



Minutes of HSE Board Meeting

Friday 30 June 2023

A meeting of the Board of the Health Service Executive was held on Friday 30 June 2023 at 9:00am via video conference.

Present: Mr Ciarán Devane (Chairperson), Prof Deirdre Madden, Mr Brendan Whelan, Mr Aogán Ó Fearghaíl, Mr Fergus Finlay, Dr Sarah McLoughlin, Prof Fergus O’Kelly, Mr Tim Hynes, Ms Michelle O’Sullivan and Mr Matt Walsh.

Apologies: Dr Yvonne Traynor and Ms Anne Carrigy.

In Attendance for Board Meeting:

Mr Bernard Gloster (CEO), Mr Dara Purcell (Corporate Secretary), Ms Niamh Drew (Deputy Corporate Secretary), Ms Patricia Perry (Office of the Board).

Joined the meeting:

Mr Stephen Mulvany (CFO) and Ms Anne Marie Hoey (ND HR).

Minutes reflect the order in which items were considered and are numbered in accordance with the original agenda. All performance/activity data used in this document refers to the latest information available at the time.

Board Members Private Discussion

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

1. Governance and Administration

1.1 Declarations of Interest

No conflicts of interest were declared.

1.2 Chairperson’s Remarks

The Chairperson welcomed members to the meeting.

The Chairperson provided an update to the Board during their private session on a number of matters. The Board noted a number of recently received FOI’s.



The Chair of Audit and Risk Committee noted a number of matters which it was agreed would be discussed later in the meeting.

1.3 Correspondence

The Board noted correspondence received relating to:

Ministerial Correspondence

- Letter from Minister for Health re 2022 Final Approved Level of Net Capital Expenditure dated 17 May 2023
- Letter from Minister of CEDIY and Minister for Disabilities re Specialist Community Based Disability Services dated 30 May 2023
- Letter to Minister re HSE Annual Report and Annual Financial Statements and C&AG Audit Cert 2022 dated 13 June 2023
- Letter to Minister re Chairpersons Comprehensive Report 2022 dated 26 June 2023

Correspondence

- Letter to Cathaoirleach Joint Committee on Health re Owenacurra Centre dated 19 May 2023

1.4 Minutes of Board meeting

The Board approved the minutes of the Monthly Board meeting of 30 May 2023.

2. Chief Executive Officer

2.1 CEO Report

The Chair welcomed the CEO and his Business Manager to the meeting.

The CEO Report was taken as read. The CEO reported to the Board on a number of the key significant areas as set out in the report. In particular, discussions were held on the following aspects of the report.

Our Lady's Hospital Navan (OLHN)

In relation to the reconfiguration of Our Lady's Hospital Navan (OLHN), the CEO informed the Board that the oversight steering group continue to meet and that following their last meeting, the CEO and CCO reviewed the position. He advised that the Ambulance Protocol introduced at end 2022 has substantially mitigated risk and other measures have also assisted.



The Board noted that the Winter pressures in early 2023 played a part in slowing further progress of issues and that the remaining concern is in respect of a portion of 'walk ins' and this is being assessed. It was agreed that other issues remaining would be dealt with by the CEO who will keep the Board updated.

National Independent Review Panel (NiRP)

The CEO provided an update with regards to the Emily case. He informed the Board that as he has previously stated, he is not yet fully satisfied with the understanding of all of the issues in the facility or those arising in the wider care context and that is why he asked Ms. Jackie McIlroy to undertake a review of two specific tasks: to review the relevant reports, specifically the NiRP report, CHO Safeguarding and the NiRP summary and to revert to him within 6 weeks. Secondly, to conduct a high-level review of the HSE safeguarding policy, procedures, structures and advise on possible options for the future of safeguarding, recognising that the HSE has roles in safeguarding in both the community and alternative care settings for adults. He has asked for this review to be done within a 16-week period.

The Board welcomed the fact that the HSE intends to publish appropriate information when satisfied that the best level of outcome possible for people involved are addressed and when further the legal parameters have been considered.

