



Minutes of HSE Board Meeting

Wednesday 27 July 2022

Hybrid

A meeting of the Board of the Health Service Executive was held on Wednesday 27 July 2022 at 9:00am

Present: Mr Ciarán Devane (Chairperson), Prof Deirdre Madden, Ms Anne Carrigy, Mr Aogán Ó Fearghaíl, Mr Brendan Lenihan, Mr Brendan Whelan, Mr Fergus Finlay, Prof Fergus O’Kelly, Mr Tim Hynes, and Dr Yvonne Traynor

Apologies: Dr Sarah McLoughlin

In Attendance for Board Meeting:

Mr Paul Reid (CEO), Dr Colm Henry (CCO), Mr Stephen Mulvany (CFO), Mr Dean Sullivan (CSO) Mr Fran Thompson (CIO), Mr Tom Malone (ND IA), Mr John Ward (CTTO), Ms Anne Marie Hoey (ND HR), Mr Damien McCallion (COO), Mr Mark Brennock, (ND Communications), Ms Eileen Whelan (ND Test and Trace), Mr Brian Murphy (Head of Corporate Affairs), Mr Dara Purcell (Corporate Secretary), Ms Niamh Drew, Ms June Robinson.

Joined the meeting:

Ms Yvonne O Neill (ND Community Operations), Dr. Philip Crowley (ND Strategy and Research), Mr Paul de Freine (ND Capital and Estates),

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

1. Governance and Administration

1.1 Board Members Private Discussion

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

1.2 Declarations of Interest

No conflicts of interest were declared.



1.3 Chairperson's Remarks

The Chairperson updated the Board on the following matters;

Board Membership

The Board welcomed the appointment made by the Minister of Ms Michelle O' Sullivan as a new Board Member.

Recruitment Campaigns

The Chairman provided an update on the progress of the recruitment competitions for the Chief Executive Officer, Chief Operations Officer and the National Director Internal Audit.

The Board considered the possible requirement to make an interim appointment to the position of CEO pending the completion of the recruitment process for a permanent appointment. The Board noted that a Board resolution is in place in line with the Health Service Executive (Governance) Act 2019 which designates a panel of employees authorised by the Board to be appointed as Acting Chief Executive Officer when the office of the Chief Executive Officer is vacant. The Chair discussed with the Board the appointing of the CFO in an acting up capacity until the recruitment and appointment process for the CEO role has concluded. It was agreed that the Chairperson would progress this further.

Committee Matters

- Audit and Risk Committee Chairperson

The Board approved the appointment of Mr Brendan Lenihan as Chairperson of the Audit and Risk Committee in accordance with the new legislative provision under section 41 of the Health (Miscellaneous Provisions) Act 2022 which replaces the requirement of the Board to appoint a Chairperson of the Audit Committee from among the Committee's external members, with the provision allowing the Board to appoint a chairperson from among any of the members of the Committee. **(Decision No. 270722/52).**

- Performance and Delivery Committee Chairperson

The Board approved the appointment of Mr. Fergus Finlay as the new Chairperson of the Performance and Delivery Committee. **(Decision No. 270722/53).**

- Safety and Quality Committee Membership

On the recommendation of the Committee Chair, the Board approved the appointment of Dr Anne Kilgallen and Ms Mary Culliton to the Safety and Quality Committee **(Decision No. 270722/54).**



1.4 Ministerial Correspondence

The Board noted correspondence received which will be addressed later in the meeting under item 3; CEO Report.

- Minister for Health to Chairman re Our Lady's Hospital Navan 30 June 2022
- Deputy Seán Crowe Cathaoirleach of the Oireachtas Committee 15 June 2022 re closure of the Owenacurra Centre, Midleton, Co Cork. (The Board noted their concern that this correspondence had not been circulated in a timely manner).

1.5 Minutes of Board meeting

The minutes from the Board meeting 29 June 2022 were approved subject to a minor change.

