

INFECTED BLOOD SUPPORT – APPEALS MECHANISM FOR DETERMINING WHICH SCHEME A PERSON IS ALLOCATED TO

Introduction

Up until 2016, the five schemes providing support to those infected with either hepatitis C (HCV) and/or the Human Immunodeficiency Virus (HIV) via infected UK NHS blood or blood products have all provided the same support to people regardless of where in the UK the person was infected.

From 2016/17, that will begin to change as different countries will provide different levels of support for a number of categories of beneficiary going forward. Therefore, while individuals registered with the UK schemes are already allocated against a particular country already, this will become more important to individuals.

For anyone infected, the current schemes use the country where the infected blood was provided to determine which country the payments are chargeable to.

Therefore, for example, if you received infected blood in England, you will have been receiving payments funded by the Department of Health in England, even if you have since moved to Scotland, Wales, Northern Ireland or another country. Similarly, if you were infected by a spouse or partner, parent or other relative and are eligible for support, then you will be receiving payments funded by the government of the country where that person was originally infected (even if you were living in another country by the time you were infected). Support for spouses and partners and for dependent children of someone who is infected will also come from the scheme of the country where their relative was infected.

However, if you were a member of the UK armed forces who was infected while you were serving abroad then you will also be receiving payments by reference to England, regardless of where you live, as it is the Department of Health in England which is responsible for paying your costs.

Circumstances where you may be able to appeal

Everyone who was, on the balance of probabilities, infected via NHS blood, tissue or blood products in the UK or as a member of the UK armed forces serving abroad will be eligible for a scheme if they are already registered with one of the existing schemes. However, you are only able to receive payments from one country's scheme. If you are already registered with a scheme you will automatically be placed in one country's scheme based on the schemes' current records about you and where you had the treatment that is likely to have led to your infection.

The records maintained by the existing schemes (the Skipton Fund, the Caxton Foundation, MFET Ltd, the Macfarlane Trust and the Eileen Trust) should give a clear picture of where an individual was infected (along with where they lived when they first made a claim for payments from the scheme). This information will be used

to decide which scheme an individual will transfer to when there are separate new schemes for each country in the UK (which is planned for 2017).

Step 1 – reviewing which scheme you are currently allocated to

Once the arrangements for the new payments have been confirmed, you will be written to by the relevant organisation advising you of which country's scheme you will fall under.

Step 2 - application process for an appeal

If, after having been advised which scheme you are allocated to, you wish to appeal to change the scheme you will be eligible to receive payments from, you must complete the form provided at **Annex A** and send it – either by email or by post – to the government whose scheme you wish to be allocated to. This means, for example, if you have been placed in the English scheme, but feel you should come under the Scottish scheme you should write to the Scottish Government. The email and postal addresses to write to with any review requests are provided at the end of this document.

Please note if you wish to appeal you **must submit your appeal within three months of being notified of the country scheme you have been automatically assigned to** – so within three months of receiving a letter from one of the existing schemes which tells you which country scheme you will fall under (in exceptional circumstances, Health Departments may accept later appeals, but only where they judge that you did not have sufficient opportunity to appeal earlier).

In your email or letter please provide reasons why you feel you have not been allocated to the correct scheme, along with any relevant evidence you have to support your claim that you (or your partner, relative, etc.) were infected in a particular country.

In order to ensure compliance with the Data Protection Act 1998, please be aware that you will be asked in the form to provide consent for the scheme(s) you are currently registered with to share certain information with the government you are applying to as well as the government whose scheme you wish to leave. This would only be information that is relevant to your claim and could include, for example, medical records, confirmation that you are registered with the scheme and the date of registration, records of your previous address(es) and, where applicable, which Haemophilia Centre you were registered with. We need this information in order to process your claim.

If you do not wish the schemes to share any of your personal data with relevant government Health Departments, you do not need to provide consent. However, in that case, you would need to provide copies of all relevant medical and other records, along with any relevant correspondence from the UK schemes, with your

application form to allow the relevant government to have sufficient information to make a decision.

