



Sir Brian Langstaff  
Infected Blood Inquiry  
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Tuesday 10 December 2024

Dear Sir Brian,

I have had my attention drawn to your letter of 9 December to the Paymaster-General and Minister for the Cabinet Office. As you have commented on certain issues concerning the Infected Blood Compensation Authority, which I Chair, I hope you would find it helpful to have my comments on them.

You may be aware that, since I was appointed Chair, I have spent a considerable proportion of my time meeting members of the infected blood community and their representatives. I have done so because I feel it is essential for the effective operation of the Authority that we not only keep the community informed about what we are doing but also listen carefully to their concerns and take those into account as we develop our service. This is not, of course, the only strand of our engagement strategy. In addition:

- we issue regular email updates to those who have registered an interest with us offering news on what we are doing;
- we answer queries and concerns via a dedicated helpline;
- we have recently set up a Communications Advisory Panel, about which I shall say more below;
- we have appointed three members of the community as User Consultants, to ensure their lived experience is constantly at the forefront of our thinking;



- we will shortly be setting up a more general community panel to offer advice to the Board, and
- we communicate with the community regularly via an increasing range of social media channels.

Through this engagement, I am acutely aware that there is dissatisfaction in the community about the route taken by the Government in deciding on the design of the compensation scheme and about specific matters concerning its content. The Authority has consistently explained to those raising such concerns with us that it is for the Government to explain and justify the policy underlying the scheme, and have passed on those concerns to the Cabinet Office. The Authority is clear that its role is not to enter into the policy debate but to ensure that those entitled to compensation under the scheme receive the right award in a supportive, compassionate and fair process as soon as is practicable.

I appreciate that the time being taken to set up the service to achieve that is frustrating, but we believe the best way of developing it is to use agile methodology, starting with small numbers, building on the learning obtained and then scaling up our operations. As you may be aware, we are currently processing our very first small cohort of applications and, indeed, have just paid out our first award.

We are now inviting a further, small cohort to apply to benefit from the many lessons received from the processing of the first applications. Whatever arguments there may be about the merits of what the Government has offered by way of compensation, I believe it is important for individual members of the community to receive their entitlement, often involving life-changing sums of money, as soon as this can be achieved

You have referred to the concerns expressed about the “practical independence of IBCA.” I would like to assure you that not only is the Authority, as created by the Victims and Prisoners Act, an independent Arm’s Length Body, it is accepted by

the Minister for the Cabinet Office as having operational independence. Under the Act, the members of the Authority form its Board. We now have a fully functioning Board consisting of myself and six other independently minded Non-Executive Directors, the Chief Executive, and three other Executive Directors. The Chief Executive is held to account by the Board.

What I think has caused concern is that our staff, including the Executive members, are either currently employed by, or are seconded or loaned to the Cabinet Office, and are Civil Servants. This will change as soon as the Authority is able to create the capacity to be an employer. The requirements for this include but are not limited to, the need for membership in a pension scheme. We are in the process of passing over the bureaucratic hurdles to achieve this. If we had not started our work before completing this process, and before conducting an open and competitive recruitment process, we could not have begun the design of our service for many months, thereby causing the community even longer delay before receiving compensation. I interact with all the staff of the Authority and can assure you they see themselves as working for an independent organisation, and indeed relish doing so.

You have identified from your report five features required to establish the Authority's independence and, if I may, I will comment on each one in turn:

1. *"There must be a sufficient guarantee of independence."* Parliament has set up IBCA as an independent Arm's Length Body, and I have been personally assured by the Minister and the Permanent Secretary that they regard the Authority as being operationally independent. The Authority's Board sets the strategy and holds the executive to account. The Chief Executive, as Accounting Officer for the Authority, is accountable in that regard to Parliament via the Permanent Secretary - as is the case for all Arm's Length Bodies. Given the very large sum of money allocated to our work, it is in my view acceptable that the Government holds us to account for the proper use of public money. The Authority will be reporting to Parliament on its activities and will be scrutinised by the National Audit Office and the Public

Accounts Committee, as they see fit. I am sure that any sign of compromise of our operational independence in applying the regulations Parliament has set for us will be challenged.

- *“The processes of the scheme need to be as transparent as legally possible.”* Some of the processes are set out in the regulations, but our way of working will be described publicly as it develops. Our casework will need to respect the rights of confidentiality of the individuals making claims, but subject to that how we conduct our work will be published, and will be subject to scrutiny by an appeals process.
- *“Those set to benefit from the scheme (people infected and affected) must have a central influence on its decision-making and operation.”* I have described some of the ways in which people who make claims will be involved in how we design and implement the operation of the scheme. Their importance is the starting point of our strategy and runs through everything we do.
- *“There needs to be a clear, set, basis for establishing the scope within which any discretion held by the body can be exercised.”* In my view, the regulations made so far do establish such a basis.
- *“Its decisions should be underpinned by a proper system of appeal, which should be a body which can take a fresh decision for itself.”* There will be an internal review mechanism, but also a right of appeal to the Administrative Tribunal.

I am afraid I cannot agree that as you put it, “the real decision-making appears to be undertaken by officials within the Cabinet Office rather than by IBCA as a separate and independent body.” While Ministers and, on their behalf, the Cabinet Office have indeed set the policy which has led to the regulations already laid and those to be expected next year, it is staff working for IBCA under the oversight of

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the Board who have been engaged in designing the operations, and now in the casework which has just begun. I can assure you that were I to believe that IBCA's operational independence was compromised, I would not remain as Chair.

With regard to your third point, as you would expect, I fully endorse your remarks on the importance of transparency and candour. I have made it clear from the outset, with the full support of our Chief Executive, that we expect the Authority to operate entirely consistently with those principles. Indeed, I do see the setting up of this Authority as being a real opportunity to demonstrate a different way of providing a public service.

Should you find it useful to do so, I would be very happy to meet you to discuss your concerns further and to provide any further information you wish to see.

**Yours sincerely,**

GRO-C

**Sir Robert Francis KC**

**Interim Chair, Infected Blood Compensation Authority**