Roadmap for Service Improvement 2023-2025 Disability Services for Children and Young People

The CEO noted that executive members will be engaging with the Department of Health (DoH) on this matter in early July and an update will be brought following this. He also highlighted that this is a very significant piece of work and welcomed the fact that Board members Fergus Finlay and Brendan Whelan are also attending the meeting with the DoH. It was agreed that the Planning and Performance Committee will continue to provide oversight to the development of the Roadmap which is expected to be brought to the Board at its July meeting.

Owenacurra

The CEO informed the Board of his meeting with Cllr Liam Quaide and his visit to Owenacurra.

Long Covid

The CEO informed the Board that following the HSE launch of its Interim Model of Care for Long COVID in September 2021 that the model is being implemented in a phased approach. The initial priority was the establishment of Post-Acute and Long COVID Clinics within each hospital group to ensure a national service. He highlighted that it was important to note, that although recruitment is ongoing,



those dedicated clinics where staff are already appointed are operational, albeit not fully staffed as per the Model of Care recommendations. In response to queries raised by the Board, the CEO confirmed that he would engage further with the CCO on the operations and effectiveness of the clinics and will revert to the Board on this matter.

Cancer Registry in Ireland Report: COVID-19 impact on cancer incidence in Ireland in 2021: a preliminary analysis. NCRI, Cork, Ireland Tierney P, McDevitt J, Brennan A, Walsh PM. (2023)

The CEO informed the Board that the National Cancer Registry Ireland (NCRI) had recently published a report on the impact on cancer incidence in Ireland (2021) and the findings in the report were based on registered and projected cancer cases in 2021, using data available in March 2023.

This report, funded by the Irish Cancer Society, demonstrates recovery in pickup of cancers which had fallen off in 2020 but remaining concern over some subtypes: liver, pancreas, kidney and others.

The Board were informed that the CCO is engaging with the National Cancer Control Programme to action the data in the RCI report and progress will be reported to the Safety and Quality Committee. The Board noted the importance of funding and supporting health research and using data to better predict demand and to plan services.

Regional Health Authorities (RHA's)

The Board were informed that implementation plans regarding RHA's is likely to progress from DoH through Government process in July. The CEO will keep the Board briefed and updated on any progress in relation to this matter.

Board Strategic Scorecard 2023

The CEO presented the June Board Strategic Scorecard (BSS) 2023 for the April reporting period, as circulated prior to the meeting.

The Board noted the overall average rating of 2.85, down 0.05 since May 2023. 16 scorecards maintained their May ratings, two downgraded from a 3 to a 2 (Patient and Service User Partnership and Women's Health), and the scorecard on Recruitment and Retention had increased its rating from a 3 to a 4. The CEO informed the Board that the multi-annual 3-year improvement plan is under development to address critical issues underlying the delivery of the 2023 Ambition Statement in the Unscheduled Care scorecard.

The Board discussed and approved the BSS for June 2023, reflecting April data, for submission to the Minister for Health.



It was agreed that a full review of the BSS would be carried out at the July Board meeting and that adequate time would be allocated to the agenda for this.

High Earners Report

The CEO informed the Board that some individuals have recorded very significant payments during 2022 and confirmed that one of the primary drivers behind high earnings in the HSE remains the shortage of consultant staff - particularly in relation to certain specialties (e.g., Radiology, Psychiatry, Emergency Medicine) and in certain geographic areas. He noted that there are a range of payments and allowances which have the potential to increase remuneration significantly above basic pay as part of standard contractual terms and conditions. These include payments in respect of clinical directorships and on-call allowances, compensatory rest days, structured overtime and funded waiting list initiatives, etc. The primary reason behind these earnings remains the overriding requirement to maintain essential, critical services where significant vacancies or shortages exist.

The CEO noted that the HSE continues to apply every effort to actively recruit additional personnel to those services most affected by vacancies and shortfalls.

The Chair of the Audit and Risk Committee (ARC) reported on the Committee's consideration of the update provided to them at its June meeting regarding the implementation of the management Action Plan in response to an Internal Audit review of the High Earners.

The Committee had noted that audit findings of the review indicate that the level of assurance was limited due to the limited progress made to date against the Action Plan. The ARC Chair highlighted concerns that based on a follow up audit, the position had deteriorated since 2021, rather than improved.