2. Committee Update

Members of the EMT joined the meeting.

2.1 Audit and Risk Committee

The minutes of the Committee meeting of 16 June 2022 were noted.

The Vice Chairperson of the Committee provided a verbal report on the matters considered at the Committee meeting that took place on 20 July 2022, which included discussions relating to:

- Governance and Compliance Framework design project currently underway. The Committee had advised that the new Central Compliance Function should be designed in a way that can provide the EMT, ARC and the Board with consistent reliable reporting on the compliance risk profile of the organisation. As a second line of defence function, this can draw from but be independent of the current first line of defence monitoring and assurance activities.
- Financial position year to date and outlook to year end.
- Special Legislative Accounts – audit status of 2021 draft Accounts.
- Annual Self-Assessment of Competitive Compliant Procurement Exercise - The Committee had requested that an exercise be completed to identify the level of compliance in terms of the Corporate Centre as an output of Self Declaration Process 2021 with an initial focus on Professional Service and Education and Training. A high-level overview of the analysis that



was conducted was provided to the Committee giving an initial view which will need to be refined as the exercise progresses as there is a level of recoding required. The Committee requested further information on the procurement derogations used. A further report will be provided to the Committee.

- Risk management - a Committee workshop was held on 7 July 2022. The workshop was very useful and the Corporate Risk Support Team members who joined the meeting found it valuable. The output from the workshop is tabled for discussion at an EMT meeting. The ARC advices will be reflected as part of the Q3 Review due to be completed mid-September.

- Updates from Internal Audit regarding the Internal Audit Reviews IT Audit – Recommendations Follow Up and the Clinical High Earners Payroll Audit. In relation to the IT Audit – Recommendations Follow Up, as part of its deliberations the Committee requested that the IA report be sent to Mandiant to formally seek their observations on the report and specifically for Mandiant to set out the risks and implications for the HSE arising from the audit's findings. The report will be referred to the HSE Compliance Unit with the aim of including an ICT security threshold/level of ICT compliance in the Service Level Agreements with the voluntary hospitals in a similar way that we include required levels of compliance in other areas.

In relation to the Clinical High Earners Payroll Audit, the Committee noted the final report, including management's response which was issued on 30 June 2022 and that management has developed an action plan in response to the findings of the internal audit report. The Committee suggested consideration be given, including legal advice if necessary, on whether it is required under FOI/GDPR compliance to carry out further anonymisation of the IA Report.

- Legal Services – reporting on strategic legal matters; The Committee agreed to the new proposal strategic legal cases reporting format to be provided to the Committee. The Committee requested that similar reporting arrangements be requested from the State Claims Agency with particulars of strategic litigation against the HSE, which the State Claims Agency manages on foot of its delegated authority.



2.2 People & Culture

The Chairperson of the Committee informed the Board that the next Committee meeting will be held on 2 September 2022 where a deep dive presentation on Regional Health Areas will be provided.

2.3 Safety & Quality

The minutes of the Committee meeting of 14 June 2022 were noted.

The Chairperson of the Committee provided a verbal report on the matters considered at the Committee meeting that took place on 12 July 2022, which included discussions relating to:

- Safe Staffing Framework for Nursing – the Committee received a presentation of the Framework for Safe Nursing staff and skill mix phase I and Phase II and discussed the challenges for implementation of the framework with regards to recruitment and funding
- Diabetes
- National Screening Services
- Quality Report – the Committee considered the Quality Profile for July 2022 and noted that a paper with more detail on the CAMHS indicator would be provided at the September meeting.
- Patient Safety Surveillance System – the Committee received an overview of the newly developed Quality and Patient Safety Surveillance system (QPSSS) which is a key commitment of the Patient Safety Strategy
- Corporate Risk Register Q2 report was presented to Committee
- Risk 08 – Safety incidents leading to harm to patients was also discussed
- Proposed Amendment to the Patient Safety Bill – the Committee noted that as previously discussed correspondence was issued from the Chair to the Minister on 23 June 2022 requesting that any such amendment in relation to interval cancers is not progressed and repeats its commitment to the ongoing full implementation of the ERG reports and the HSE Open Disclosure Policy.

