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8<sup>th</sup> July 2024

Deputy Noel Grealish  
Dáil Eireann  
Leinster House  
Kildare Street  
Dublin 2.

**PQ 28054/24 – To ask the Minister for Health if all public sector pay increases for bus drivers who provide transport through agencies for special needs children has been implemented by the HSE; and if he will make a statement on the matter**

**- Deputy Noel Grealish**

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Dear Deputy Grealish,

The Health Service Executive (HSE) has been requested to reply directly to you in the context of the above Parliamentary Question, which you submitted to the Minister for response.

Section 39 agencies are agencies under Section 39 of the Health Act 2004 where the HSE provides a grant to allow the agency to provide services similar or ancillary to the HSE. However, it must be acknowledged that Section 39 organisations are privately owned and run and staff in these organisations are not public servants. Their terms and conditions of employment, once in line with employment legislation, are strictly between the employer and the employee and lie beyond the remit of the HSE.

Consequently, 'bus drivers who provide transport through agencies for special needs children' are not Public Sector employees and as a result are not included in any Public Sector Pay Deal. All funding provided by the HSE is on a total basis and the allocation of these funds within the agency is determined by the agency. Consequently, the HSE is not in a position to advise as to what pay rate adjustments, if any, have been implemented by each individual agency, of which there are many.

The HSE is currently engaged in a process arising from a WRC pay agreement to provide increased funding to S39 agencies which is intended to provide additional funding to be allocated specifically to provide pay increases for those employees that each agency deems are entitled to a pay increase. (See Appendix 1). Allocation of these funds within the agency is determined by the agency itself.

## Appendix 1

Background WRC pay agreement

Following intensive talks under the auspices of the Workplace Relations Commission (WRC), parties to the process, including the Department of Children, Equality, Disability, Integration and Youth and the Department of Health, reached a pay agreement with Unions representing Section 39, Section 56 and Section 10 organisations. The agreement proposes an 8% increase in funding for pay over three phases.

The HSE is tasked with developing administrative arrangements to make this additional funding available to all eligible section 39 organisations. This funding is only to cover HSE funded services within an agency.

All eligible Section 39 organisations, regardless of the level of funding were asked to participate in the S39 pay Process. This process is ongoing with Section 39 organisations that have submitted claims. Once claims are validated they are approved for payment accordingly.

I trust this information is of assistance to you.

Yours sincerely,

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

David Walsh  
National Director  
Access and Integration