



Feidhmeannacht na Seirbhíse Sláinte  
Health Service Executive

## **Minutes of HSE Board Meeting**

Wednesday 25 June 2021

A meeting of the Board of the Health Service Executive was held on Wednesday 25<sup>th</sup> June 2021 at 9:00am by video conference.

Present: Ciarán Devane (Chairperson), Deirdre Madden (Deputy Chairperson), Aogán Ó Fearghail, Brendan Lenihan, Fergus Finlay, Fiona Ross, Yvonne Traynor, Tim Hynes, Sarah McLoughlin, Brendan Whelan, Anne Carrigy, Fergus O'Kelly.

In Attendance for Board Meeting:

Paul Reid (CEO), Colm Henry (CCO), Mark Brennock (ND Communications), Fran Thompson (CIO), Stephanie O'Keeffe (ND Service Planning), Anne O'Connor (COO), Dean Sullivan (CSO), Anne Marie Hoey (ND HR), Damian McCallion (National Lead on implementation of COVID-19 Vaccination), Geraldine Smith (ND Internal Audit), Liam Woods (ND Acute Services), Niamh O Beirne (National Lead Testing and Tracing ), John Kelly (Corporate Affairs) Dara Purcell (Secretary), Niamh Drew, Amy Phillips, Hannah Barnes.

### **1. Governance and Administration**

The Chairperson, Ciarán Devane welcomed a quorum of members and the meeting proceeded to business noting apologies. The board were reminded of its role and responsibilities in line with legislation and the principles of the Code of Practice and the Governance of State Bodies.

At the start of the meeting the Board met in the absence of management. No conflicts of interest were declared. The minutes from 28 April, 21 and 26 May were approved.

The Board discussed a number of matters in their private session including the review into the issues which led to the Cyber Attack on the HSE's ICT Systems on the 14 May 2021, and the Co-location of the National Maternity Hospital (NMH) on the St Vincent's University Hospital (SVUH) campus, noting that there is to be engagement on this issue by the Minister for Health

A discussion took place on the Patient and Service User Quality and Safety paper which had been brought to the Board Meeting under item 5.1. The paper on Safety and Quality was deferred and will be brought

back to the Board at a later date.

The Chair welcomed the CEO and Executive Management team members to the meeting.

*CEO and Executives joined the meeting at 09:30.*

## **2. Committees Update**

### **People and Culture**

The minutes of the Committee meeting on 9 April as circulated were noted. The Committee Chair provided an update on the Committee meeting held on 11<sup>th</sup> June which covered Recruitment, HSE Cyber Attack, Communications, and the Consultant Contract, along with other HR Matters. The Committee Chair advised the Board the Committee's concerns regarding such potential inability to attract, recruit and retain good quality consultants in future and the importance of ability to advocate for patients and it was highlighted that similar concerns have been raised by patient advocacy groups. The CEO said that the issues surrounding the contract are being worked on in conjunction with the Department of Health and that the ND HR would continue to keep the People and Culture Committee updated on this.

*Yvonne Traynor left at 10:13.*

### **Audit and Risk Committee**

The minutes of meetings April 9, April 22, May 10, and May 21 as circulated were noted. The ARC Committee Vice Chair provided an update to the Board on the Committee meetings held on the 11 June and 21 June, highlighting that the Internal Audit National Directors report for Q1 was reviewed and a number of key reports were discussed. The Vice Chair advised that the Committee had referred reports concerning recruitment processes, payroll fraud, and child protection compliance to the People and Culture Committee and the Safety and Quality Committee.

The Vice Chair further advised that the Committee had received briefings on the financial and data protection impact of the Cyber Attack, the Q1 Risk Management Review, and the HSE Board and EMT Report on Managing Corporate Risk, prepared by John Moody. The Board welcomed the timely availability of the report given the Cyber Attack and noted the importance of its recommendations. The Board noted that the Audit and Risk Committee had requested the EMT to undertake a reassessment of the current risks in light of the Cyber Attack. The Committee also requested that the EMT consider the National Risk Register when reassessing the CRR.

### **Safety and Quality Committee**

The Committee Chair noted the quality profile circulated in the pack. The Committee Chair provided an update to the Board on the meeting held on 15 June noting that briefings were received from the CCO on areas including the impact of the Cyber Attack and the significant risks that arose from it, updates on the different variants of COVID-19 and the importance of the vaccination programme to mitigate the

associated risks of these variants, status update on the National Screening Service report of the Oversight Group on the implementation of the recommendations of the Price Report, and the report by Dr Peter McKenna in relation to endometrial cancer.