The SQ Chair briefed the Board on the update the Committee had received with regards to the implementation of recommendations in Donegal Disability Services noting that a Strategic Working Group, which the National Independent Review Panel recommended be established has been established and is progressing a body of work based on recommendations from reviews through an identified set of actions. The SQ Committee will be kept updated on progress over the coming months.



2.4 Performance & Delivery

The minutes of the Committee meeting of 24 June were noted.

The Chairperson of the Committee provided a verbal report on the matters considered at the Committee meeting that took place on 22 July 2022, which included discussions relating to:

- Overview from the CCO
- Performance Oversight
- Corporate Risk Register

In the context of the establishment of the Technology and Transformation Committee, the Committee considered with the COO how it would refocus its work programme and improve management reporting. It was agreed that the Chair would progress this with the COO and it would be considered further at the October meeting.

The Committee received an update with regards progress on the Estimates for 2023 noting that this will specify and project what the financial requirements or full cost of existing services (excluding COVID-19 services) will be for 2023, which is informed by the forecasting of expenditure to the end of 2022.

Also an estimate of requirements for key new service developments (NSDs) for 2023. The CFO noted that focus is on full implementation of all strategic developments and service improvements funded in previous years, and to identify exceptional areas where targeted investments are required in 2023, and where there is an assured supply of the requisite staff categories.

With regard to the National Service Plan 2023, the CSO informed the Board that there has been significant engagement with senior management in setting out the new unified approach to the planning process for 2023 and work is currently underway with regard to the Estimates.

2.5 Technology and Transformation Committee

The Committee Chair briefed the Board on an initial engagement he had with Committee members and the CSO and CTTO to review terms of reference and areas of focus for the Committee to oversee the planning and delivery of the HSE's large-scale service transformation programmes, including Sláintecare.

When finalised the terms of reference will come back to the Board for approval.



3. Chief Executive Officers Update

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

The CEO highlighted the following areas of his report to the Board and discussions were held on these areas;

Owenacurra Centre Middleton, Cork

The Board considered correspondence from the Joint Committee on Health (JCH) and Joint Committee on Public Petitions regarding the HSE decision to transfer services from this centre. The Committee had requested the Board to overturn this closure decision and that there be an independent inquiry into the decision-making that led to this closure decision and to decisions made on Millfield House, Garnish House and Glenwood House.

The Chairman confirmed that a response had issued to the JCH in relation to other operational issues raised in the correspondence from the Committee. He briefed the Board on the engagement and briefing papers provided by management already to various Oireachtas Committees including the JCH and PAC. He confirmed Minister Butler has written to the Committee to confirm her satisfaction with the decision taken and engagement with families.

The CEO and COO and ND Community Operations spoke to the briefing paper on this matter which was circulated to the Board for consideration at the meeting, noting this paper had been provided to the JCH. They provided the Board with an account of the rationale for the closure of Owenacurra Centre, its future transition into a rehabilitation centre and community residence service for Middleton and its environs, and the supports and engagement being provided to current residents as they move through what is a difficult process for them and their families. They confirmed the decision to cease services at the Owenacurra Centre was taken by the Chief Officer, having considered the information pertaining to the condition of the building, its requirement to comply with Regulation and its future appropriateness to provide specialist residential services. The Chief Officer was clear that the decision had the support of senior clinical managers as well as operational management. The decision was taken on advice based on reports and advices from the Estates Department and was supported by the Head of Service, the Area Director of Nursing and Executive Clinical Director.



The Board was informed that Mental Health Services in Cork Kerry CHO are now working in close collaboration with the affected service users and their families to find more appropriate accommodation. This process is being handled with sensitivity and with regard to the wishes and preferences of each individual resident.

