



**Stiúrtóra Náisiúnta
Acmhainní Daonna**

Feidhmeannacht na Seirbhísí,
Sláinte Ospidéal Dr. Steevens',
Baile Átha Cliath 8, D08 W2A8.

**National Director
Human Resources**

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Neasa Hourigan T.D.

10th August, 2022

PQ 39651/22 To ask the Minister for Health further to Parliamentary Question Nos. 827 of 5 April and 492 of 4 May 2022, the procedure for HSE managers declaring potential conflicts of interest relating to particular transactions by the organisation involving the procurement or rent of property or goods, separate to annual statements of interest, which do not relate to particular transactions; the number of HSE managers that have declared potential conflicts of interest in respect of particular transactions by the organisation in each of the years 2016 to 2021 - Neasa Hourigan.

Dear Deputy,

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

Following our query with your constituency office requesting more direction we have engaged with our colleagues in HSE Estates. Our colleagues have advised as below.

The Governance environment for the Health Service Executive's acquisition and disposal of property interests is determined by the requirements of the HSE Board, the organisational structure, statutory obligations, regulatory frameworks, Departmental Circulars, Codes of Governance and best practice procedures in the management of property transactions. This is set out in detail in the HSE Property Protocol.

The protocol remains a reference document for the governance, process and approvals associated with property transactions.

In relation to individual freehold property acquisitions and taking on leases or licences, the transaction is driven by the Service need of the Community Health Organisation (CHO) or the Hospital Group (HG). The Service (e.g. Primary Care, Disabilities, Mental Health, Health & Wellbeing, Acute, etc.) makes a case within their CHO / HG for approval. If successful they then engage with the regional Capital & Estates Office setting out the Service need and the schedule of accommodation requirements.

The role of Capital & Estates is to ensure the proposal meets the healthcare property need, satisfies due diligence enquiries and represents value for money. Information sourced during the due diligence stage will be available for inclusion in a technical report on the property.

The Property Protocol requires that Capital & Estates prepare a Business Case template, endorsed by the relevant Service, and submit it to the Property Review Group (PRG) for consideration. Transactions below €2.0m can be approved by PRG. Transactions above €2.0m require Board approval and are submitted via the HSE Executive Management Team (EMT) and Audit & Risk Committee (ARC) to the HSE Board for consideration.

If a staff member or a connected person has knowledge of a material interest in a matter it is not Capital & Estates that they are required to contact. They are obliged, under the Standards in Public Office to notify –

the Chief Executive Officer of their Hospital Group

or

Chief Officer of their Community Healthcare Organisation



or

the National Director of their Corporate Service

whichever is applicable in their case. See extract from HSE guidance on the Ethics Acts below.

No such declarations have been made directly to Capital & Estates.

Extract from HSE guidance on Ethics in Public Office Acts 1995 and 2001 (the "Ethics Acts")

8. OTHER OBLIGATIONS UNDER THE ETHICS ACTS OF WHICH EMPLOYEES MUST BE AWARE

8.1 The obligations on Employees under the Ethics Acts continue throughout the year, and employees' obligations are not met solely by filing a Statement of Interest and/or a NIL Statement. Some important further obligations are outlined below:

8.2 Material Interest in relation to any particular function

8.2.1 In any case where a function of your position as an employee of the HSE falls to be performed and you have actual knowledge that you, or a connected person, have a material interest in a matter to which the function relates, you must, as soon as may be, prepare and furnish a statement in writing of those facts to the Chief Executive Officer / Chief Officer of the Hospital Group / Community Healthcare Organisation where you work, or if you work in a national service, to the relevant National Director with responsibility of your area of work.

8.2.2 You should not perform the function unless there are compelling reasons requiring you to do so. If you propose to perform the function you should, before doing so or, if that is not reasonably practicable, as soon as possible afterwards, prepare and furnish a statement in writing of the compelling reasons to the persons referred to in paragraph 8.2.1. These requirements apply regardless of whether you have previously disclosed this interest in an annual Statement of Interest.

Yours sincerely,

A handwritten signature in cursive script that reads "Marie O'Sullivan".

Marie O'Sullivan
National HR