The Board deemed this situation to be concerning and noted that consideration should also be given to aspects such as patient safety, staff burnout, compliance with working time directives as well as financial ones. It was agreed the Audit and Risk Committee will continue to monitor progress and they will receive a further update at their September meeting.

National Maternity Hospital (NMH)

The Board discussed with the CEO the proposed interim governance structure to support the delivery of the NMH project and the final governance structure for the commissioning and operation of the new Hospital which had been presented to the Audit and Risk Committee at a previous meeting. The Board noted in the proposed governance arrangements, the NMH and St. Vincent's University Hospital



(SVUH) will have overall management, delivery and financial responsibility and accountability for the programme of work to deliver, commission and open the NMH at Elm Park. The HSE, as Sponsoring Agency, will have a Programme Assurance role, to ensure the programme is delivered in line with approvals.

The Board discussed the need to factor into the new governance arrangements the learnings from the Children's Hospital governance arrangements and suggested consideration be given to the early establishment of the NMH at Elm Park Designated Activity Company (DAC) to strengthen the governance arrangements and ensure collaboration sooner between the two hospitals.

The CEO informed the Board he is having ongoing discussions with the DoH on how the HSE will in future govern, manage, and deliver major infrastructure projects separate to the routine capital work. He noted work is ongoing with the Capital & Estates team to assess HSE's NDP delivery capacity and the development of a capability action plan.

Integrated Financial Management System (IFMS)

The Board were informed that phase 1 implementation of the IFMS project is scheduled for 'go live' on 03 July covering HSE East, PCRS, NDC and Tusla.

The Board welcomed the progress with implementation of the new IFMS system noting that it will equip the system with modern technology, standard finance and procurement processes and a new operating model based on shared services.

Public Only Consultant Contract (POCC)

The CEO informed the Board that to date 69 new consultants have signed the Public Only Consultant Contract (POCC) and 80 existing consultants have changed to the new POCC. The National Steering Group chaired by the Chief Operations Officer and National Director of HR meet on a regular basis to review progress.

He also noted that a marketing Campaign to attract Consultants to Ireland launched in May 2023 on Social Media sites and in medical publications. The campaign has been live in the UK and Australia on press since earlier in June, and the digital display campaign went live in Australia and the UK on June 21 and 23. The campaign will be reviewed and updated based on this performance, and will then launch, again with Digital Display in Canada, New Zealand, and the US, early in July 2023.

The Board welcomed the progress to date, and it was requested that the ND HR will keep the People and Culture Committee updated on this.



2.2. Finance and Human Resources Briefings:

The following papers were presented to the Board, Financial Briefing & Q1 Forecast update and National HR Projection of Employment Growth to Year End, as circulated prior to the meeting.

National HR Projection of Employment Growth to Year End

The ND HR provided the Board with an update in relation to the National HR Projection of employment growth to year end. The Board noted that the National Service Plan 2023 set out the projected net WTE growth in employment levels at +6,010 WTE based on the estimated available labour market supply and at May 2023, the reported growth profile is currently ahead of target by +534 WTE. The Board were advised that a revised year end projection has been undertaken, with an estimated year end outturn of +6,180 WTE. As part of the Pay and Numbers Strategy, the totality of posts approved for recruitment (both funded and unfunded) is 13,011 WTE, notwithstanding the available funding for net WTE growth of 6,500 WTE on a full year basis, assessed as part of the strategy.

The Board noted that proceeding with recruitment of approved funded and unfunded posts was agreed with the Department of Health but that there was notable concern by the Department on the growth rate specifically in relation to Management and Administration which is currently reporting a 77% delivery rate against the year-end target of 1,460 WTE. On this basis the CEO implemented a suite of control measures, most specifically a temporary pause on the recruitment of management and administration grades at Grade VII and above organisation wide, in addition to measures taken by operational services on a temporary pause to the recruitment of management and administration grades across operational services.

The Board noted that Acute Services are ahead of the May target at +691 WTE, with a further 1,476 WTE growth to year end. Community Services are currently reporting a lag against the May target of -203 WTE, with a further 1,415 WTE growth to year end. National and Central functions are reporting ahead of the May target at +46 WTE with a further 228 WTE growth to year end.

