



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

Minutes of HSE Board Meeting

Wednesday 27 April 2022

A meeting of the Board of the Health Service Executive was held on Wednesday 27 April 2022 at 9:00am by video conference.

Present: Mr Ciarán Devane (Chairperson), Prof Deirdre Madden, Mr Aogán Ó Fearghaíl, Mr Brendan Lenihan, Mr Fergus Finlay, Dr Yvonne Traynor, Dr Sarah McLoughlin (via video conference), Mr Brendan Whelan, Prof Fergus O'Kelly, Ms Anne Carrigy (via video conference) Mr Tim Hynes (via video conference).

In Attendance for Board Meeting:

Mr Paul Reid (CEO) (via video conference), Dr Colm Henry (CCO), Mr Stephen Mulvany (CFO), Ms Anne O'Connor (COO) (via video conference), Mr Dean Sullivan (CSO), Mr Tom Malone (ND Internal Audit), Ms Anne Marie Hoey (ND HR), Mr Fran Thompson (CIO), Mr Mark Brennock (ND Communications), , Mr Dara Purcell (Corporate Secretary), Ms Niamh Drew, Ms Hannah Barnes.

Joined the meeting:

Paul de Freine (Interim ND Capital and Estates) (item 5) (via video conference), Mr Brian Murphy (Corporate Affairs) (item 3 & 4) Mr Damian McCallion (National Lead on implementation of COVID-19 Vaccination) (via video conference) (item 4), Dr Philip Crowley (ND Strategy and Research) (item 5.3), Mr Joe Ryan (ND OPI) (via video conference) (item 4).

Minutes reflect the order in which items were considered and are numbered in accordance with the original agenda.

Regional Health Areas Workshop

The Board held a workshop on the evening of 26 April 2022, from 17:00 to 19:30. The purpose of the workshop was to consider the planning of the Regional Heath Areas (RHAs) including the scope and scale of the work to be completed as the start of a process of engagement with Board members. It was agreed

that feedback from the workshop would be shared with Board members and used to inform the overall programme of change, as workstream leads will take the feedback into account as they commence the more detailed design phase over coming weeks.

1. HSE Board Workshop

The Board began its meeting with a workshop to review the roles and responsibilities of the Board and its Committees. Board members, joined by the CEO, reviewed the proposed changes to the Board's workplan for 2022 and considered the indicative changes for the Committee's workplans.

2. Governance and Administration

The Chairman welcomed Board members to the meeting and held a private session to consider the agenda and papers for the meeting.

The Chairperson briefed the Board on the correspondence from the Minister on Emergency Department performance and the subsequent meetings he has held and noted that this would be addressed later as part of the CEO report.

Approval of Minutes

The minutes from the Board meeting 25 March 2022 were approved. The minutes from the meeting with the Minister for Health on 7 March 2022 were also approved.

5. Reserved Functions of the Board

5.1 Property Transactions

The Board considered and approved the following for reasons outlined in the briefing papers.

- Proposed Disposal and Granting of lease of Lands at St. Ita's Hospital, Portrane, Co. Dublin (**Decision no. 270422/35**).
- Proposed 10-year lease of 'Alvernia', St. Fintan's Campus, Portlaoise, Co. Laois (**Decision no. 270422/36**).

5.2 Contract Transactions

The Board discussed with the CFO the briefing paper on the HSE's Migration from Ulster Bank to a new Banking Provider circulated in advance of the meeting. The HSE has received formal notification that in December 2022, Ulster Bank will issue a letter to the HSE giving 6 months' notice of the withdrawal of banking services. Given the complexity of the HSE finance and banking systems it is proposed to begin

the task of transferring to a new banking provider as soon as possible. HSE Treasury have engaged with HSE Procurement and the Office of Government Procurement regarding the HSE's banking contract and intend to use the Government framework agreement that has been established with Danske Bank. The Board noted that it is expected that the duration of the banking contract with Danske Bank will be 5 years with an option to extend for 12 months.

The Board approved the recommendation to move existing bank services from Ulster Bank to Danske Bank, arising from Ulster Bank's move out of the Irish Banking Sector (**Decision no. 270422/37**).

5.3 HSE Annual Report 2021

Board members adopted the HSE Annual Report 2021, noting that it may be subject to required editorial amendments during the design and layout process (**Decision no. 270422/38**).

