



Oifig an Stiúrthóra Náisiúnta Cúnta – Oibríochtaí

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5th October 2021

Deputy Denis Naughten, TD

Dáil Eireann,

Leinster House,

Kildare Street,

Dublin 2.

Dear Deputy Naughten,

The Health Service Executive (HSE) has been requested to reply directly to you in the context of the following Parliamentary Question, which was submitted to this Department for response.

PQ 42582/21

To ask the Minister for Health further to the WRC Labour Court Recommendation LCR22195 on interim compensation for travel the reason the HSE is now seeking repayment of overpaid travel hours that have been paid to HSE home support workers since that judgement was issued; the reason this refund was sought in 2021 when travel payments post the LRC decision were paid in arrears; if it is the case that a delay in the HSE revising their payment systems has now lead to the request for repayments; and if he will make a statement on the matter.

PQ 42583/21

To ask the Minister for Health the total amount of money sought by the HSE from home support workers for travel compensation since 1 March 2020; the number of persons involved; and if he will make a statement on the matter.

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.

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 HSE, in consultation with SIPTU, undertook a review of directly employed staff contracts to ensure that they reflected the needs of the service, aimed to maximise contracted hours for HSE directly employed home helps, and to take further steps towards professionalising the Home Support Service.

The review also had regard for the 2015 European Court of Justice (ECJ) ruling on travel (TYCO Case) and the Organisation of Working Time Act (OWTA), recognising that time spent travelling between clients also constitutes 'working time' in compliance with the Act.

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

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

Directly employed Health Care Support Assistants who are required to travel in the delivery of home support services are entitled to be paid the relevant travel and subsistence rates as agreed with the Department of Health and in accordance with HSE's National Financial Regulations (NFR 05 Travel & Subsistence). Mileage claimed is dependent on location/base, the spread of clients and geographical area. In general, staff are assigned in such a way as to minimise the amount the travel in so far as possible.

As part of the WRC process, an interim travel time arrangement was put in place and a subsequent Labour Court Hearing resulted in the creation of an agreed formula for the purposes of calculating travel time as it relates to Home Support services. This agreement was to be implemented from 01 March 2020. However, due to the impact of COVID-19 and the redeployment of resources to deal with these unprecedented circumstances, there was a delay in progressing its implementation.

Arising from the implementation of the Labour Court ruling (LCR22195) it transpired that a number of staff were overpaid from 01 March 2020 i.e. date of implementation of revised time for travel arrangements. The HSE's National Financial Regulations provides for recoupment in such instances of overpayment of salary.

In relation to your query relating to *"amount of money sought by the HSE from home support workers for travel compensation since 1 March 2020; the number of persons involved"*, this information is not currently collated nationally. Given the local nature of payroll systems nationwide, this information may very well be available in individual regions, however to collate such information nationally, would require considerable resources which are not currently available. Notwithstanding this, all parties continue to collectively work together to enhance the Home Support Service, whilst acknowledging the very positive aspects of the current service.

The Department is currently engaged in a detailed process to develop a new stand-alone, statutory scheme for the financing and regulation of home support services. Developing a new statutory scheme will be an important step in ensuring that the system operates in a consistent and fair manner for all those who need home support services.

Yours sincerely



Sandra Tuohy
Assistant National Director
Services for Older People – Operations