

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 chronically infected with Hepatitis C as a result of receiving NHS treatment with blood or blood products and other persons eligible for payment in accordance with the scheme's provisions.
- (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 after 29 August 2003.
- (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). A full list of the categories of secondary infectees can be found on the last page of this leaflet.

For claims emanating from Scotland only:

Claims emanating from Scotland must meet the following further criteria in order to qualify for the making of a payment:

When the claim for the payment is made or, in the case of a claim made in respect of a dead person, when the person died either:

- (i) the person's sole or main residence is or was in Scotland; or
- (ii) the person's sole or main residence is or was outside the United Kingdom but, immediately before acquiring such sole or main residence, the person's sole or main residence is or was in Scotland.

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, blood products or tissue 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 who have cleared the virus as a result of treatment or who have cleared it spontaneously after a period of chronic infection will also be eligible for payments from the scheme.
- (d) People entitled to the basic £20,000 payment as described above will receive an additional £25,000 payment if they develop or have developed a cirrhosis or liver cancer, or have had a liver transplant or are on a transplant waiting list.
- (e) People who have been infected with HIV through blood or blood products in the past, and have in addition contracted Hepatitis C in the same way, will be eligible for payments from the scheme in the same way as those who have only been infected with Hepatitis C.
- (f) It will be assumed that people who have developed Hepatitis C after being treated with Factor VIII or Factor IX blood clotting factor concentrates were infected as a result of that treatment. Virtually all haemophiliacs will fall into this category.
- (g) No payments will be made in respect of those who have died before 29 August 2003 or to people who have cleared the virus spontaneously in the acute phase of the disease. In the case of eligible people who die after 29 August 2003 payments will be made to their estate.
- (h) The scheme will not pay any legal costs that people incur in preparing a claim for payment from the Skipton Fund.

If you have further queries after having read this guidance - contact the Skipton Fund Helpline 020 7808 1160. If you phone the Skipton Fund Helpline it may be busy and your call will be recorded so please then be ready to leave a telephone number to which it will be possible to return your call. Or if you can e-mail the Skipton Fund at apply@skiptonfund.org

THE SKIPTON FUND – APPLYING FOR A PAYMENT

1. HOW DO I APPLY?

- (a) If you want to apply for a payment you can do so by completing the online registration form (available at www.skiptonfund.org), or by applying direct to the Skipton Fund. They can be contacted by telephone or email, details of which appear on the above website. If you would prefer to write to the Fund, their address is PO Box 50107, London, SW1H 0YF. Once your registration form has been received, the Skipton Fund will enter your personal details on a database.
- (b) The Skipton Fund will then send you an application form, together with comprehensive guidance on how to use the form. After answering a few questions concerning your application and signing the form, you should then pass it to your doctor – who will answer the questions that relate to your illness and how you might have been infected.
- (c) We suggest that if you are being treated for a bleeding disorder you ask your consultant haematologist to complete these sections of the form. We suggest other applicants ask the consultant who is dealing with the treatment of their Hepatitis C to do this. If these doctors do not have access to all the necessary information, they may advise you to take the form to your GP or to another specialist doctor.
- (d) The application form you will receive initially only covers applications for the basic payment of £20,000. Once you have received the basic payment it will be open to you to apply for the additional £25,000 payment. You are entitled to this additional payment if your condition has progressed to the stage where cirrhosis is present, or you have been diagnosed with liver cancer, or have undergone a liver transplant. You will need a separate form to apply for the additional payment which you will be able to obtain from the Skipton Fund on request. There is no time limit to eligibility for this additional payment so if you are not entitled to it now you can apply for it again in the future if your condition deteriorates.

2. WHAT HAPPENS ONCE THE FORM HAS BEEN COMPLETED?

- (a) When the form is completed, your doctor will send it to the Skipton Fund. The Skipton Fund will then write to you to let you know this has happened and will provide you with a unique reference number.
- (b) The Skipton Fund will then check the information on your form. If further information is required the Skipton Fund will write to inform you.
- (c) If your claim is successful and you are to receive the £20,000 basic payment, the Skipton Fund will transfer the money to you according to the instructions you gave in the registration form. The same will apply should you subsequently apply successfully for the £25,000 payment, unless you tell the Skipton Fund otherwise.

3. WHAT HAPPENS IF MY DOCTOR IS UNABLE TO PROVIDE THE INFORMATION REQUIRED?

- (a) If your doctor is unable to provide the necessary information, eg because some or all of your medical records are missing, they will send the form to the Skipton Fund anyway with an explanatory note. The Skipton Fund will then write to you explaining what action should be taken.

4. WHAT DO I DO IF I DISAGREE WITH A SKIPTON FUND DECISION?

- (a) If you disagree with a decision of the Skipton Fund you can appeal. You should contact the Skipton Fund for details on how to do this.
- (b) If the Skipton Fund makes the basic payment of £20,000 but does not agree that you are entitled to the additional £25,000 payment, this does not prevent you from applying again in the future if your condition deteriorates.