3. Committee Update

3.1 Audit and Risk Committee

The minutes of the Committee meetings of 10 and 14 March 2022 were noted.

The V/Chair of the Committee provided a verbal update on the matters considered at the Committee meeting of 14 April 2022. The Committee received updates on the C&AG Audit of Annual Financial Statements, the draft Annual Financial Statements (AFS) and Statement of Internal Control, Financial Reporting, Cost of Care in Public Nursing Home - Arrangement for Audit, the Bank Transfer, an ND IA Update, a briefing on Audit reports, Risk Management, an update on the review of Data Retention, an update on the Data Breach relating to Cyber Attack, and a presentation on the topic of Sustainability Reporting / EU Taxonomy. The Committee were also joined by representatives of CHI to discuss the Children's Hospital Electronic Health Record (EHR) procurement and implementation.

The V/Chairman stated that the Committee discussed the progress of the C&AG Audit of the Annual Financial Statements with the C&AG representative. It was noted that the final audit is ongoing and there are a number of key account areas where information and explanations are awaited. The Committee further discussed with the CFO and ACFO the significant issues and judgements for the AFS 2021. Through this discussion, consideration was given to the future role of the Committee in relation to formal audit queries, including that through a process enhancement, to be agreed, the ARC would be copied on or forwarded any formal queries from OC&AG. The ACFO confirmed that a copy of the response for this year's queries will be shared with the Committee.

The Committee discussed with the CFO the extract from the DoH letter of Determination and request for a plan to address the cost of care in public nursing homes. It was noted that in response the approved NSP 22 committed to establishing a practical medium to long-term roadmap and that the plan for the roadmap's creation and finalisation by the end of the year has been communicated to the DoH.

The V/Chair informed the Board of the discussion with the CIO and CHI Representatives on the Children's EHR procurement and implementation. Discussion focused on the functionality and access to the EHR system, the arrangement for oversight and delivery of the EHR programme, and the approval the EHR Business Case through appropriate CHI channels.

The Board were advised that the NDIA had presented the two Audit reports circulated in advance of the Committee meeting relating to High Earners and AFS disclosure note 7 to the Committee. It was noted that the first report had been finalised and settled and provided clear assurances in the area being considered and that further discussion and consideration was provided to the second report, which is in draft and awaits a more detailed response from management by the end of May.

The V/Chair also highlighted that a discussion with the ND OPI on the Data Retention Policy Review and the briefing on the data breach relating to the cyber-attack was had with the Committee. It was noted that a briefing on the data breach relating to the cyber-attack has been included in today's Board pack.

3.2 People & Culture

The minutes of the Committee meetings of 11 February were noted.

The Chairperson of the Committee provided a verbal report on the matters considered at the Committee meeting that took place on the 12 April 2022. She informed the Board that the Committee had reviewed the ND HR Report, an update on the Employee Assistance Programme, an update on Occupational Safety and Health (OSH) Training Statistics from 2021, the implementation of NISRP, the Hospital Doctor Retention and Motivation Project, a Risk Management update, and an internal Audit Update. The Committee also considered a deep dive on the Healthy Workplace Framework.

The Committee Chair advised the Board that the Committee had discussed the Resourcing Strategy with the NDHR following the securing of funding through the roll out of Sláintecare. The Strategy will be anchored in the principle of planning with multiple stakeholders to ensure a sufficient domestic supply of health care staff. Following this discussion, the Committee asked for a follow up paper on the strategy for retention of staff and innovative ways to attract new employees.

The Committee received an update on the uptake of services provided through the HSE Employee Assistance Programme for Quarter 4 of 2021. The Committee discussed the top presenting issues identified at EAP client assessments and asked that further comparative details and information on the analysis of trends for 2019 / 2020 / 2021 and year to date 2022 be provided for the Committees next meeting.

A discussion was held on the Occupational Safety and Health (OSH) Training Statistics for 2021. The Committee welcomed the collection of data for completed manual handling modules and discussed with the ND HR the benefits of compiling data and having a metric for staff training, but in particular, statutory and mandatory Training.

The Committee considered the HR dashboard and discussed the possibility of broadening aspects covered by the dashboard. The Committee asked that consideration be given to providing a ratio for staff numbers of management / admin staff to frontline staff and including a comparison to international benchmarks on the HR Dashboard.