The Board noted that the current investment in recruitment and retention measures is delivering the desired impact on overall workforce expansion, whereby the organisation at an overall level is ahead of target. The focused area is on ensuring workforce expansion across the staff categories as planned, with temporary control measures in place to curb growth in Management and Administration to within the year-end target.

The Board requested an update in relation to the progress on the statutory obligation relating to the percentage target for the employment of people with disabilities and requested a paper be brought to



the Board outlining the specific steps being taken to reach this target, it was agreed that the ND HR would provide a briefing on this to the People & Culture Committee.

Financial Briefing – Expenditure position year to date and Q1 Forecast update

The briefing paper with an update on the year to date financial position and full year outlook on the financial risks and issues of up to 10.2% (or €2.2bn) that may arise in 2023, across 4 categories was considered by the Board.

The CFO provided the Board with the forecast update advising that the Q1 2023 I&E forecast to year end based on January to March results which was previously presented to the Board at the May meeting had now been reviewed internally and updated as at 21st June which incorporates both a high scenario, which is mostly based on a CHO / HG / National service 'bottom up' outlook for 2023, and a low scenario, which is the result of the top down review and adjustment of the high scenario.

He reported that the 2023 Q1 updated forecast, excluding the first charge of €185.0m, is showing that the revenue I&E outlook may be in the range of €1,569m High - €1,312 Low i.e., the review has led to a reduction of circa €150m compared to the first version of the Q1 forecast. An additional first charge of €185m from 2022 (COVID related, made up of €195m unfunded COVID 2021 and €10m in year surplus 2022) falls to be dealt with in 2023, which increases the range to €1,754m High - €1,497 Low. In summary terms the range between the high and low scenarios forecast outturns is circa €250m or just over 1%.

The Board discussed the scale of the likely gap in funding referenced in the NSP 2023, up to 10.2% (or €2.2bn) that may arise in 2023, across 4 categories provides a range of obvious challenges to the HSE and some of its key voluntary providers noting that any year end position even close to the level identified in the Q1 year-end forecast is a source of major concern and is certainly not in the medium to longer term interests of patients and service users.

The CFO confirmed that the HSE has engaged extensively, both internally through its own internal governance process in addition to engagement with external stakeholders such as the Department of Health and the Department of Expenditure & Reform via the Health Budget Oversight Group (HBOG).

The Board emphasised the need to manage expenditure to a year end position that is as close to the available budget as practical. However, the Board noted that the Department of Health and the HSE are fully aligned on the need for mitigation measures to ensure service capacity, activity volumes and



access times, for patients and services users are not adversely impacted and continue to work proactively to mitigate the financial risks in 2023. Consequently the financial position to date and projected to year end needs to be interpreted by internal and external stakeholders realistically, given the scale of the issues and risks flagged and the requirement to protect planned levels of access for patients and other service users.

3. Reserved Functions of the Board

3.1 Banking Transition Programme

The CFO presented to the Board the following banking papers which were recommended by the Audit & Risk Committee for approval, to which the Board considered and approved.

i. Danske Direct Debit Indemnity

Approval of the Direct Debit Mandate, which will enable the HSE to implement a process to obtain exact payment for variable monthly charges via Direct Debit from long-term stay patients via Danske Bank Direct Debit deductions, replacing the current standing order process with new Direct Debit functionality. **Board Decision No.: 300623/39.**

ii. Ulster Bank Accounts Closure

The closure of Ulster Bank accounts as listed in the briefing note presented to the Board and the approval of delegates the authority to formally do so as Main Bank Signatories. **Board Decision No.: 300623/40.**

iii. Ulster Bank Care Centre Patients Private Property Bank Accounts Closure

The closure of 57 Ulster Bank Patient Private Property (PPP) accounts as listed in the briefing note, the closure of a Central Unit account and the approval of delegates the authority to formally do so as Main Bank Signatories. **Board Decision No.: 300623/41**

3.2 Contracts & Properties

The Board approved the following contact which was recommended by the Audit & Risk Committee:

- i. Contract Award for 110 Bed Community Nursing Unit with Rehab Unit, Letterkenny, Co. Donegal

Board Decision No.: 300623/42

4. Committees of the Board Briefings

4.1 Audit and Risk Committee

The minutes of the Committee meeting of 24 March and 12 May 2023 were noted and the Committee Chairperson provided a verbal report on the matters considered at the Committee meeting that took place on 16 June 2023.



