actual annual PAYE earnings, his earnings are uprated to 2023 figures, using the Annual Survey of Hours and Earnings (ASHE) tables. This sets out what his earnings (accounting for decrease in hours worked) would have been in 2023 terms. The ASHE tables were only introduced in 1997 so, for years from 1974 to 1996, we use the New Earnings Survey (NES) tables. This is set out in regulation 37(9).

In 1987, Thomas turned 46 years old and his actual earnings were £20,903. Based on the (NES) tables, Thomas is in the 90th percentile of earners for 40-49 year olds in 1987. Thomas' equivalent salary in 2023 is identified by checking the 90th percentile salary for 40-49 year olds in ASHE tables for 2023. This is identified as £76,249 gross salary for 2023.

As Thomas' salary was above the 75th percentile of earners in ASHE tables, he is eligible for an exceptional loss award.

### **Step Two - Progression multiplier**

A progression multiplier is then applied to reflect the fact that Thomas would likely have continued to progress in his career if he had not given up work due to infection. The progression multiplier is based on ASHE 2023 Gross salary data and reflects average salary increases based on each age group. This is set out in regulation 37(9)(Step 2).

As per regulation 37(9), the progression multiplier for Thomas' age group and percentile earner is 1. This means that his career gross average salary is £76,249 x 1 = £76,249. His career average salary, adjusted based on tax and national insurance contributions is £54,027.82 per year.

### **Step Three - Reduced earnings loss calculation**

Thomas died before his expected retirement age. Therefore, for each year between 1988 and Thomas' death in 1998, his annual gross earnings were expected to be £76,249 in 2023 values, which equates to £54,027.82 after deductions for tax and national insurance.

Thomas reduced his work to two days a week from 1988-1989 before medically retiring in 1990. For each year, where his hours of work were reduced, his actual earnings will be uprated to 2023 figures in ASHE tables and netted for tax and NI. In the table below, this is set out in the column "Actual gross earnings adjusted to 2023 value".

For example, in 1988, Thomas' capacity to work was reduced to 2 days a week, with a new annual salary of £9,836. The NES tables set out gross weekly earnings, rather than annual earnings. So for years covered by those tables, the gross annual salary must be calculated to work out the percentiles for the years Thomas' capacity to work reduced. In this case study, to convert gross weekly earnings into annual earnings, this has been done by multiplying the weekly earnings amount by (£365.25/7).

Using NES age group tables for gross annual salary in 1988, this represented the 25th percentile for 47 year olds in 1988. The gross 25th percentile for 47 year olds in 2023 is £28,560. After deductions for tax and national insurance, this equates to an annual salary of £23,763.

Thomas' reduced net earnings for each year from 1988 to his death in 1998 are calculated as follows using regulation 37(3).

Thomas' career average salary, after tax and national insurance is £54,027.82 per year.

Year	Actual gross earnings (NES table percentile)	Actual gross earnings adjusted to 2023 value	Actual net earnings adjusted to 2023 value	Reduced earnings for year (net career average salary minus actual earning)
1987	£20,903.00 (90th percentile)	£76,249.00	£54,027.82	£0
1988	£9,836.00 (25th percentile)	£28,560.00	£23,763.00	£30,264.82
1989	£10,661.00 (25th percentile)	£28,560.00	£23,763.00	£30,264.82
1990	£0	£0	£0	£54,027.82
1991	£0	£0	£0	£54,027.82
1992	£0	£0	£0	£54,027.82
1993	£0	£0	£0	£54,027.82
1994	£0	£0	£0	£54,027.82
1995	£0	£0	£0	£54,027.82
1996	£0	£0	£0	£54,027.82
1997	£0	£0	£0	£54,027.82
1998	£0	£0	£0	£54,027.82
			<b>Total</b>	<b>£546,780.02</b>

#### Step Four - Pension calculator

The Scheme assumes a pension age of 66. For core Financial Loss awards, a person's pension rate equates to half of their working age rate. This is slightly different for Exceptional Loss

awards provided through the supplementary route, where pensionable rates are based on historical private sector pension contributions of 6.1%. This is set out in regulation 37 (4).

Where an infected person has died, financial loss from point of infection to point of death is paid to the estate. Financial loss from the point of death to the estimated healthy life expectancy age of the deceased is paid in the form of dependency payments to any affected dependents (e.g. bereaved partners) registered with IBCA.

As Thomas passed away before retirement age, there is no financial loss paid to his estate for pension years. As part of her claim as an affected person, Thomas' bereaved wife will be able to claim a Financial Loss award from the year after Thomas' death to his healthy life expectancy age.

### **Step 5 - Reduced Financial Loss award calculator**

Regulation 37(1) sets out the formula for the amount of financial loss (PAYE earnings) as (A + B) - C, where:

- A is the sum of the annual amounts in relation to each year Thomas suffered exceptional reduced PAYE earnings until his death = £546,780.02.
- B is the sum of the annual amounts in relation to each year of the pension period which begins with the age 66 = £0 (Thomas died aged 57, before retirement age).
- C is the amount of the additional core Financial Loss award. For Thomas this is £457,356 - £12,500 = £444,856.

