



SCOTTISH EXECUTIVE

Health Department

St Andrew's House
Regent Road
EDINBURGH
EH1 3DG

Dear Colleague

EX GRATIA PAYMENTS TO PEOPLE WHO CONTRACTED HEPATITIS C AS A RESULT OF NHS TREATMENT WITH BLOOD OR BLOOD PRODUCTS – ESTABLISHMENT OF THE SKIPTON FUND

Summary

1. This letter alerts recipients to the fact that the Skipton Fund, a government funded ex gratia payment scheme, will be in a position to receive applications from claimants from 5 July 2004.
2. The application procedure requires claimants to ask NHS clinicians to complete mandatory sections in the application form.
3. Annexes A & B contain further information about the Skipton Fund.

Action

4. Medical Directors are asked to draw the scheme to the attention of all relevant medical staff, particularly GPs, hepatologists and haematologists.
5. Chief Executives are asked to ensure that relevant staff cooperate fully in the completion of application forms and, where appropriate, draw the scheme to the attention of patients who are likely to be eligible.
6. Chief Executives are also asked to make sure that relevant staff are aware that the Skipton Fund is a government scheme which is being promoted and funded on a compassionate basis and to ask that they do not make a charge for processing claims that appear genuine.

Yours sincerely

DR E M ARMSTRONG
Chief Medical Officer

TREVOR JONES
Head of Department
Chief Executive NHSScotland

4th June 2004

Addressees

For action

Chief Executives, NHS Boards
Medical Directors

For information

Chief Executive, Common Services Agency
Chief Executive, NHSQIS
General Manager, State Hospitals Board for Scotland
Local Health Councils
General Manager, Health Education Board for Scotland
Chief Executive, NES Scotland

Enquiries to:

Mrs Sandra Falconer
Health Planning and Quality Division
St Andrew's House
Edinburgh EH1 3DG
0131-244-2434
0131-244-2989
sandra.falconer@scotland.gsi.gov.uk

Further copies from:

Mr Raymond Murray
Health Planning and Quality Division
St Andrew's House
Edinburgh EH1 3DG
0131-244-4049
0131-244-2989



OPERATION OF THE SKIPTON FUND

Background

1. The Skipton Fund is a UK-wide ex gratia scheme underwritten by all four UK government administrations. It has been established to make payments to people who contracted Hepatitis C as a result of NHS treatment with blood or blood products prior to September 1991. Annex B summarises the main features of the scheme.
2. The Skipton Fund has been set up as a limited company to handle claims on the scheme and, where claims meet the scheme criteria, make relevant payments to the applicant using funds provided by the four UK government administrations.
3. There are two levels of payment – £20,000 to all eligible applicants and a further £25,000 payable if and when the disease progresses to a more serious stage.

Implications for NHSScotland staff

4. Applicants will complete certain basic personal details and then take the application form to their doctor for completion of the remaining information. Guidance issued with the form suggests that patients with bleeding disorders present the form to the haematologist treating their condition. Other applicants are advised to approach the consultant hepatologist treating their Hepatitis C infection, but inevitably situations will occur where the applicant's GP may be in the best position to complete the form. In a few cases other hospital doctors may possess evidence that would be relevant to completion of the form.
5. To establish basic eligibility for the £20,000 award, doctors will be asked questions aimed at establishing the applicant's hepatitis C status and the likely source of their infection.
6. Once basic eligibility has been established, it is open to applicants to apply for the additional £25,000 payment if and when their condition progresses to the stage where cirrhosis is present, or they are diagnosed with liver cancer, or undergo a liver transplant. Applicants will then ask doctors to complete a second form that corroborates that these criteria have been met. The questions asked on the form that concern cirrhosis relate to tests that have been made in the course of the patient's normal treatment – including liver biopsy and a range of non-invasive tests. Where a liver biopsy has been taken in the course of normal treatment, and this indicates cirrhosis that will represent sufficient evidence to support the applicant's claim. Where this is not the case, patients should not be offered biopsies that are not required as part of their treatment regime.

Advertising the scheme

7. The Scottish Executive wishes to alert eligible applicants to the existence of the scheme so that they may apply if they wish. Doctors treating hepatitis C patients will often be in a good position to know whether they have been infected by blood or blood products and, where this is the case, they should draw the patient's attention to the scheme. From 5 July an A4 poster will be available from the SHOW website (www.show.scot.nhs.uk/publicationsindex) and can be downloaded and displayed in clinics where it is thought this would be useful. Patients can obtain further information by

contacting the Skipton Fund on 020 7233 0057, e-mail: apply@skiptonfund.org, or by visiting the Skipton Fund website (www.skiptonfund.org)

Charging

8. Any charge levied in respect of completing Skipton Fund application forms will have to be borne by the applicant. There is no mechanism for reimbursing such expense and the levying of charges will therefore effectively reduce the size of the award the applicant eventually receives. The Scottish Executive is concerned that genuine applicants are not disadvantaged in this way and doctors and NHS Boards are asked to respect that concern. In particular, standard charging regimes for accessing medical records should not be applied where access to records is necessary to establish the strength of a genuine claim.

ANNEX B

THE SKIPTON FUND – WHAT IT IS AND HOW IT WORKS**1. What is the Skipton Fund?**

- (a) It is a scheme for making lump sum payments to certain people who became infected with Hepatitis C as a result of receiving NHS treatment with blood or blood products.
- (b) It operates throughout the UK – making payments to people who were infected in England, Northern Ireland, Scotland and Wales.
- (c) The money paid out by the Fund is provided by the 4 UK Government administrations on a compassionate basis – the payments are not an admission of legal liability.

2. Who can apply?

- (a) People who have contracted Hepatitis C as a result of receiving blood or blood products from the NHS prior to September 1991.
- (b) Those representing the estates of people who would have qualified for payments from the scheme had they not died between 29 August 2003 and 5 July 2004.
- (c) Those infected with Hepatitis C as a result of the virus being transmitted from someone else who was themselves infected as a result of receiving blood or blood products from the NHS prior to September 1991 (eg someone who was infected at birth by a mother who had been previously infected through NHS treatment).

3. How does the scheme work?

- (a) The scheme will make a lump sum payment of £20,000 to any person who now has Hepatitis C as a result of receiving blood or blood products from the NHS prior to September 1991.
- (b) People who had Hepatitis C in the past as a result of receiving blood or blood products from the NHS prior to September 1991, but who have cleared the virus as a result of treatment, will also receive £20,000 lump sum payment.
- (c) People entitled to the basic £20,000 payment as described above will receive an additional £25,000 payment if they develop a cirrhosis or liver cancer or have a liver transplant.
- (d) People who have cleared the Hepatitis C virus spontaneously in the acute stage of the disease will not be entitled to either of the above payments.