The Chair advised the Board that following the Committee's May meeting where the Committee were provided with an update on the new Maternity Hospital. A meeting had subsequently taken place with Fiona Ross (Chair) and David Gunning (CEO) of the Childrens Hospital Development Board with some members of the Committee and the CSO. Concerns were expressed on the proposed approach, and the Committee Chair asked the CSO to consider the views expressed and revert to the Committee.

The Committee were provided with an update from the CRO in relation to the Corporate Risk Review, which will reduce the number of risks and focus more on those that can be effectively managed within the risk management process. The final report is to be concluded in July, a workshop with EMT/SLT will take place and then the Committee will be presented with a new proposal at the September meeting.

The Chair reported that an update was provided by ND IA on Quarter 1 2023 and the Committee noted 9 Key Reports and implementation of audit recommendations. The Committee highlighted the very serious situation with non-compliance with the Childrens First legislation.

He also noted that the Committee stated that this represents an unsatisfactory situation and expressed concerns about the internal control environment, notwithstanding the impact that Covid would obviously have had in 2020/2021 and that the Committee agreed that the Internal Audit area would be prioritised at every meeting going forward.

The Committee were also presented with the External Quality Assessment Report by Mazars, which concluded that the Internal Audit Division "Generally Conforms" to the International Professional Practices Framework (IPPF) and received a number of updates in relation to April YTD Expenditure, Q1 Review and the Health Budget Oversight Group.

The C&AG Audit Certificate had been noted by the Committee and an update was given on Special Legislative Accounts 2022 relating to Patients Private Property, Hepatitis C, Long Stay Repayments and Long Stay Donations, and Procurement Compliance Self-Assessment. The Committee also considered the detail relating to banking matters.

The Chair advised the Board that the High Earners Review was discussed and the Committee highlighted their concerns that based on the follow up audit, the position had deteriorated since 2021, rather than improved. The Committee deemed this situation to be wholly unsatisfactory and the Chair advised the Board that the Committee will closely monitor the issue, and provide further updates to the Board in the coming months.



Appointment of External Member

The Chair of the Committee requested that the Board approve the appointment of Mr John Moody as an external member of the Audit and Risk Committee for a term of 3 years until 15 September 2026, which the Board approved. **Board Decision No.: 300623/43.**

The Chair advised the Board that he and the Board Chairperson are in the process of interviewing further potential Committee external members.

4.2 People and Culture Committee

The minutes of the Committee meeting of 10 March 2023 and the HR Dashboard were noted.

As the Chairperson of the People and Culture Committee was not in attendance at the Board meeting, no verbal update was given to the Board of the Committee meeting of 12 May 2023.

The Board were advised that Board member Matt Walsh was now a member of the People and Culture Committee.

4.3 Planning and Performance Committee

The minutes of the Committee meeting of 21 & 25 April and 26 May 2023 were noted and the Committee Chairperson provided a verbal report on the matters considered at the Committee meeting that took place on 23 June 2023.

The Chair advised the Board that the CEO attended for part of the meeting and the Committee noted and welcomed his attendance.

The Committee received an update on Communication items by the AND Communications and were also briefed on engagements with the Department of Health in relation to the Roadmap for Service Improvement 2023-2025 Disability Services for Children and Young People in early July and an update will be brought to the Committees next meeting.

The Committee was presented with the monthly COO Report, Operational Service Report (April Data), Performance Profile (April Data), National Performance Oversight Group (NPOG) Meeting Notes (April Data), and the PMO Report – Winter/NSP 2022-23, with a focus on Urgent and Emergency Care (UEC), Scheduled Care and reform of Primary Care and Enhanced Community Care.

The Committee were also presented with an update in relation to the Performance Accountability Framework 2023, Urgent Colonoscopy, Cancer Services, Therapy Waiting Lists, Child and Adolescent Mental Health Services (CAMHS), Disability Services Assessment of Need, the Pay and Numbers



Strategy, and the Mental Health Commission Annual Report 2022 which was noted by the Committee.