Adding these figures together means that Thomas' Exceptional Loss award is: £101,924.02

### **Total award**

Adding up all core and supplementary awards, Thomas's estate is entitled to £1,356,337.49

+	£180,000 (Injury award)
+	£50,000 (Social Impact award)
+	£90,000 (Autonomy award)
+	£457,356 (Core Financial Loss award)
+	£101,924.02 (Supplementary Route - Exceptional Loss award)
+	£477,057.47 (Care award)
=	<b>£1,356,337.49</b>

**Case Study 9: Application by an affected person widowed after the death of spouse from HIV and Hepatitis C, who is also the personal representative of their spouse's estate.**

Karin's husband, Paul, died after being infected during a blood transfusion with HIV and Hepatitis C during an NHS hospital procedure. Paul was diagnosed with HIV in 1986 and Hepatitis C in 1993. Paul was registered with one of the former Alliance House Organisations.

As a bereaved partner, Karin currently receives support payments from an Infected Blood Support Scheme (IBSS). Karin has already received an interim compensation payment of £100,000 as a bereaved partner. Karin is eligible for compensation through the Scheme as an affected person.

As the personal representative and sole beneficiary of Paul's estate, Karin will also receive compensation which is awarded through her husband's estate.

**Summary of Karin's application as a bereaved partner:**

Paul's date of birth: 4 April 1950.

Date of treatment which led to Paul's infection: 6 September 1984.

Date of Paul's first diagnosis (HIV): 17 June 1986.

Date of Paul's death: 23 November 1998.

Paul's infection severity band: HIV and Level 3 Hepatitis coinfection

Compensation award to Karin as an affected partner:

Category of award	Value of compensation	Calculation
<b>Injury</b>	£129,000	Award for affected partner where infected person had an HIV co-infection, with 50% increase for bereaved partners.
<b>Social Impact</b>	£12,000	Award for affected partner where infected person had HIV co-infection.
<b>Autonomy</b>	£16,000	Award for affected partner where infected person had HIV co-infection.
<b>Past Financial Loss</b>	<u>£437,902.50</u>	26 years and three months of partner dependency payments.
<b>Care</b>	N/A	Affected people are not eligible for the Care award.
<b>Interim Payment</b>	-£100,000	Interim payment of £100,000 received

<b>(deduction)</b>		by the bereaved partner.
<b>Total (not including support payments)</b>	£494,902.50	This is the amount Karin will receive as either a lump sum or a periodic payment.
<b>Support payments scheme</b>	£42,308.50 per year	This is the 2025/26 rate, uprated for CPI every year. This includes winter fuel payment (£670). Karin will receive these payments for life.

Compensation award to Paul's estate:

<b>Category of award</b>	<b>Value of compensation</b>	<b>Calculation</b>
<b>Injury</b>	£240,000	Award for HIV co-infection.
<b>Social Impact</b>	£70,000	Award for HIV co-infection.
<b>Autonomy</b>	£70,000	Award for HIV co-infection.
<b>Financial Loss</b>	£442,527	2 years of financial loss at pre-diagnosis rate, and 13 years at post-diagnosis rate, plus £12,500 flat rate award for miscellaneous costs.
<b>Care</b>	£472,962.47	15 years of care for HIV at past care rate (i.e. 2024 commercial care rate minus 25%).
<b>Total award for Paul's estate</b>	<b>£1,295,489.47</b>	

### **How Karin's award is calculated**

Karin was married to an eligible infected person who had HIV and chronic Hepatitis C which had caused cirrhosis of the liver. This means Karin is entitled to an award as an affected person.

### ***Compensation for Karin as an Affected Person***

#### **Injury award**

Karin's partner had HIV and a Level 3 Hepatitis infection. As per regulation 50(4)(a), this means Karin receives £86,000. As per regulation 50(4E)(c), bereaved partners who are on IBSS are

eligible for an uplift of 50%, which equates to an additional £43,000. This means that Karin's total Injury award as an affected person is £129,000.

### **Social Impact award**

Karin's partner had HIV and a Level 3 Hepatitis infection. As per regulation 51(2)(a)(i), this means Karin receives a Social Impact award of £12,000.

### **Autonomy award**

Karin's partner had HIV and a Level 3 Hepatitis infection. As per regulation 52(2)(b)(i), this means Karin receives an Autonomy award of £16,000.

### **Financial Loss award**

As a bereaved partner, Karin will receive a dependency payment as part of her Financial Loss award, calculated from the year after her partner's death to her partner's healthy life expectancy.

Karin receives support scheme payments from an IBSS and has chosen to continue receiving support scheme payments, after receiving compensation from IBCA. This means that any support scheme payments that Karin received before 31 March 2025 will not be taken into account in calculating her compensation from IBCA, but any paid on or after 1 April 2025 will be deducted from her compensation.

Paul died in 1998. She is therefore entitled to 26.25 years of dependency payments for the years between 1999 and April 2025. Her dependency awards after this point, and until Paul's healthy life expectancy, will be paid through continued support payments as Karin has chosen.

26 x £16,682 per year = £433,732

0.25 (i.e. 3 months of a year) x £16,682 per year = £4,170.50

Adding up these two amounts provides Karin's Financial Loss award:

	£433,732
+	£4,170.50
=	<u>£437,902.50</u>

### **Care award**

Affected people are not eligible for Care awards in their own right.