The Committee also received a briefing on the HSE National Framework for the Governance, Management and Support of Research (RGMS Framework), an overview of the 5-year NOCA strategy and the National Medication Safety Programme.

### **Performance and Delivery**

The Committee Chair provided a verbal update on the Committee meeting held on 18 June which covered primarily the effects of the Cyber Attack and the implications for Service Delivery and the four phases of the HSE Critical Response. The Committee also received an update on the ongoing development of the Winter Plan and an update on the ICT Capital Plan. The CFO provided the Committee with an update on the commencement of work on the estimate process and a progress update on the implementation of the IFMS project in which it was noted that the build and test phases have been delayed further however, work is now recommencing. The Chair noted that that members of the Committee had requested an overview briefing on the Corporate Centre Review and that the CEO had agreed to attend the Committee July meeting to brief them.

### **3. CEO Report**

The CEO spoke to his Report which had been circulated prior to the meeting, addressing the key issues to the fore since the last Board meeting. These included the COVID-19 Vaccination Programme progress, use of antigen testing, the effects of the Cyber Attack within the organisation, the Centre Review programme, the HSE Excellence Awards, and the HSE's risk management process.

On the Vaccination programme the CEO highlighted that to date the success of the vaccination programme, coupled with the reduction in the level of hospitalisations for COVID-19 is the basis for some optimism. It was noted that the element of the vaccination programme administered on the HSE's behalf by General Practitioners (GPs) has been working extremely well, with over 1.44m vaccines administered and that a dedicated GP support team is fully operational supporting distribution and allocation, linking with GPs and their practice staff to quickly resolve issues. It was acknowledged that there is an increase in the number of cases associated with the Delta variant, particularly in the Dublin region and this is being continuously monitored. Individual CHOs are monitoring closely the impact of increasing tourism and are linking closely with Public Health colleagues. The CEO advised that Stakeholder engagement is ongoing with the Department of Education and Skills, the Department of Further and Higher Education, Research, Innovation and Science, and the Department of Children, Equality, Disability, Integration and

Youth in relation to selecting pilot sites for Antigen Testing in schools and third level institutions which would be within the testing remit of the HSE.

In response to questions the CEO confirmed that Pharmacies have been receiving deliveries of Janssen to be administered to the over 50s cohort. There are early indications of good interest from pharmacies in becoming involved and from the public in terms of utilisation. In particular it was noted that Vaccinations through pharmacies allowed for more flexibility for people to be vaccinated in addition to people who may experience a language barrier, those who may have missed appointments, and non-registered individuals who have sought further advice from their pharmacist.

The CEO updated the Board on the Review of the Corporate Centre since they were last briefed in May noting that communication to staff had included a video address by the National Director of HR illustrating the transition structure effective outlined long-term target structure. The CEO commended the thorough work carried out by EMT members noting that each EMT member took personal responsibility for briefing their senior team members and any other staff member directly impacted by the review. The CEO advised that the integration of Public Health and the Testing and Tracing division is still to take place.

The Board welcomed the Health Service Excellence Awards which is in its 5<sup>th</sup> year of running, noting that the awards event is expected to take place over the summer.

In response to questions the CCO confirmed that he had issued guidance to the maternity hospitals which covered partner visitation on daily visits, scans, labour and neonatal intensive care unit, but noted that it is important to understand that infection prevention controls must be maintained. He confirmed that 19 hospitals are fully compliant with this guidance.

### **3.1.1 Cyber Security Update**

The Board reviewed with the CEO the paper on the Cyber Security update which had been circulated as an addendum to the CEO report, in advance of the Board meeting. The Board noted that the HSE is continuing to manage this critical incident through its Cyber Security Crisis Response Team, with assistance from the NCSC, the Irish Army and a number of highly specialised Cyber Security firms. It was noted that recovery is currently at Stage 3 and 4 (occurring in parallel) of the HSE's critical incident response, where the organisation is currently undertaking operating system level assessments, and bringing back services on a phased basis. The CEO emphasised the extreme pressure that has been placed on services as a result of this incident. It was noted that the Cyber Attack continues to have major implications for Operational Services, and it will take several months before services are fully operational. Similarly, the Cyber Attack continues to have major implications for scheduled care. These are being mitigated to some degree at present by the Utilisation of the Agreement with Private Hospitals (Surge II), negotiated as part of the COVID-19 crisis response. In response to questions the CEO and CCO

informed the Board that PCRS was hugely impacted by the Cyber Attack which would have affected the medical card system however restoration of the internet for this service is being prioritised.