The Chair advised the Board that the Committee's focus area related to Cancer Services which covered National Cancer Strategies, the Impact of Covid; Performance of Cancer Services and Future Planning for Cancer Services.

The Committee received and an update in relation to the National Service Plan 2024 which covered the proposed approach to the annual service planning process (including Estimates) and the development of a national planning framework for 2024.

4.4 Safety and Quality Committee

The minutes of the Committee meeting of 25 April and 19 May 2023 and the Quality Profile (March & April data) were noted. The Committee Chairperson provided a verbal report on the matters considered at the Committee meeting that took place on 16 June 2023.

The Chair advised the Board that the Committee was provided with an overview of the process and indicative timeline for the development of National Service Plan (NSP) 2024. The Committee sought further information on how patient safety and quality is integrated across all services in the planning process and requested that the NSP 2024 should clearly show what quality improvements are hoping to be achieved in areas such as Disabilities and Older People. A further discussion on NSP 2024 will take place at the Committee's meeting in September.

The theme of this month's meeting was women's health. The Committee heard directly from a patient about her experience across two pregnancy journeys which highlighted many aspects of maternity care and reproductive health, including experiences through IVF, genetic testing, diagnosis and management of fatal foetal abnormality, termination of pregnancy, bereavement services and follow up supports, and three key recommendations made to the Committee were noted.

The Committee received an update from the National Women and Infants Health Programme (NWIHP) which covered progress on implementation of the Maternity Strategy, the OEST, termination of pregnancy services, assisted reproduction, and Women's Health Hubs.

The Chair briefed the Board on the monthly Chief Clinical Officer's report which included an update with regard to Letterkenny University Hospital, the National Strategy on Genetics and Genomics and CAMHS. The Committee discussed with the CCO its concern regarding the non-participation in OEST by one hospital group, and urged resolution of this issue.



An update was received in relation to the engagement process between the Coroner's Office and HSE'S National Clinical Director of Quality and Patient Safety with regards to shared learning from events and practices and policies.

The Committee had a presentation from the Deputy Director and Head of Clinical Risk, State Claims Agency on catastrophic claims relating to babies in maternity services. Dr O'Keeffe presented a breakdown of claims received and explained the key issues that require attention by the HSE to mitigate against the likelihood of these events occurring.

The Committee also received an update from Fiona Murphy CEO of the National Screening Service (NSS) and was advised that the Legal Framework Group, one of the components of the Interval Cancer Steering Group, has considered the risks facing the NSS population screening programmes, and that a final report is due for completion in Quarter 2, 2023 and will be provided to the Committee.

4.5 Technology and Transformation Committee

The minutes of the Committee meeting of 3 April 2023 were noted and the Committee Chairperson provided a verbal report on the matters considered at the Committee meeting that took place on 9 June 2023.

The Chair advised the Board that the Committee was presented with the current eHealth organisation structure, and have completed its 2023 planning process. The Committee were informed that the eHealth team are primarily focused on delivery of the service plan and are also collaborating on options for a future model for Regional Health Authority (RHA) delivery to align with overall approach to RHAs.

The Committee were presented with updates on key technology programmes relating to the Digital Health Strategy, the eHealth division report, the Integrated Community Case Management System (ICCMS) and the Shared Care Records (SCR). The Committee were also updated by the CRO with regard to the Q1 2023 Review of the Corporate Risk Register (CRR), and discussed CRR Risk 011 Digital Environment and Cyber Failure.

The Chair advised the Board of the proposed Cyber Workshop which will focus on the Cyber-attack and Post-incident review, and that Board members were invited to attend and would be advised once the date was finalised.

The Board were updated in relation to the recruitment process for the positions of the Chief Technology & Transformation Officer (CTTO) and the Chief Information Security Officer (CISO).



5. AOB

It was noted that the July Board meeting would take place in person in Dr Steevens' on 28 July 2023.

The meeting concluded at 13.40pm.

Signed: Ciarán Devane,

Date: 28 July 2023

Ciarán Devane
Chairperson