### **IBSS Payments - Financial Loss**

Karin is eligible for IBSS and has opted to receive support scheme payments for life.

## **Total as an affected person**

Adding up all five awards, Karin is eligible for **£494,902.50** compensation as an affected person.

	£129,000 (Injury award)
+	£12,000 (Social Impact award)
+	£16,000 (Autonomy award)
+	£437,902.50 (Past Financial Loss award)
-	£100,000 (Interim payment)
=	<u>£494,902.50</u>

## **\*Future Support Scheme Payments**

In addition to this compensation, Karin is entitled to support scheme payments of £42,308.50 per year (uprated in line with the Consumer Price Index) for the rest of her life. This consists of a winter fuel payment of £670 and an IBSS payment of £41,638.50.

## ***Compensation for Karin as the personal representative of Paul's estate***

Karin is also the personal representative and sole beneficiary of Paul's estate.

Paul had HIV and a Level 3 Hepatitis coinfection.

### **Injury award**

Paul had an HIV and Level 3 Hepatitis coinfection. As per regulation 16(3)(b)(ii)(bb), Karin will receive an Injury award of £240,000.

### **Social Impact award**

Paul had an HIV and Level 3 Hepatitis coinfection. As per regulation 17(3), Karin will receive a Social Impact award of £70,000.

### **Autonomy award**

Paul had an HIV and Level 3 Hepatitis coinfection. As per regulation 18(3), Karin will receive an Autonomy award of £70,000.

### **Financial Loss award**

Financial Loss awards for estates of infected people are made up of two parts:

1. A basic, flat-rate Financial Loss award to cover miscellaneous expenses including travel to appointments, extra cost of insurance etc. This is set out in regulation 19.

2. An additional Financial Loss to recognise the past and future financial losses suffered as a result of infection. This is set out in regulation 20.

To calculate the Financial Loss award, the following information is needed:

- The type and severity of Paul's infection: HIV and Level 3 Hepatitis
- Paul's year of birth: 1950
- The year Paul was infected: 1984
- The year Paul was diagnosed with HIV: 1986
- The year Paul died: 1998

#### *Basic Financial Loss*

The basic Financial Loss award for an infected person with an HIV and Level 3 Hepatitis infection is £12,500.

#### *Additional Financial Loss*

The additional Financial Loss award for an infected person provides compensation for the earnings they have lost and may in future continue to lose due to infection and treatment.

- Financial loss is calculated from the year the person was infected.
- For HIV and HIV and Hepatitis co-infections it is assumed that people will initially have lived without symptoms for a period of time following HIV infection before suffering an impact on their earning potential after the onset of symptoms. However, given that it is not always easy to identify the timing of the onset of symptoms, financial loss compensation will be paid from the date of infection, with an increased rate following diagnosis.
- For each year from the year Paul was infected but before he was diagnosed, he is entitled to £22,243.
- For each year from the year Paul was diagnosed he is entitled to £29,657.

Paul was born on 4 April 1950 and infected on 6 September 1984. He was diagnosed on 17 June 1986 and he died on 23 November 1998.

This amounts to 15 years of Financial Loss in total, split between 2 years before diagnosis and 13 years after diagnosis.

$$\begin{aligned} 2 \times \text{£}22,243 &= \text{£}44,486 \\ 13 \times \text{£}29,657 &= \text{£}385,541 \end{aligned}$$

These two figures, added to his basic Financial Loss award of £12,500, equates to £442,527

#### **Care award**

Paul had an HIV and Level 3 Hepatitis coinfection.

Paul was infected for 15 years. This means his estate is entitled to 15 years of care, broken into:

- + 1 year of general care around the home
- + 5 years of low care
- + 7 years of moderate care
- + 1.5 years of high care
- + 0.5 years of end of life care
- = 15 years

For estate claims where care was provided to an infected person in the past, Care awards are discounted by 25%. This reflects the fact that where care was provided gratuitously, this was exempt from costs such as tax and national insurance which would be incurred when paying for care commercially.

The calculation for Paul's estate's Care award is therefore as follows:

- One year of Level 1 Care at a rate of £4,095 per year (1 x (£5,460 x 0.75))
- Five years of Level 2 Care at a rate of £17,568.54 per year (5x (£23,424.72 x 0.75) = £87,842.70)
- Seven years of Level 3 Care at a rate of £38,464.44 per year (7 x (£51,285.92 x 0.75) = £269,251.08)
- A year and a half of Level 4 Care at a rate of £47,056.80 per year (1.5 x (£62,742.40 x 0.75) = £70,585.20)
- Six months of Level 5 Care at a rate of £82,376.98 per year (0.5 x (£109,835.96 x 0.75) = £41,188.49)

In total this equates to: £472,962.47

### **Total Estate award**

Adding up all five awards, the estate is entitled to **£1,295,489.47**

- £240,000 (Injury award)
- + £70,000 (Social Impact award)
- + £70,000 (Autonomy award)
- + £442,527 (Financial Loss award)
- + £472,962.47 (Care award)
- = **£1,295,489.47**

## Case Study 10: Application by a bereaved partner whose infected partner died from Hepatitis B

Christian's partner, Max, was infected with Hepatitis B in 1971 following a blood transfusion after a major road traffic accident. He developed a chronic infection and died from liver cancer in 1986.