The COO and ND Community Operations addressed other aspects of the decision raised by Board members including the decision-making process, value for money issues in respect of any capital investment in a replacement and alternative facilities. They noted the building itself is regrettably no longer fit for purpose and it is not viable to bring it to a standard that will meet the needs of our service users and staff.

Following consideration of the matter the Board supported management's decision to transfer the services and to continue to meet the real and pressing needs of the residents in appropriate alternative settings. The Board noted the sincere efforts of all concerned in this matter, who are ultimately endeavouring to provide best possible quality experience to the residents of this facility while acknowledging that the decision to close Owenacurra Centre was multifaceted with the standard of service provided, the regulatory environment and infrastructural investment requirements being the three key drivers.

A response from the Board will be sent by the Chairman to the Cathaoirleach of the Oireachtas Health Committee and the Chairperson of Joint Committee on Public Petitions.

It was noted that the ARC may ask for some papers at its next meeting on some of the financial and service matters, including the other premises that were mentioned in the Oireachtas Committees correspondence.

Reconfiguration of Our Lady's Hospital Navan (OLHN)

Board Briefing 15 July

A briefing had previously been provided to the Board on 15 July 2022 on the actions to be taken to address the requests in the Minister's letter dated 30 June 2022. At that briefing it was confirmed a National Working Group had been established to provide assurance on implementation of reconfiguration of services at Our Lady's Hospital Navan (OLHN) and to ensure that patient safety and quality assurance are central to any agreed changes. Prior to the confirmation of any definitive date for the implementation of proposed changes to services at OLHN, the Working Group will oversee a process to review and validate the reconfiguration planning done to date, while addressing any additional requirements.



The review process will be led by Liam Woods, National Director Acute Operations and Dr. Mike O'Connor, National Clinical Lead Acute Services with representatives from Hospital Groups, Hospitals, CHO, National Ambulance Service, Clinical Leads, GPs and Communications. The Leads will report back to the HSE Chief Clinical Officer and HSE Chief Operations Officer on a fortnightly basis.

The draft terms of reference (TOR) for the process had been circulated to the Board and it was agreed the co-chairs of the working group will keep the HSE Board Chair & Chair of the HSE Safety and Quality Committee updated on progress.

Update from CEO/COO at the Board meeting

The CEO informed the Board that following the briefing with the Board on 15 July 2022 the draft TOR for the process had been provided to the Minister. The Minister had sought that some of the original points reflected through the Department would be incorporated in the TOR.

The COO advised that work on the review process has already commenced. The reconfiguration plan is being reviewed, taking account of all aspects of the plan and additional correspondence received. There are a number of working group meetings already scheduled to ensure that the review process is expedited. The joint leads of the process have been asked to complete the review process by end August .

The Board considered the update provided and noted the purpose of the review is to assess the existing reconfiguration plan for OLHN and to ensure any plans address patient safety risks at Navan, consequential impacts on other services notably Drogheda and the National Ambulance Service, and the enhancement of services in Navan as the hospital modernises its configuration.

The Board endorsed again the management decision to reconfigure Navan in light of the patient safety risks and that this work will continue in parallel with the review. The Board emphasised that the reconfiguration must proceed in in a timely fashion, noting that the intention is for the review and validation process to be completed by the end of August. The expectation of the Board is that the reconfiguration process would be concluded by the end of September as the Board remains very concerned about the potential for loss of life and serious harm to patients at OLHN as well as the need to mitigate the potential impact of the necessary changes in OLHN on other services.

The Chairman informed the Board on his engagements with the Minister on this matter and it was agreed that a draft response to the Ministers letter of 30 June 2022 will be circulated for further consideration.



HSE Board Scorecard

The June 2022 Board Strategic Scorecard Report, as circulated prior to the meeting was noted and approved for submission to the Minister.