The Committee Chair said that the Committee had reviewed the revised CRR and the individual risk assessments for CRR 9 Health, Wellbeing, Resilience and Safety of Staff and for CRR 16 Workforce and Recruitment. The Committee noted the controls for both risks and in response to questions the ND HR advised that the new recruitment model is currently being rolled out with various aspects of it happening concurrently.

The Committee welcomed a high-level presentation from Dr Grainne McNally on the Healthy Workplace Framework. The presentation outlined the progress to date and the next steps for the initiative. It was highlighted that the framework is not just a combination of actions, but a programme to help train, maintain, and sustain those working within the health care sector.

3.2 Performance & Delivery

The minutes of the Committee meetings of 11 March were noted.

The Board noted that there had been a meeting of the Committee on the 14 April 2022 to consider updates on the Conti Post Incident Review implementation plan, Annual Report 2021, an update on Social Inclusion, the Performance Oversight reports for February, and an update on the Corporate Risk Register.

B. Whelan updated the Board on the special Committee meeting on 22 April 2022 to review the final draft Annual Report 2021 before its submission to the Board, which has been included in today's meeting pack.

3.4 Safety & Quality

The minutes of the Committee meetings of 8 March 2022 were noted.

The Chairperson of the Committee provided a verbal report on the matters considered at the Committee meeting that took place on the 12 April 2022. She informed the Board that the Committee reviewed updates under the CCO Report, Patient Staff Experience: Trauma, the National Trauma Strategy, Quality Profile and the Neurology Programme.

The Committee discussed the current status of the Covid-19 Pandemic and the cyber-attack and other matters under the remit of the CCO. The CCO agreed to provide an update to the Committee at next month's meeting in relation to Consultant Radiology recruitment and retention. The Committee also requested a paper be brought to the next meeting further detailing the concerns they raised in relation to the proposed amendments to the Patient Safety Bill.

The Committee requested a copy of correspondence between the DoH Secretary General and the HSE CEO that highlights the HSE's perspective on this Assisted Decision Making Act 2015. The Committee agreed that the Committee Chair write to the Chair of the Board asking that a letter be sent by him to the Minister communicating that the reconfiguration in relation to OLH Navan will take place in four weeks' time.

The Committee were presented with a presentation of a person's personal experience with Trauma and engaged in a discussion on the Trauma Strategy and how the system can be improved to ensure patients are given access to the relevant people and facilities that can provide care and getting the services needed in the appropriate time-frame.

The Committee reviewed current data and follow up information on the National Ambulance Service turnaround times, delayed transfer of care and discharges and highlighted the potential concern of patterns emerging in relation to the effects on the performance of indicators. The Committee noted there is a Quality Improvement Workshop planned in June to further discuss the quality indicators and to address dis-improvements further.

The Committee discussed the performance of Neurological Services in Ireland for 2022, including the current challenges within the system and critical actions to tackle these. The Committee highlighted the concern that the Neurology services rely heavily on the voluntary/ not-for-profit sector to deliver and integrate essential care between hospital and community for patients and the importance of ensuring appropriate governance structure and mechanisms are in place to fulfil the HSE's role as clinical providers to the voluntary sector.

4. Chief Executive Officers Update

The Board congratulated the COO on her new role with VHI and acknowledged her extraordinary contribution to the health services.

The Board reviewed with the CEO and EMT the key aspects from the CEO monthly report and supporting papers which had been circulated prior to the meeting.

The Board discussion focused on the impact of Covid-19 on operations, the COVID-19 Vaccination Programme, the HSE's response to the Ukraine Crisis, the Theatre Capacity Review, the South Kerry CAMHS Report (Maskey), the RHAs Implementation programme, the Unscheduled Care Report, Assisted Decision Making, the Board Strategic Scorecard, Critical Care Capacity Development Plan, Public Health Reform, the Reconfiguration of Navan Hospital, the Sláintecare Action Plan, the National Maternity Hospital, and an update on the Data Breach Relating to Cyber Attack.

HSE's response to the Ukraine Crisis

The Board welcomed the work done by the HSE to respond to the Ukraine crisis including the clinical work stream, led by Public Health and the CCO Clinical Advisory Council.

The CEO informed the Board that the EMT had agreed the addition of a Ukraine Crisis response risk to the Corporate Risk Register (CRR) in light of the increased healthcare demands with the large, sudden and unanticipated numbers of people displaced by the invasion of Ukraine and seeking refuge in Ireland, particularly those who are in vulnerable groups. The full risk assessment will be completed as part of the Q2 2022 CRR Review.