If you are not able to complete the form yourself you can ask a close relative or other representative to do this for you, but they must confirm that they are acting on your behalf and with your consent or, if not, with appropriate authority (such as power of attorney or equivalent in cases where the person is not able to make their own decisions).

It will be for the government whose scheme you wish to receive payments from to confirm whether or not you are eligible, but their decision will be based on the criteria below. Subject to your consent, they will consult both the existing scheme(s) and the Government whose scheme you wish to leave as necessary where there are any points which are unclear.

If the government confirms you should be allocated to their scheme, they will inform the relevant scheme(s) of this so your details can be updated. They will also inform you and the government whose scheme you are leaving of their decision. They will aim to respond to all requests for a review within 30 working days of receiving them wherever possible (as long as you have provided a completed form and all the relevant evidence available). If further information is needed to make a decision, the government will ask if you can provide this.

If your appeal is successful and you are transferred to another country's scheme, you will receive payments as soon as the relevant scheme(s) are able to process the change for you. If you submit your appeal by 31 January 2017, any additional annual payments you become entitled to (if applicable) will be backdated to 1 April 2016. This backdated amount will take account of any payments received from the scheme you were originally allocated to. For appeals submitted after 31 January 2017, where relevant, you will receive payments from your new scheme backdated to the date when the relevant government received your appeal.

If there are insufficient grounds to agree your appeal, you will be given the reasons for this and advised that you will remain within the scheme you were originally allocated to.

Criteria which will be used to review decisions about which scheme an individual should be allocated to

The following criteria will be used to determine whether you (or your partner, spouse, relative) should be allocated to the scheme of a particular country.

- If there is evidence from medical records of where you (or your spouse/partner/relative) were infected you will normally be allocated to the scheme of the country where you were infected – although to be allocated to the Scottish scheme you

must normally also demonstrate that you were living in Scotland at the point when you first submitted a claim to one of the UK schemes. Alternatively, if you live outside the UK, you must show that you lived in Scotland immediately before you moved abroad in order to be allocated to the Scottish scheme.

- If there is documented evidence – either from medical records or other information – that you (or your partner/spouse/relative) received NHS blood, blood products or tissue in more than one country of the UK before September 1991 and that the infection could have occurred in either or both countries, you will be allocated to the scheme of the country where you were living when you first submitted a claim for financial support from one of the UK schemes.
- In cases where an infected person has died and the UK country of infection cannot be determined, their spouse, partner or relative will be allocated to the scheme of the country where they were living immediately before they died. Where a person was living outside the UK when they first submitted a claim for financial support – or where they died abroad before they were able to submit a claim – then they or their spouse/partner/relative will be allocated to the scheme of the country in the UK where they lived immediately before moving abroad.
- Missing medical records – if you and the schemes do not have your (or your partner/spouse/relative's) medical records, make every effort to obtain and produce as much as you can in the way of any hospital records that do exist (inpatient, outpatient and operation notes, letters and discharge summaries to you or your GP). If the records are not available, obtain and produce a letter to confirm that from the hospital records department and/or your GP.
- If you (or your partner/spouse/relative) do not have full medical records which detail where you were treated with blood, blood products or tissue, please provide other evidence to demonstrate which country(ies) you lived in on what dates. For example, this could include letters sent to you during that period (as long as they include a name, address and date). Preferably these should be official letters, such as bills/invoices from a company or letters from a bank. Where evidence of your address is not available, the government may use NHS records to seek to confirm the dates you lived in each country.
- Where the evidence provided is sufficient to determine that, on the balance of probabilities you (or your partner/spouse/relative) were infected by NHS blood, blood products or tissue, but there is no clear evidence to allow it to be determined which UK country you were infected in, you will also be allocated to the scheme of the country where you were living at the point when you first applied to one of the support schemes (currently the Macfarlane Trust, the Eileen Trust, the Caxton Foundation, the Skipton Fund and MFET Ltd).