The Review into the issues which led to the Cyber Attack on the HSE's ICT Systems on the 14 May 2021 process commissioned by the Board was discussed. Given the seriousness of this attack and the impact this has had on those people who are dependent on health services the Board of the HSE has decided to commission an immediate and urgent Independent Review into the circumstances surrounding this infiltration of the HSE's IT systems. It was noted that the review will avail of best practice methodology based on Serious Incident Management approaches and the HSE's Incident Management Framework and that the Review will be undertaken by experts from outside of the HSE and who have no relationship or conflicts of interest in relation to the matters covered by this Review. The CEO confirmed that he had nominated Mr Dean Sullivan, CSO, as the EMT Liaison for the Review. It was noted that the Terms of Reference of the Review are being finalised.

#### **5. Co-Location of the National Maternity Hospital (NMH) on the St Vincent's University Hospital (SVUHG) Campus at Elm Park**

The Board was provided with an update in relation to the current status of the project, and specifically in relation to the Proposed Legal Framework. While the Legal Framework is designed to underpin arrangements for the development and use of the new maternity hospital facility, the Board discussed its significant concerns about the level of assurance the legal framework provides to ensure services to be provided at the new NMH will be fully compliant with the law of the land, the State's financial investment (both capital assets and revenue funding) will be appropriately protected, and governance arrangements are appropriate and reflect public interest

The Vice Chair of the Audit and Risk Committee (ARC) reported that, on foot of previous consideration of these documents and their provisions, Senior Counsel's opinion obtained by ARC, and discussions at ARC, a number of amendments have been proposed to address particular issues of concern. The issues of concern can be summarised under three objectives in terms of the proposed ethos of the hospital and the services it will provide ( which we understand further discussions are underway), protection of state interest in assets (ownership structure), and especially the proposed governance structures of the hospital.

The Board recognised that the proposals /recommendations presently in their current form are in large part based on a negotiated outcome between National Maternity Hospital and St Vincent's Hospital

Group through the Mulvey process of November 2016 and of which the HSE was not a party.

The Board recognised that this is an ongoing and evolving process and the current discussions at Ministerial and Government level in relation to site ownership and clinical/corporate governance may impact on the overall policy context for concluding the legal framework arrangements.

The Board is both supportive and committed to seeking solutions to the provision of a national maternity hospital which will serve the public interest especially the women and babies of the country in all its aspects, by providing a complete range of maternity services consistent with Irish laws and rights of individual of the country.

The Board agreed the Chairman will bring its views to the attention of the Minister to inform the current discussions and the matter will be considered again by the Board after the engagement with the Minister.

#### **4. Reserved Functions of the Board**

##### **4.1 Procurement Contract- Scheduled Care Transformation Programme, Initiative 3 – Procure Additional Scheduled Care Activity from the Private Sector to Supplement Activity in the Public Sector**

A framework tender award to provide additional scheduled care capacity within the private sector to supplement capacity provided within the public sector has been recommended by HSE Executive for Board approval to allow the Executive to proceed with the award and implementation of the framework tender as outlined in the paper circulated prior to the meeting. Following the amended ARC Terms of Reference, the procurement contract firstly went through the ARC Committee whom recommended the contract on 25 June 2021.

The Board approved the procurement contract. (Decision No:260521/ 25). The CSO provided a high-level overview of the framework tender award.

The Board approved the procurement contract. **(Decision No:260521/ 25)**

#### **6. Board Strategic Priorities for 2021; Key Objectives and enablers from Corporate Plan 2021 – 2024**

##### **6.1 Paper 1: Patient and Service User Quality and Safety**

The Chair of the Board advised that it had been agreed to defer this paper as a further discussion is required on the understating of the interpretation of Quality.

## 7. AOB

The Chair thanked the Board members and the EMT for the contributions made over the last two years since the establishment of the HSE Board. The meeting concluded at 15:30pm.

Signed: Ciarán Devane

Ciarán Devane

Chairperson

Date: 28.07.21