



Oifig an Cheannaire Oibríochtaí,
Na Seirbhísí Míchumais/An Rannán Cúram Sóisialta,
31-33 Sráid Chaitríona, Luimneach.

Office of the Head of Operations,
Disability Services/Social Care Division,
31-33 Catherine Street, Limerick.

T: 00353 (0) 61 483369
Suíomh Gréasáin/Website: <http://www.hse.ie>

23rd May 2023

Deputy Pauline Tully,
Dail Eireann,
Leinster House,
Kildare Street,
Dublin 2.
E-mail: pauline.tully@oireachtas.ie

Dear Deputy Tully,

The Health Service Executive 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: 21048/23

To ask the Minister for Children; Equality; Disability; Integration and Youth the total number of people receiving Specialist Community-Based Disability Services from organisations funded under Section 39 of the Health Act 2004 and as a percentage of the total number of people receiving Specialist Community-Based Disability Services; and if he will make a statement on the matter.

PQ: 21049/23

To ask the Minister for Children; Equality; Disability; Integration and Youth the number of whole-time equivalent staff working in Specialist Community-Based Disability Services funded under Section 39 of the Health Act 2004 and as a percentage of the total number of whole-time equivalent staff working in Specialist Community-Based Disability Services; and if he will make a statement on the matter.

HSE Response

The HSE works in partnership with organisations including Section 38, Section 39, Out of State and For Profit organisations to ensure the best level of service possible is provided to people with a disability, and their families, within the available resources. The majority of specialised disability provision (80%) is delivered through non-statutory sector providers /voluntary agencies which are funded under Section 38 and Section 39 of the Health Act 2004.

The HSE acknowledges the role and contribution of non-statutory agencies in the development and provision of health and personal social services and is committed to the development of effective working relationships as enacted by the Health Act 2004.

Currently, the HSE has over 1,045 Service Arrangements or Grant Aid Agreements with approximately 419 organisations providing a wide variety of disability services on behalf of the HSE. The profile of these organisations ranges from large, long-established and nationally recognised service providers



providing essential services, to smaller organisations that have evolved over the years providing information and advocacy services or other related support to local communities.

These Service Arrangements and Grant Aid Agreements are covered by a Governance Framework.

Under Section 38 of the Health Act, 2004 the HSE may enter into an arrangement with a service provider for the provision of health and personal social service on its behalf.

Under Section 39, the HSE provides financial assistance to organisations by means of a grant. Section 39 legally underpins the provision of services similar or ancillary to a service that the HSE may provide. These grants can range from very large amounts in their millions, to much lower amounts of just a few thousand euros.

At the end of 2022, there were 15 Section 38 funded Organisations in receipt of over €1billion funded by HSE Disability Services and in excess of 200 Section 39 funded Organisations with either a Grant Aid Agreement or a Service Arrangement with HSE Disability Services with funding provided amounting to almost €700 million.

It is important to note that a significant number of Disability Service Providers also receive funding from other Caregroups within the HSE such as Older Persons Services, Mental Health Services and Primary Care Services.

HSE Governance Framework

Information is not collated centrally regarding the number of service users in receipt of services from S39 organisations funded by Disability Services.

As mentioned above, the HSE has a Governance Framework to cover funding relationships with all Non Statutory Agencies. The framework was introduced to implement the legislative provisions of the Health Act, 2004 and to reflect the requirements for public accountability where the HSE is legally obliged to account for all public expenditure on health and personal social services. There is also a requirement to ensure that value for money is being achieved.

The Framework seeks to provide a level of governance, which will link funding provided to a quantum of service, and provides for these services to be linked to quality standards, with continuous monitoring to ensure equity, efficiency and effective use of available resources. It is the policy of the HSE, that all funding arrangements with non-statutory agencies are formalised by complying with this Governance Framework, which has two different components:

- Part 1 - A Service Arrangement that is signed every 3/4 years by both parties and sets out the legal requirements that the agency must comply with to receive funding for the provision of services.
- Part 2 – A Set of 10 Schedules which must be completed and signed by the Agency and the HSE which sets out the detail of the service and the exact funding that the HSE is providing for the delivery of this service. This Set of Schedules also identifies the quality standards and best practice guidelines to be adhered to in the provision all services, along with process for managing complaints in relation to service provision.

The service arrangement between the HSE and a provider is an important contractual document that sets out the funding provided by the state to deliver services. The HSE is statutorily obliged to ensure that providers are accountable for the services they provide. These grant aid agreements and service arrangements for quantum of services provided are negotiated and processed at local Community Healthcare Area (CHO) level.

A critical element of the Framework is the use of standard documentation to formalise the funding arrangements. This documentation is available for download at the following weblink:



<https://www.hse.ie/eng/services/publications/non-statutory-sector/>

Staffing

The HSE is the largest employer in the State, with more than 67,000 direct employees, and a further 35,000 employed by agencies funded by the HSE. Information pertaining to staffing levels in health services are generated by the HSE Strategic Workforce Planning & Intelligence Unit. Information is available per care group area.

The Health Service Workforce census figures give a broad indication of the numbers of Health & Social Care professionals employed in Disability Services, which includes personnel employed by the HSE and voluntary Service Providers funded under Section 38 of the Health Act. The latest reports can be accessed and downloaded on the following weblink:

<https://www.hse.ie/eng/staff/resources/our-workforce/workforce-reporting/social-care.html>

It is important to note that the HSE Personnel Census does not include staff employed by Service Providers funded under Section 39 of the Health Act.

Information is not collated centrally regarding staff numbers and whole time equivalents employed by S39 organisations.

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. 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.

As the employer, Section 39 organisations recruit and staff their services as part of their employment relationship and within the overall funding available for the delivery of agreed services.

Yours sincerely,



Bernard O'Regan,
Head of Operations - Disability Services,
Community Operations

