

THE PENROSE INQUIRY**STATEMENT OF DUNCAN MACNIVEN****TOPIC C2: HEPATITIS C – SURROGATE TESTING FOR NON-A NON-B HEPATITIS**

i. My name is Duncan Macniven. I am a retired civil servant. I have been asked to provide this statement because from May 1986 to July 1989 I was the Assistant Secretary heading the Division in the Scottish Home and Health Department which was responsible for policy on blood and blood products. In this statement, I respond to 4 questions about the non-introduction of surrogate testing.

(1) Generally, the respective roles and views of the SHHD medical and administrative officials in respect of surrogate testing for NANBH while he was Assistant Secretary.

ii. Medical and administrative officials worked together extremely closely. The respective roles were not so far as I recall codified in writing, but there was a clear mutual understanding of what they were. Administrative officials like myself were responsible for advising Ministers on the policy in Scotland regarding blood transfusion and allied matters, and for implementing that policy including ensuring that finance was in place. Medical officials provided us, and through us Ministers, with advice on medical, scientific and technical matters. There was no difference of views between us so far as I can recall, and none is evident from the papers.

(2) Mr Macniven's personal involvement with, and views on, the issue of surrogate testing, including funding requests for such testing, while he was Assistant Secretary.

iii. I only dimly recall such involvement, 25 years ago. The papers to which I have been given access suggest that Sandy Murray and Tom Macdonald (who successively worked for me on the subject) spearheaded SHHD's work. But the papers also show that I was involved in the appraisal of the merits of introducing testing – see, for instance, my minutes of 9 April (SGH.002.8125), 23 July

(handwritten annotation to SGF.001.2085), 2 September (handwritten annotation to SGH.002.8079) and 2 October 1987 (SGH.002.8076). I would certainly have been involved also in considering the financial aspect of the proposal to introduce testing, because of its magnitude. I have no doubt that I agreed with the advice of my medical colleagues: that there were powerful reasons, largely non-financial, against introducing surrogate testing during the period of my involvement with the subject. (Testing of a different kind was introduced in 1991.) These are summarised for instance in Dr John Forrester's note of 12 June 1986 (SGH.002.8142) and Dr Archie McIntyre's minute of 6 April 1987 (SGH.002.8127). My minute of 2 October 1987 (SGH.002.8076) shows that I was aware of the great importance of finding the money to allow surrogate testing to start quickly, had evidence showed that it was desirable.

(3) The views and involvement, if any, of any Scottish Minister with responsibility for health (e.g. the Secretary of State for Scotland, the Under Secretary of State for Scotland or any other Scottish Minister of State), the Permanent Secretary of the SHHD and the Under Secretary of the SHHD, on the question of surrogate testing, while Mr Macniven was Assistant Secretary.

(iv). I do not recall Ministers being involved, and none of the papers to which I have been given access suggests that they were. It is however clear from the papers that the matter was considered by senior officials. For example, on 6 April 1987 Dr Archie McIntyre, the relevant Principal Medical Officer, wrote a detailed minute to Hugh Morison, the relevant Under Secretary, and others (SGH.002.8127) - to which Dr Graham Scott, the Deputy Chief Medical Officer, and I replied on 7 (SGH.002.8126) and 9 April (SGH.002.8125) respectively, in my case responding on Mr Morison's behalf as well as my own.

(4) Whether or not he agrees with what is set out in Mr Murray's C2 statement.

(v) I agree with it, with trivial exceptions (for instance, William Reid was the responsible Deputy Secretary rather than the Permanent Secretary). I agree in particular with paragraph 4 of the statement, which well expresses the importance we attached to the safety of Scotland's supply of blood and blood products.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed *Macmillan*

Dated *12 October 2011*