COVID-19 Vaccination / Test and Trace Future Operating Model

The Board noted the papers on the Covid-19 Vaccination programme and the update on the 2nd Booster programme circulated in advance of the meeting. In regards to the Test and Trace Programme the Board

noted that the future operating model is currently being developed, in consultation with key stakeholders within the HSE, the Irish Medical Organisation and the HPSC. This transition is currently underway with phase one of the transition plan being implemented following the changes to Public Health guidance on February 28, 2022.

The key elements of the HSE's plan to deliver the second booster were discussed including vaccine administration locations, vaccine type and interval, and the start date of the programme. In response to questions on the impact of changes to the Booster programme the CCO noted that a successful transition to the future GP-led clinical pathway, will be underpinned by enhanced Surveillance systems.

The CEO also updated the Board on the progress to procure Covid-19 Therapies, Sotrovimab and the oral antiviral Paxlovid.

Theatre Capacity Review

The CEO informed he has recently engaged with the EMT to review and assess the next steps needed to increase theatre capacity throughput, to update and extend this improvement initiative to a number of additional sites. The outcome of this will be reported to the Board in the coming months.

Updated on South Kerry CAMHS (“Maskey”) Report Implementation

The CEO advised that the National Oversight Group, which has met 4 times to date, has been tasked with overseeing, monitoring and reporting on the implementation of the Maskey Report. The Group will continue to meet regularly to ensure timely progress is made on both national and local actions, as part of an overall integrated implementation framework. The Board noted that the implementation framework currently contains 63 actions arising from the 35 recommendations in the report and delivery of the majority of these actions has already commenced. The Board noted the progress of the three CAHMS audit strands

Assessment of Needs & Disability services

The Board discussed the actions being taken to address the recent High Court judgement on the Standard Operating Procedure (SOP) for the Assessment of Need (AON) for Children. The Board noted that a communication has been issued to the CHOs clarifying that the Preliminary Team Assessment (PTA) is not to be used as the AON and two strands of work are being progressed to develop a logistical response to managing AONs and a Task Group to issue Clinical Guidance on Disability Assessment and AON.

In response to questions on how improvements can be brought about for AON the COO confirmed that the HSE is progressing an initiative through the Sláintecare Access/Waiting List Initiative to address the waiting list for AON.

Finance Update

The Board noted the Finance update included in the CEO report circulated in advance of the meeting. The CFO advised that the draft revenue I&E financial position at the end of February 2022 shows a YTD deficit of €102.5m or 3.03%, with a significant element of this being driven by the direct impact of COVID-19. In the context of the outlook for 2022, the ongoing uncertainty arising from the impact of Covid-19 has contributed to a significant level of complexity and challenge in terms of managing financial issues and risks. He confirmed the ongoing mitigation of risks and impact, through significant monitoring and engagement via internal governance structures and with the Department via the HBOG process

Independent Review on Unscheduled Care

The CEO and COO briefed the board on the Independent Review on Unscheduled Care in Emergency departments following the recent engagement with the Minister. The Board welcomed a number of actions which have been agreed and are already underway, including a targeted response plan for over 75s and a 3-year USC Improvement & Change Programme.

The Board noted that the Independent Review of Unscheduled Care Performance was commissioned by the HSE in 2019 to review performance across the nine hospitals was not completed due to Covid, but work is now underway with the sited to assess current status and this work will be incorporated into the 3-year Change and Improvement Plan.

Assisted Decision Making Legislation

The CEO informed the Board that the Assisted Decision Making (Capacity) Act 2015 is to commence in June 2022 and the HSE has undertaken a significant programme of work to prepare staff for its commencement. The commencement of the Act is a major milestone in advancing the rights of individuals to make decisions related to their own lives. The CEO noted that the HSE has highlighted to the Secretary General concerns relating to the absence of deprivation of liberty safeguards (DOLS) for vulnerable persons lacking capacity or persons with complex needs cared for by the health service, where there is a lack of a clear legislative basis governing restraints on liberty with the abolition of the current ward-ship system [excluding those who fall under the Mental Health Act 2001].

The EMT have agreed that this risk will be added to the CRR.