As the bereaved partner of an infected person, Christian is eligible for compensation as an affected person. Christian does not qualify for support payments through an existing Infected Blood Support Scheme.

As the personal representative and sole beneficiary of Max's estate, Christian will also receive compensation awarded through his partner's estate.

### Summary of Christian's application

Max's date of birth: 19 August 1941

Date of treatment which led to Max's infection: 10 February 1971

Date of Max's death: 2 October 1986

Max's infection severity band: Level 4 Hepatitis - Hepatitis B, causing liver cancer

Max's healthy life expectancy: 85

Compensation award to Christian as an affected partner:

Category of affected person award (bereaved partner)	Value of compensation award as an affected person	Calculation
<b>Injury</b>	£129,000	Award for affected partner of infected person with Level 4 Hepatitis, with 50% increase for bereaved partners.
<b>Social Impact</b>	£12,000	Award for affected partner of infected person with Level 4 Hepatitis.
<b>Autonomy</b>	£16,000	Award for partner of infected person with Level 4 Hepatitis.
<b>Financial Loss</b>	£485,863.25	38.25 years of partner dependency payments.
<b>Care</b>	£0	Affected people are not eligible for the Care award.
<b>Total affected award</b>	<b>£642,863.25</b>	

Compensation award due to Max's estate:

Category of award	Value of compensation award	Calculation
<b>Injury</b>	£180,000	Award for Level 4 Hepatitis
<b>Social Impact</b>	£50,000	Award for Level 4 Hepatitis
<b>Autonomy</b>	£50,000	Award for Level 4 Hepatitis
<b>Financial Loss</b>	£344,662	16 years of financial loss, plus a flat rate award of £12,500 for miscellaneous costs.
<b>Care</b>	£318,683.81	16 years of care for Level 4 Hepatitis, calculated at past care rate (i.e. 2024 commercial care rate minus 25%).
<b>Total award for Max's estate</b>	<b>£943,345.81</b>	

### How Christian's award is calculated

Christian lived with Max for over a year after Max was infected. This means Christian is eligible to claim as an affected bereaved partner.

Christian will also receive compensation on behalf of Max as the personal representative of Max's estate.

Max had Hepatitis B (liver cancer). This severity is Level 4 Hepatitis infection for the purposes of calculating compensation.

### *Compensation for Christian as an affected person*

#### **Injury award**

Christian's partner Max died from terminal liver cancer, after being infected with Hepatitis B. As per regulation 50(4)(a), this means Christian receives £86,000. As per regulation 50(4E)(c), partners who were bereaved before 14 April 2026 are eligible for an uplift of 50%, which equates to an additional £43,000. This means that Christian's total Injury award as an affected person is £129,000.

#### **Social Impact award**

Christian's partner died from terminal liver cancer, after being infected with Hepatitis B. As per regulation 51(2)(a)(i), Christian will receive a £12,000 Social Impact award.

### **Autonomy award**

Christian's partner died from terminal liver cancer, after being infected with Hepatitis B. As per regulation 52(2)(a), Christian will receive an Autonomy award of £16,000.

### **Financial Loss award**

As a bereaved partner, Christian will receive a dependency payment, calculated from the year after his partner's death to his partner's healthy life expectancy.

Max died in 1986 and would have reached retirement age in 2007, and his healthy life expectancy in 2026. As a bereaved partner, Christian is eligible to receive dependency payments for this 38.25 year period.

$$20 \times £16,682 = £333,640$$

$$18.25 \times £8,341 = £152,223.25$$

$$£333,640 + £152,223.25 = £485,863.25$$

Christian will receive dependency payments from 1987 to 2006 at the working years rate of £16,682 per year. He then receives 18.25 years of dependency payments from 2007 to 1 April 2025, at the retirement rate of £8,341 per year.

Christian is therefore eligible for a Financial Loss award of £485,863.25.

### **Care award**

Affected people are not eligible for Care awards in their own right.

### **Total affected awards**

Adding up all four awards, Christian is entitled to **£642,863.25** as an affected person.

	£129,000 (Injury award)
+	£12,000 (Social Impact award)
+	£16,000 (Autonomy award)
+	£485,863.25 (Financial Loss award)
=	<b>£642,863.25</b>

### ***Compensation for Christian as the personal representative of Max's estate***

Christian is also the personal representative and sole beneficiary of Max's estate.

### **Injury award**

Christian's partner, Max, died from terminal liver cancer, after being infected with Hepatitis B. As per regulation 16(2)(b)(iii), Max's estate will receive an Injury award of £180,000.

### **Social Impact award**

Christian's partner, Max, died from terminal liver cancer, after being infected with Hepatitis B. As per regulation 17(2)(c), Max's estate will receive a Social Impact award of £50,000.

### **Autonomy award**

Christian's partner, Max, died from terminal liver cancer, after being infected with Hepatitis B. As per regulation 18(2)(b)(ii), Max's estate is entitled to an Autonomy award of £50,000.

### **Financial Loss award**

Financial Loss awards for estates of infected people are made up of two parts:

1. A basic, flat-rate Financial Loss award to cover miscellaneous expenses including travel to appointments, extra cost of insurance etc. This is set out in regulation 19.
2. An additional Financial Loss award to recognise the past and future financial losses suffered as a result of infection. This is set out in regulation 20.

