



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

Oifig an Phríomhoifigigh Airgeadais
Feidhmeannacht na
Seirbhíse Sláinte
Seomra 125, Ospidéal
Dr. Steevens
BÁC 8

Office of the Chief Financial Officer
Health Service Executive
Room 125, Dr Steevens
Hospital
Dublin 8

11th December 2019

Deputy Róisín Shortall TD,
Dáil Éireann,
Leinster House,
Kildare Street,
Dublin 2.

RE: PQ 49277 19: *To ask the Minister for Health the estimated cost in each remaining year to complete the pay restoration process for section 39 health and disability type organisations by pay costs and associated pension costs; and if he will make a statement on the matter.*

Dear Deputy Shortall,

The Health Service Executive has been requested to reply directly to you in the context of the above Parliamentary Question, which you submitted to the Minister for Health for response. Your PQ above has been referred to me for response.

The governance context in which the HSE engages with Section 39 agencies is distinctly different to that which applies in the case of Section 38 agencies. (See Appendix 1). For example the employees of Section 39 Agencies are not public servants, are not members of public sector pension schemes and, unlike their Section 38 counterparts, are not directly bound by the Department of Health's Consolidated Salary Scales approved for public servants.

Section 39 Pay Restoration is still subject to talks being held in the Workplace Relations Commission and as such the HSE is unable to provide any costings on same until an agreement is reached in the WRC and full details of the agreed restoration process are provided. In the event that the WRC rules that funds are due to the Section 39 organisations, the HSE is the vehicle through which such funds will be paid to Section 39 organisations.

If you have any queries, please do not hesitate to contact me at sarah.anderson1@hse.ie or tel: 045 882559.

Yours sincerely

Sarah Anderson

Sarah Anderson
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Appendix 1 – Governance of Section 39 Agencies

Under the Health Act 2004, Section 39 outlines that assistance to certain bodies may be given; the Act states “the HSE may subject to any direction given by the Minister under Section 10 and on such terms and conditions as it sees fit to impose, give assistance to any person or body that provides or proposes to provide a service similar or ancillary to a service that the HSE may provide.” This is the mechanism through which funding is provided to Section 39 agencies.