Contact details – where to send your application

For England

UK Department of Health
Room 164 Blood Policy
Richmond House
79 Whitehall
London SW1A 2NS

For Scotland

Scottish Government
Blood Policy, Health Protection Division
3E, St Andrew's House
Regent Road
Edinburgh EH1 3DG
email – robert.girvan@gov.scot and sam.baker@gov.scot

For Wales

Welsh Government
Healthcare Quality Division
Cathays Park
Cardiff CF10 3NQ
email - yourhealth@wales.gsi.gov.uk

For Northern Ireland

Health Protection Branch
The Department of Health
Castle Buildings
Stormont
Belfast BT4 3SQ

APPLICATION FOR A REVIEW OF ALLOCATION TO A COUNTRY'S SCHEME**Name (or, if applicable, name of person you are applying on behalf of¹) –****Current address –****Email address (if you have one) –****Name of infected blood scheme(s) you are currently registered with² -**

Please provide details of your infection below and how you or a relative were infected below (put an X in the appropriate column):

I am (or the person I am applying for is):	Yes	No
Infected with HIV		
Infected with Hepatitis C		
If you answered yes to either of the above, were you infected directly by either NHS blood, blood products or tissue?		
Were you infected indirectly by a partner, spouse or parent who was infected with NHS blood, blood products or tissue?		
Are you either the spouse, partner or civil partner of someone who is/was infected? If yes, please note your relationship to the person and their name below.		
Name and your relationship with them:		
Are you either the son or daughter or other close relative of someone who is/was infected? If yes, please note your relationship to the person below.		
Name and your relationship with them:		

Please state the country whose scheme you understand you currently have been allocated to (either England, Scotland, Wales or Northern Ireland) –

¹ If you are filling in the form on behalf of someone else please provide their details wherever it refers to 'you' and confirm your relationship to the applicant on the final page

² Please confirm which of the following schemes you are registered with and have received support from – Macfarlane Trust, Eileen Trust, Skipton Fund, MFET Ltd, Caxton Foundation

Please state the country whose scheme you believe you should be allocated to –

Date(s) when the infected person lived in the country whose scheme you wish to join and address(es) where you/they lived:

If available, please provide dates when you received any treatment with NHS blood, blood products or tissue and the hospital/location where you received it:

If available, please indicate when you first registered with a UK support scheme(s) (the Skipton Fund, Macfarlane Trust, Caxton Foundation, Eileen Trust or MFET):

Please state concisely below any additional reasons why you believe you should be allocated to a particular scheme. Please also provide all relevant information and attach either scanned copies or post photocopies of any evidence (do not send original copies if you may need them in future) – if you do not have this information, but believe one or more of the existing UK schemes has relevant records, please also note this below.

I confirm that the information provided in this form is to the best of my knowledge correct. If filling in this form on behalf of someone else, I also confirm that I have the applicant's consent to do this or appropriate authority to act on their behalf.

In accordance with the Data Protection Act 1998, in signing this form, please confirm if you also agree that the existing UK schemes from which you or your relative have previously claimed support (either the Macfarlane Trust, the Eileen Trust, MFET, the Skipton Fund or the Caxton Foundation) may share relevant information regarding previous claims for support with the government whose scheme you are applying to be allocated to (either the Department of Health for England or the Health Departments of the Scottish Government, the Welsh Government or the Northern Irish Government), along with the Health Department of the government whose scheme you no longer wish to be allocated to. This information will only be shared with the relevant Health Departments in order to determine your claim for allocation to a particular country scheme. Therefore the schemes will only share relevant information with us, such as relevant medical records relating to the infection and where the treatment took place which is likely to have led to the infection, confirmation of date of joining the scheme, the country you (or your spouse/partner/relative) are currently allocated to, address at the point of joining the scheme. All the personal information you or the existing schemes provide will be stored securely.

I consent to the schemes' sharing information relevant to my application (please mark a X in the appropriate box):

Yes

No

Signature:

Date:

Print name:

If you are filling in this form on behalf of someone else, either a close relative or where you are acting on their behalf because they are unable to make decisions themselves, please confirm below your relationship to the applicant (e.g. you are their wife, husband, son, daughter) and, if applicable, what authority you have to act for them (e.g. if you have Power of Attorney), enclosing copies of the relevant legal documents.