To calculate the Financial Loss award, the following information is required:

- Type and severity of Max's infection: Level 4 Hepatitis
- Max's year of birth: 19 August 1941
- The year Max was infected: 1971
- The year Max died: 1986

#### *Basic Financial Loss*

The basic Financial Loss award for the estate of an infected person with a Level 4 Hepatitis infection is £12,500.

#### *Additional Financial Loss*

The additional Financial Loss award for the estate of an infected person provides compensation for the earnings they have lost due to infection and treatment.

- Financial loss is calculated from the year of infection or, where someone was infected as a child, the year the infected person turns 16. Max was infected after he turned 16. This means his financial loss is calculated from the year he was infected until the year he died.

- In this case, the estate does not have evidence of Max's disease progression. Where an estate is unable to evidence the infected person's disease progression, compensation is calculated based on the assumption that cirrhosis was suffered for 6 years at £23,726 per year before a progression to decompensated cirrhosis or liver cancer assumed to have been suffered for 4 years at £29,657 per year. This means a further 6 years of the Level 2 rate of £11,863 per year ( $16 - 6 - 4 = 6$ ).

£118,628 (4 years at Level 4 Hepatitis rate of £29,657 per year)  
 + £142,356 (6 years of Level 3 Hepatitis rate of £23,726 per year)  
 + £71,178 (6 years of Level 2 Hepatitis rate of £11,863 per year)  
 + £12,500 (basic rate)  
 = £344,662

### Care award

Christian's partner, Max, died from terminal liver cancer, after being infected with Hepatitis B.

Max was infected for 16 years before he died. This means he is entitled to 16 years of care, broken into:

+ 6 years of general care around the home  
 + 6 years of low care  
 + 2 years of moderate care  
 + 1.5 years of high care  
 + 0.5 years of end of life care  
 = 16 years

For estate claims where care was provided to an infected person in the past, Care awards are discounted by 25%. This reflects the fact that where care was provided gratuitously, this was exempt from costs such as tax and national insurance which would be incurred when paying for care commercially.

The calculation for Max's estate's Care award is therefore:

- Six years of Level 1 Care at a rate of £4,095 per year ( $6 \times (£5,460 \times 0.75) = £24,570$ ).
- Six years of Level 2 Care at a rate of £17,568.54 per year ( $6 \times (£23,424.72 \times 0.75) = £105,411.24$ ).
- Two years of Level 3 Care at a rate of £38,464.44 per year ( $2 \times (£51,285.92 \times 0.75) = £76,928.88$ ).
- One and a half years of Level 4 Care at a rate of £47,056.80 per year ( $1.5 \times (£62,742.40 \times 0.75) = £70,585.20$ ).
- Six months of Level 5 Care at a rate of £82,376.98 per year ( $0.5 \times (£109,835.96 \times 0.75) = £41,188.49$ ).

In total this equates to: £318,683.81

### **Total award for Max's estate**

Adding up all five awards, Max's estate is eligible for **£943,345.81** compensation.

	£180,000 (Injury award)
+	£50,000 (Social Impact award)
+	£50,000 (Autonomy award)
+	£344,662 (Financial Loss award)
+	£318,683.81 (Care award)
=	<b>£943,345.81</b>

## Case Study 11: Application by the child of an infected person who died of Hepatitis C

Moussa's father, Omar, was infected with Hepatitis C as a result of an infected blood product received during treatment for a bleeding disorder. Moussa was 13 years old and lived with his father when Omar died from decompensated cirrhosis.

As the child of a person who was infected, Moussa is eligible for compensation as an affected person. Separately, he may also be eligible to receive compensation through his late father's estate.

### Summary of Moussa's application

Moussa's date of birth: 21 August 1990

Omar's date of birth: 30 June 1964

Date of treatment which led to Omar's infection: 12 October 1988

Date of Omar's diagnosis: 17 November 1991

Date of Omar's death: 7 September 2003

The table below shows Moussa's compensation award as an affected person.

Category of award	Value of compensation award	Calculation
<b>Injury</b>	£60,600	Award for child under 18 at the time of onset of parent's Level 4 infection
<b>Social Impact</b>	£12,000	Award for child under 18 at the time of onset of parent's Level 4 infection
<b>Autonomy</b>	£6,600	Award for child under 18 at the time of onset of parent's Level 4 infection
<b>Financial Loss</b>	£27,805	5 years of dependency payments at £5,561 per year
<b>Care</b>	N/A	Affected people are not eligible for Care award.
<b>Total Award</b>	<b>£107,005</b>	

### How Moussa's award is calculated

Moussa's father died from Hepatitis C - decompensated cirrhosis. This means Moussa is entitled to an award as an affected person.

### **Injury award**

Moussa's father had a Level 4 Hepatitis infection. As per regulation 50(4)(c), Moussa is eligible for an Injury award of £40,400 as an affected child. Because Moussa was under 18 at the time his parent was living with this infection, he will receive a 50% increase to this award, as set out in regulation 50(4D). Therefore, Moussa's total Injury award is £60,600.

### **Social Impact award**

Moussa's father had a Level 4 Hepatitis infection. As per regulation 51(2)(a)(iii), Moussa will receive a Social Impact award of £12,000.