Board Strategic Scorecard Report

The Board considered the current overall rating and the summary of individual reports in the March 2022 Board Strategic Scorecard Report. In response to questions on the progress with recruitment for the Patient/Service User Partnership Plan at all 20 sites, the COO said that recruitment is ongoing to fill remaining posts by the end of Q2 2022. The CCO was asked to consider if it would be appropriate to have a KPI, for the lead time to patients for New Drugs/New Indications, agreed by EMT, where there is a requirement for a Managed Access Programme.

The CEO noted that the assurance rating recommended in the Board Scorecard on the Disability Scorecard –No 7 Reform of Disability Services, was revised downwards from 4 to 3 at the EMT meeting 26 April. Following the discussion, the Board approved the scorecard for submission to the Minister as part of the formal monthly progress update report.

NMH Relocation Project

The Board discussed the progress on the NMH relocation project following the approval of the Legal Framework documents and Constitution by the Board. It was noted that the final drafts of the Legal framework documents and Constitution for the NMH DAC were considered and approved by the Boards of both Hospitals and that the Business case is currently being considered by the Department. It was noted that the HSE consent to the Transfer of Shares from the Religious Sisters of Charity to St. Vincent's Holdings CLG has been confirmed and that all related Governance and Legal matters have been resolved to the satisfaction of all parties. It was noted that the final drafts of the Legal Framework documents and Constitution for the NMH DAC are to be considered by Cabinet at an upcoming meeting.

Public Health Reform Programme

The Board noted that HSE Public Health Reform Programme continues to make significant progress with the first 5 Consultants in Public Health Medicine posts having commenced on the 28 March with the appointment of Area Directors of Public Health.

Navan Hospital

The Board considered the update on the planned reconfiguration of Our Lady's Hospital Navan (OLHN) to a Model 2 hospital, with a Model 2 Regional Orthopaedic unit in the CEO report circulated in advance of the meeting. The current acute model of care at OLHN holds significant risks from a governance and clinical care perspective including for the remaining patient cohort who arrive at the ED with unidentified serious conditions. The Board noted the efforts undertaken to date, including the preparation of a 10

communication and engagement strategy with the local community and attempts to meet with local Oireachtas members to progress the planned reconfiguration. The Board expressed their concerns about the risks and supported the reconfiguration. These concerns have also been expressed by clinicians at the hospital and national level. The reconfiguration is also supported by the Safety and Quality Committee of the Board. Following this discussion, the Board agreed that the Chairperson should write to the Minister advising him that the arrangements for reconfiguration will take place within four weeks, and in preparation for this, the Minister may wish for the engagement with Oireachtas members to take place.

Sláintecare Action Plan 2022

The Board noted the papers on the Sláintecare Action Plan 2022 which were circulated in advance of the meeting. The Board considered the key Sláintecare-related deliverables for both the HSE and the DoH for the remainder of this year and suggested that further engagement with the Department should take place to better align the responsibilities with the roles of the HSE and the Department.

Data Breach Relating to Cyber Attack

The Board noted the papers providing an update on the data breach notification process to data subjects impacted by the cyber-attack, which were circulated in advance of the meeting. The Board were informed of the approach and assessment of the HSE Data impact. The Board discussed the nature of the data involved in the cyber-attack and the process by which records were being identified and processed for the formulation of the data breach notification process. It was noted that this approach has been notified in detail to the Data Protection Commissioner, with whom HSE officials will meet in the coming two weeks.

In response to questions on litigation, the Board were informed that the HSE has been liaising with SCA with a view to considering the merits of establishing a scheme through which claims against the HSE relating to the Cyber-Attack can be managed. The Board also discussed the risk of the data being used in the future, however it was noted that the worldwide injunction was secured and that Gardai advice suggests that as time progresses the risk of the data being used decreases.

National Women's Health Action Plan

The Board discussed with the CEO the Women's Health Action Plan published by the DoH specifically for 2022. This Action Plan captures much of the work underway already in the area of Women's Health or planned for 2022 in the HSE. In response to questions it was confirmed that funding has been provided to support the establishment of a Women's Health Implementation Team within the NWIHP, which is

being targeted at driving, co-ordinating and reporting in in the area of women's health across the HSE. This Team is currently being developed.

6 AOB

The Chair thanked Board Members and Management Team members for their time.

No further matters were discussed.

The meeting concluded at 14:35.



Signed: _____

Ciarán Devane

Chairperson

Date: 27th May 2022