Finance

The CFO provided an overview to the Board on the May YTD figures. He noted that the revenue Income & Expenditure (I&E) financial position at the end of May 2022 shows a YTD deficit of €474.1m or 5.6%, with a significant element of this being driven by the direct impact of COVID-19, as reflected in the €363.2m adverse variance on the COVID-19 reported costs and €100.9m adverse variance on core (Non- COVID 19) related costs. However, from an overall perspective it is expected over the coming weeks and months, that the core (non COVID-19) activities will naturally increase and the impact of “delayed” care will also increase demand for core services.

Covid Pandemic Payment

The ND HR informed the Board that the HSE continues to give effect to the ‘Pandemic Special Recognition Payment’ as per directive from the Department of Health. The HSE has made significant progress in implementing payment through identifying those eligible and subsequent payments being made via payroll. This payment is being progressed across hospitals, community services and Section 38s for its staff who have been assessed against the qualifying criteria and meet the criteria. It has been identified that in excess of 85,000 staff have received payment up to 8 July 2022. The HSE remains committed to ensuring that payments are made to all eligible staff as a matter of priority.

Progressing Disability Services

The COO updated the Board on the impact recruitment and retention challenges are having with implementation of the Progressing Disability Services for Children & Young People (PDS) programme, especially in providing children’s disability services through the Children’s Disability Network Teams (CDNT). PDS is a very significant programme of reform and includes the reconfiguration of children’s disability services into Children’s Disability Network Teams. Its aim is to provide equitable, child and family centred services, based on need rather than diagnosis, and regardless of the nature of a child’s disability, where they live or which school they attend. He reported on recent changes involving the return of therapists to Special Schools where not already returned and the impact this is having on staffing in CDNT. The COO is engaging with the Department on the impact of these changes and a further update would be provided at the September Board meeting.



In response to Board members questions on the progress of the transfer of Disability Services to the new Department CEO informed the Board that a memo is expected to be provided for sign off to Government in the coming days. The Board will be kept updated on this matter.

4 Reserved Functions of the Board

4.1 Property Transactions

The CSO presented the following properties for the Board's consideration and approval.

The V/Chairman of the Audit and Risk Committee (ARC) noted that all property transactions had been considered by the ARC at its monthly meeting and were recommended for approval by the Board.

- Proposed granting of a 10-year lease for property at Ballyfin Road, Mountrath, Co. Laois to the Muiriosa Foundation **(Decision No. 270722/55)**
- Proposed Transfer of 63A Shannon Heights, Kilrush, Co. Clare to the Sophia Housing Association. **(Decision No. 270722/56)**
- Proposed Transfer of 0.4 acre site to rear of 63A Shannon Heights, Kilrush, Co. Clare to Clare County Council. **(Decision No. 270722/57)**
- Lease of Units at Omni Shopping Centre, Santry, Dublin 9. **(Decision No. 270722/58)**
- Disposal of vacant houses on the avenue of St Ita's Hospital, Portrane, Co Dublin to Fingal County Council. **(Decision No. 270722/59)**
- Acquisition of Building 4, University Technology Park, Curraheen, Cork City for Cork University Hospital (CUH). **(Decision No. 270722/60)**

Deferred

- Approval for the transaction that will allow the HSE enter into a Public Private Partnership (PPP) for the delivery of 7 Community Nursing Units and Appendix (x1).



5. AOB

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

The meeting concluded 1.45pm and the Board undertook a site Visit to St James Hospital

6. Site Visit to St James Hospital

CEO of St James's, Mary Day and Chair, Catherine Mullarkey presented to the Board on the Creation of an Academic Health Science Centre on the St James's Campus and on the ambitions and proposals for Trinity St James's Cancer Institute. Following the briefing, the Board members had an opportunity to visit some aspects of the services and to see some practical innovation in place.

A handwritten signature in black ink, appearing to read 'Ciarán Devane', written over a horizontal line.

Signed: **Ciarán Devane**
Chairperson

Date: **30th September 2022**