### **Autonomy award**

Moussa's father had a Level 4 Hepatitis infection. As per regulation 52(2)(b)(ii), Moussa is entitled to an Autonomy award of £6,600.

### **Financial Loss award**

Where a child loses their parent under 18, they are entitled to a dependency payment from the point of death until they reach age 18. Moussa was 13 when his father died. He will therefore receive 5 years worth of dependency payments at a rate of £5,561 per year.

In total this is:  $£5,561 \times 5 = \underline{£27,805}$

### **Care award**

Affected people are not eligible for Care awards in their own right.

### **Total as an affected person**

Adding up all four awards, Moussa is entitled to **£107,005** as an affected person.

	£60,600 (Injury award)
+	£12,000 (Social Impact award)
+	£6,600 (Autonomy award)
+	£27,805 (Financial Loss award)
=	<u>£107,005</u>

## Case Study 12: Application by a sibling of an infected person living with Hepatitis C, where the affected sibling was under the age of 18 at the time of infection

Simone's sister, Chantal, was infected with chronic Hepatitis C after a blood transfusion she received in childhood. Simone was 13 years old at the time of her sister Chantal's infection. Simone lived at home with her family, including Chantal, throughout her childhood.

As a sibling who lived with an infected person during childhood whilst under 18, Simone is eligible for compensation as an affected person.

### Summary of application

Simone's date of birth: 12 January 1980

Chantal's date of birth: 22 December 1982

Date of treatment which led to Chantal's infection: 17 March 1993

Date of Chantal's diagnosis: 7 April 1994

Chantal's infection severity band: Level 2 - Hepatitis C (chronic)

The table below shows Simone's compensation award as an affected person.

Category of award	Value of award	Calculation
<b>Injury</b>	£30,000	Award for sibling of infected person with Level 2 Hepatitis, uplifted by 50% as the affected sibling was under 18 at the time of infection
<b>Social Impact</b>	£12,000	Award for sibling of infected person with Level 2 Hepatitis
<b>Autonomy</b>	£0	Siblings are not eligible for an Autonomy award
<b>Financial Loss</b>	£0	Siblings are not eligible for core route Financial Loss awards as they are not assumed to be financially dependent on the infected person
<b>Care</b>	£0	Affected people are not eligible for Care awards in their own right.
<b>Total award</b>	<b>£42,000</b>	

### How Simone's award is calculated

Simone's sister was infected with a Level 2 Hepatitis C infection when Simone was 13 years old. This means Simone is entitled to an award as an affected person.

### **Injury award**

Simone's sister has a Level 2 Hepatitis infection. As per regulation 50(2)(b), Simone is eligible for an Injury award of £20,000. As per regulation 50(4B), because Simone was under 18 at the time of her sibling's infection, this award increases by 50%, which equates to an additional £10,000. Simone's total Injury award is £30,000.

### **Social Impact award**

Simone's sister had a Level 2 Hepatitis infection. As per regulation 51(2)(a)(iv), because Simone was under 18 for at least two years whilst her sibling was infected, she is entitled to a Social Impact award of £12,000.

### **Autonomy award**

Siblings are not eligible for an Autonomy award.

### **Financial Loss award**

Affected people are not automatically eligible for Financial Loss awards in their own right, unless they are a bereaved partner or child of an infected person, where it is assumed that the affected person was financially dependent on their infected loved one when they died.

Other groups of affected people can apply for a Financial Loss award through the supplementary award if they were financially dependent on their infected loved one when they died. Simone was never financially dependent on her sister, therefore no Financial Loss award is given to her as part of her compensation as an affected person.

### **Care award**

Affected people are not eligible for Care awards.

### **Total as an affected person**

Adding up the two awards, Simone is entitled to **£42,000** as an affected person.

	£30,000 (Injury award)
+	£12,000 (Social Impact award)
=	<u>£42,000</u>

### **Case Study 13: Application by a sibling of an infected person living with HIV - Affected sibling was over the age of 18 at the time of infection**

From the ages of 4 through 18 John lived with his younger brother Charlie in the family home. Charlie was infected with HIV contracted through infected blood products at the age of 25. John was 29 years old at the time of his brother Charlie's infection and the brothers were not living together at this time.

As a sibling of an infected person who lived with their sibling for two years under the age of 18, John is eligible for compensation as an affected person.

#### **Summary of John's application**

John's date of birth: 12 July 1955

Charlie's date of birth: 7 August 1959

Date of Charlie's diagnosis: 10 March 1985

Date range that John and Charlie lived together: 7 August 1959 until 22 September 1973

Charlie's infection: HIV

The table below shows John's compensation award as an affected person.

<b>Category of affected award (sibling)</b>	<b>Value of compensation</b>	<b>Calculation</b>
<b>Injury</b>	£22,000	Award for a sibling of an infected person with HIV where the siblings did not live together for 2 years after infection date, but did live together for 2 years whilst the sibling was under the age of 18.
<b>Social Impact</b>	£8,000	Award for a sibling of an infected person with HIV where the siblings did not live together for 2 years after infection date, but did live together for 2 years whilst the sibling was under the age of 18.
<b>Autonomy</b>	£0	Siblings are not eligible for Autonomy awards.
<b>Financial Loss</b>	£0	Siblings are not eligible for Financial Loss awards in their own right.
<b>Care</b>	£0	Affected people are not eligible for Care awards.
<b>Total affected award</b>	<b>£30,000</b>	

### **How John's award is calculated**

As the sibling of an eligible infected person who had an HIV infection, John is entitled for compensation as an affected person.

