

Oifig an Stiúrthóra Náisiúnta, Acmhainní Daonna
Feidhmeannacht na Seirbhíse Sláinte
Ospidéal Dr. Steevens'
Baile Átha Cliath 8

Office of the National Director of Human Resources
Health Service Executive
Dr. Steevens' Hospital
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01/07/2019

John Brassil, T.D.
Dáil Éireann,
Leinster House,
Kildare Street,
Dublin 2.

PQ 25336

To ask the Minister for Health if the requirement to make travel time payments to staff from within the existing 2019 home support budget was to bring the staff in line with the outcome of a ruling of the European Court of Justice (details supplied); and if he will make a statement on the matter.

Additional Information: the Tyco Ruling by the CJEU, which has a direct effect on all public service workers and that it is not the specific HCSA contract the underpins the travel time payments

PQ 25424

To ask the Minister for Health the length of time the attention of the HSE attention was drawn to a ruling (details supplied) and its legislative obligation to implement same; and if he will make a statement on the matter.

Additional Information: TYCO Ruling

PQ25335

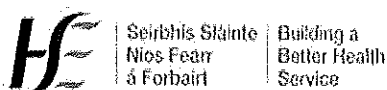
To ask the Minister for Health if the HSE has budgeted for the implementation of a ruling by the European Court of Justice (details supplied); if so, the budget allowed for implementation of the legalisation; and if he will make a statement on the matter.

Additional Information: TYCO

PQ 25338

To ask the Minister for Health the specific implications for healthcare support assistants in terms of envisioned change to their current working structure or terms and conditions of employment as a result of the implementation of the fair deal scheme in terms of envisioned change to their current working structure or terms and conditions of employment as a result of the implementation of the fair deal scheme; and if he will make a statement on the matter.

Additional Information: Health Care Support Assistants



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"To view the Health Services People Strategy 2015-2018, please click [here](#)."

PQ 25364

To ask the Minister for Health his plans to use the WRC agreement of 2017 which sets out a clear vision for the role of healthcare support assistants; and if he will make a statement on the matter.
Additional Information: HCSA

PQ 25363

To ask the Minister for Health if the HSE has paid an interim travel payment as agreed until a procedure is in place in relation to calculating actual travel time to healthcare support assistant; and if he will make a statement on the matter.

PQ 25375

To ask the Minister for Health the plans the HSE has to ensure a ruling (details supplied) is implemented in full in compliance with legislation for all relevant staff groups; and if he will make a statement on the matter.

PQ 25355

To ask the Minister for Health the reason the WRC agreement of 2017 has not been fully implemented to date; and if he will make a statement on the matter.

Dear Deputy,

I refer to your recent parliamentary questions above which was sent to the HSE for reply.

Home Support Services are an important component of the provision of service to older people with assessed needs and to support them in their choice of living in their own home and community. The HSE, working within its available resources, has sought to maintain and when possible to expand the range and volume of services available to support people to remain in their own homes, to prevent early admission to long term residential care and to support people to return to their homes following an acute hospital admission.

The Home Support Service is funded by Government to deliver a volume of service each year as approved in the HSE National Service Plan. It is a non-statutory service and access to the current service is based on assessment of the person's needs by the HSE, having regard to the available resources and the competing demands for the services from those people with assessed needs. The 2019 National Service Plan 2019 provides for;

- 17.9m home support hours to be delivered to 53,000 people inclusive of 410,000 hours/550 home support packages funded under the Winter Initiative 2018/2019
- Intensive Home Care Packages delivered to approximately 235 people with approximately 360,000 hours delivered in the full year



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Home Support services for older people, funded by the HSE, are provided either by directly employed staff or by voluntary and private providers who have formal tender arrangements with the HSE to deliver the services. The type of support provided includes personal care and, where appropriate, essential household duties relating to the client's assessed needs.

In 2015, the European Court of Justice (ECJ) (TYCO Case) ruled that where workers do not have a fixed place of work, the time they spend travelling between their home and their first and last customers each day counts as working time. Under the principle of direct effect, the ECJ ruling applies to the public sector. HCSAs in the public sector who did not have a fixed place of work could count travel time between home and first and last clients as working time. The revised contract arising from the WRC agreement 2017/2018 provided for the assignment of a base for each staff member and in this way addressed the ECJ specific issue regarding travel time between home/first client & travel time between last client/home.

The HSE also needed to be cognisant that time spent travelling between clients also constitutes 'working time', in compliance with the Organisation of Working Time Act (OWTA).

The HSE, in consultation with SIPTU, has reviewed the current home help contracts to ensure that HSE Home Help contracts reflect the needs of the service, to maximise contracted hours for HSE directly employed home helps, and to take further steps towards professionalising the Home Support Service.

The agreement, under the auspices of the WRC provides for:

- A change of title from Home Help Worker to Health Care Support Assistant.
- The introduction of rostered arrangements to give staff greater certainty regarding their hours of attendance with travel time factored into these arrangements.
- Assignment of work bases.

In conjunction with SIPTU, these revisions are in the process of being finalised and implemented.

The parties are collectively working to enhance the Home Support Service, whilst acknowledging the very positive aspects of the current service.

Additional funding was provided in 2019 to address the cost implications of the revised contract for HCSAs. The HSE is currently in the process of implementing all aspects of the WRC Agreement.

If you require any further clarification please do not hesitate to contact me.

Yours sincerely



Ursula Galvin
Business Manager



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