THE SKIPTON FUND – ADDITIONAL INFORMATION

- **Were all the blood products provided by the NHS prior to September 1991 capable of transmitting Hepatitis C?**

It varies from product to product. Factor VIII and IX blood clotting factor concentrates manufactured by the National Blood Service in England and Wales were treated to inactivate the Hepatitis C virus from 1985.

Factor VIII blood clotting factor concentrates manufactured by the Scottish National Blood Transfusion Service were treated to inactivate the Hepatitis C virus from April 1987.

Factor IX blood clotting factor concentrates manufactured by the Scottish National Blood Transfusion Service were treated to inactivate the Hepatitis C virus from October 1985.

Products manufactured in Scotland were commonly used in Northern Ireland

- **Will I lose other benefits I am entitled to under other Government schemes if I receive payments from the Skipton Fund?**

No. Payments made from the Skipton Fund will be disregarded when assessing means tested Social Security benefits and tax charges/credits. They will also be disregarded when you are means tested for housing improvement and repair grants or for residential care charging. However, if you are asked to provide details about your income on a form, you should declare your Skipton Fund payment(s).

- **Will any payments I have received from other schemes, or as a result of litigation, be deducted from the payments made to me by the Skipton Fund?**

No.

- **Will I have to prove that it was NHS treatment that caused me to have Hepatitis C?**

The Skipton fund will consider applications on the balance of probabilities where there is evidence of an applicant receiving blood or blood products, including Factor VIII or Factor IX blood clotting concentrates.

- **Can I see what my doctor has written about me on the application form?**

You are entitled to see the answers your doctor has made to the questions in the applications form. If you want this information you should ask your doctor.

- **What happens if I receive the basic £20,000 and I either develop cirrhosis, liver cancer or have a liver transplant in the future, or am already in this position?**

You will not be able to apply for the additional £25,000 payment at the same time as you apply for the basic payment – you can apply for the additional payment only after receiving the basic payment and will need a separate application form which you will be able to obtain from the Skipton Fund. If you apply for the additional payment and are unsuccessful, you can apply again if your condition deteriorates, but not usually within a year of a previously unsuccessful application.

If you think that you may already be entitled to the second payment you should contact the Skipton Fund for further guidance and an application form.

- **What happens if my appeal against the Skipton Fund decision is not supported?**

If your appeal is not supported by the Appeals Panel then you can ask the Courts to review your case. This is called a judicial review.

- **Do I need the help of a lawyer when applying for a payment from the Skipton Fund?**

The Skipton Fund application process is designed to allow people to take forward their application themselves. The forms only require you to provide very basic information and your doctor will supply the necessary medical input. There is therefore no need for you to consult a lawyer. However, you are free to seek legal advice if you wish, for example, if you are considering appealing against a Skipton Fund decision. The decision is yours, but please note that the Skipton Fund will not pay any legal costs that you may incur.

- **I wish to apply on behalf of the estate of someone who died after 29 August 2003 – what do I do?**

If you are the former parent, partner or other next of kin of such a person, or are the executor of that person's estate, you should contact the Skipton Fund for an application form. The guidance that comes with the form will explain what you need to do. The Skipton Fund will only accept a single application in respect of a deceased person.

- **I wish to apply on behalf of someone who is unable to apply by themselves (for example because they are disabled or too young) – what do I do?**

The form should be completed with the applicant's personal details. If necessary, please provide a "care of" address. You should record your name and relationship to the applicant where indicated.

- **I have been infected with Hepatitis C through contact with someone who is eligible – what do I do?**

If you have not been directly infected with Hepatitis C as a result of NHS treatment with blood or blood products, but instead have been infected by someone who has, you may be eligible to make a claim to the Skipton Fund (please see below the categories of eligible secondary infectees). If you know the identity of the person who is/was the source of your infection, please wait until they have made a successful application before applying yourself. Once their application has been approved, complete and return an application form, noting your circumstances where indicated. If you do not know their identity, or if they died before 29 August 2003, then you should complete an application form as far as possible, return it to the Skipton Fund and wait for them to contact you.

Categories of secondary infectees

- (a) spouse or civil partner;
- (b) person who was living with the person from whom the virus was transmitted as husband or wife or in a relationship which had the characteristics of the relationship between civil partners (or if the person from whom the virus was transmitted was in hospital immediately before death, had been so living when that person was admitted to hospital);
- (c) other cohabitant (whether or not of the same sex as the person from whom the virus was transmitted);
- (d) where the person from whom the virus was transmitted was a mother, son or daughter of the mother

- **Will the Skipton Fund make payments to people who have been infected with other diseases as a result of receiving blood or blood products from the NHS?**

No. The Skipton Fund only makes payments related to infection with Hepatitis C.