### **Injury award**

John's brother, Charlie, had an HIV infection. As per regulation 50(4)(d)(iii), John will receive an Injury award of £22,000.

### **Social Impact award**

John's brother, Charlie, had an HIV infection. Regulation 51(2)(b)(iii) entitles John to a Social Impact award of £8,000.

### **Autonomy award**

Affected siblings are not eligible for an Autonomy award.

### **Financial Loss award**

Affected people are not automatically eligible for Financial Loss awards in their own right, unless they are a bereaved partner or child of an infected person, where it is assumed that the affected person was financially dependent on their infected loved one when they died.

Other groups of affected people can apply for a Financial Loss award through the supplementary award if they were financially dependent on their infected loved one when they died. This is not the case for John, therefore no Financial Loss award is given to him as part of his compensation as an affected person.

### **Care award**

Affected people are not eligible for Care awards in their own right.

### **Total award**

Adding up all the awards to which John is entitled, John will receive **£30,000** as an affected person.

	£22,000 (Injury award)
+	£8,000 (Social Impact award)
=	<b>£30,000</b>

**Case Study 14: Application by a sibling of an infected person who died from acute Hepatitis B in the acute period - Affected sibling would have expected to live with the infected person for 2 years under the age of 18**

Lucy's step-brother, Ron, was infected with Hepatitis B as a result of an infected blood product received during treatment for a bleeding disorder. Lucy was aged 13 and had lived with her step-brother for one year and six months when Ron died from his Hepatitis B infection in the acute period.

Had Ron not died from his infection, Lucy and Ron would have expected to continue living together for at least two years whilst Lucy was under the age of 18, and after Ron's infection. This means that, when calculating Lucy's compensation award as an affected sibling, her application is treated as though she and Ron lived together for a period of two years after the onset of infection.

**Summary of Lucy's application**

Lucy's date of birth: 7 December 1973

Ron's date of birth: 27 March 1977

Date of treatment which led to Ron's infection: 2 February 1987

Date of Ron's diagnosis: 15 May 1987

Date of Ron's death: 5 July 1987

Date range that Lucy and Ron lived together: 19 December 1985 until 5 July 1987

Ron's infection severity band: Level 5 Hepatitis - Hepatitis B, with death in the acute period

The table below shows Lucy's compensation award as an affected person.

Category of affected (sibling)	Value of compensation	Calculation
<b>Injury</b>	£33,000	Award for a sibling of an infected person with Level 5 Hepatitis while under 18, who would have lived with the infected person for at least 2 years while under 18 had they not died from infection
<b>Social Impact</b>	£12,000	Award for a sibling of an infected person with Level 5 Hepatitis while under 18, who would have lived with the infected person for at least 2 years while under 18 had they not died from infection
<b>Autonomy</b>	£0	Siblings are not eligible for Autonomy awards.

<b>Financial Loss</b>	£0	Siblings are not eligible for Financial Loss awards in their own right.
<b>Care</b>	£0	Affected people are not eligible for Care awards.
<b>Total affected award</b>	<b>£45,000</b>	

### **How Lucy's award is calculated**

As the sibling of an infected person who had and died from acute Hepatitis B, Lucy is eligible for compensation as an affected person.

### **Injury award**

Ron had a Level 5 Hepatitis infection. As per regulation 50(4)(d)(iii), Lucy is eligible for an Injury award of £22,000. Because Lucy was under 18 at the time of her sibling's infection, this award increases by 50%, equating to an additional award of £11,000. This is set out in regulation 50(4C). Lucy's total Injury award is therefore £33,000.

### **Social Impact award**

Ron had a Level 5 Hepatitis infection. As per regulation 51(2)(a)(iv), Lucy is eligible for a Social Impact award of £12,000.

### **Autonomy award**

Affected siblings are not eligible for an Autonomy award.

### **Financial Loss award**

Affected people are not automatically eligible for Financial Loss awards in their own right, unless they are a bereaved partner or child of an infected person, where it is assumed that the affected person was financially dependent on their infected loved one when they died.

Other groups of affected people can apply for a Financial Loss award through the supplementary award if they were financially dependent on their infected loved one when they died. This was not the case for Lucy, therefore no Financial Loss award is given to her as part of her compensation as an affected person.

### **Care award**

Affected persons are not eligible for Care awards.

### **Total Affected Person award**

Adding up all five awards, Lucy is entitled to **£45,000** as an affected person.

£33,000 (Injury award)  
 + £12,000 (Social Impact award)  
 = **£45,000**

### Case Study 15: Application by a parent of a child who died from HIV infection

When she was 3 years old, Sally was infected with HIV, contracted through infected blood products. She died from her infection aged 10.

Her mother, Patricia, is eligible for compensation as an affected person. Patricia is also eligible for compensation as the personal representative of Sally's estate.

#### Summary of Patricia's application

Sally's date of birth: 18 December 1982

Date of Sally's diagnosis: 12 May 1986

Date of Sally's death: 7 June 1993

Sally's infection severity band: HIV

The tables below show Patricia's compensation award as an affected person and as the personal representative for Sally's estate.

Compensation award to Patricia as an affected parent:

Category of affected person award (Parent)	Value of compensation award	Calculation
<b>Injury</b>	£98,100	Award for a parent of a child with HIV, where the child died of their infection under 18
<b>Social Impact</b>	£12,000	Award for parent of a child with HIV, where the child died of their infection under 18
<b>Autonomy</b>	£6,600	Award for parent of a child with HIV, where the child died of their infection under 18
<b>Financial Loss</b>	N/A	Parent not eligible as not financially dependent on the infected person
<b>Care</b>	N/A	Affected people are not eligible for Care awards in their own right.
<b>Total affected award</b>	<b>£116,700</b>	

Compensation award to Sally's estate:

Category of infected person award (Estate)	Value of compensation award as an estate	Calculation
<b>Injury</b>	£180,000	Award for the estate of someone with an HIV infection under 18
<b>Social Impact</b>	£50,000	Award for the estate of someone with an HIV infection under 18
<b>Autonomy</b>	£90,000	Award for the estate of someone with an HIV infection under 18
<b>Financial Loss</b>	£12,500	Eligible for £12,500 fixed rate for miscellaneous costs. No further financial loss as the person died before working age.
<b>Care</b>	£342,560.33	8 years of care for HIV calculated at past care rate (i.e. 2024 commercial care rate minus 25%).
<b>Total award for Sally's estate</b>	<b>£675,060.33</b>	

### How Patricia's award is calculated

Patricia was the mother of an eligible infected child who died from their HIV infection before they reached the age of 18. Patricia is entitled to an award as an affected person.

### *Compensation for Patricia as an Affected Person*

#### **Injury award**

Sally had an HIV infection. As the parent of a child infected with HIV under 18, Patricia is eligible for an Injury award of £65,400. Because Sally died of her infection while under 18, Patricia's award increases by 50%, equating to an additional award of £32,700. This is in line with regulation 50(4E)(a) Patricia's total Injury award is therefore £98,100.

#### **Social Impact award**

Sally had an HIV infection. As per regulation 51(2)(a)(ii), Patricia is entitled to a Social Impact award of £12,000.

### **Autonomy award**

Sally had an HIV infection. As per regulation 52(2)(b)(i), Patricia is entitled to an Autonomy award of £6,600 as an affected parent.

### **Financial Loss award**

Affected persons are not eligible for Financial Loss awards in their own right.

### **Care award**

Affected persons are not eligible for Care awards in their own right.

### **Total Affected Person award**

Adding up all five awards, Patricia is entitled to **£116,700** as an affected person.

	£98,100 (Injury award)
+	£12,000 (Social Impact award)
+	£6,600 (Autonomy award)
=	<u>£116,700</u>

### ***Compensation for Patricia as the personal representative of Sally's estate***

Patricia is also the personal representative and sole beneficiary of Sally's estate.

### **Injury award**

Sally had an HIV infection. As per regulation 16(2)(d), the estate of an infected person with HIV receives an Injury award of £180,000.

### **Social Impact award**

Sally had an HIV infection. As per regulation 17(2)(b), the estate of an infected person with HIV receives a Social Impact award of £50,000.

### **Autonomy award**

Sally had an HIV infection. As per regulation 18(2)(d), the estate of an infected person with HIV receives an Autonomy award of £60,000. Because Sally died of this infection when she was under 18, this award increases by 50%, equating to an additional £30,000. The Autonomy award for Sally's estate is therefore £90,000.

### **Financial Loss award**

Sally's estate is eligible for basic financial loss which is a flat rate of £12,500 paid to all infected people (or their estate) to cover miscellaneous expenses including travel to appointments, extra costs of insurance etc.

As Sally was under 16 when she died, she did not reach working age. The estate is therefore not eligible for an additional financial loss payment.

### Care award

Sally was infected with HIV when she was 3 years old.

Sally was infected for 8 years. This entitles her estate to 8 years of care, broken into:

- + 6 years of moderate care
- + 1.5 years of high care
- + 0.5 years of end of life care
- = 8 years

For estate claims where care was provided to an infected person in the past, Care awards are discounted by 25%. This reflects the fact that where care was provided gratuitously, this was exempt from costs such as tax and national insurance which would be incurred when paying for care commercially.

The calculation for Sally's estate's Care award is therefore as follows:

- Six years of Level 3 Care at a rate of £38,464.44 per year (6 x (£51,285.92 x 0.75) = £230,786.64)
- One and a half years of Level 4 Care at a rate of £47,056.80 per year (1.5 x (£62,742.40 x 0.75) = £70,585.20)
- Six months of Level 5 Care at a rate of £82,376.98 per year (0.5 x (£109,835.96 x 0.75) = £41,188.49)

In total this equates to: £342,560.33

### Total Estate award

Adding up all five awards, the estate is entitled to **£675,060.33**

- £180,000 (Injury award)
- + £50,000 (Social Impact award)
- + £90,000 (Autonomy award)
- + £12,500 (Financial Loss award)
- + £342,560.33 (Care award)
- = **£675,060.33**