



Minutes of HSE Board Meeting

Friday 15 December 2023

A meeting of the Board of the Health Service Executive was held on Friday 15 December 2023 at 9:00am, in the Boardroom, Dr Steevens' Hospital.

Present: Mr Ciarán Devane (Chairperson), Prof Deirdre Madden (Deputy Chairperson), Mr Brendan Whelan, Mr Aogán Ó Fearghail, Mr Fergus Finlay, Ms Anne Carrigy, Prof Fergus O'Kelly, Ms Michelle O'Sullivan and Mr Matt Walsh

Remotely: Dr Yvonne Traynor, Mr Tim Hynes and Dr Sarah McLoughlin

In Attendance for Board Meeting:

Mr Bernard Gloster (CEO), Mr Brian Murphy, (Head of Corporate Affairs), 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), Mr Damien McCallion (COO), Mr Patrick Lynch (A/CSO), Dr Colm Henry (CCO), Dr Stephanie O'Keeffe (ND Operations Planning), Ms Anne Marie Hoey, (ND HR), Mr Mark Brennock (ND Communications), Mr Joseph Duggan (ND IA), Dr Philip Crowley (ND Strategy & Research), Mr David Walsh (ND Community Operations), Ms Mary Day (ND Acute Op), Mr Liam Woods (National Director Health Regions Programme), Mr John Ward (CTTO), Ms Miin Alikhan (AND Strategic Planning and Reporting), Mr Paul de Freine (ND Capital & Estates)

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.

1. Board Members Private Discussion

The Chairperson welcomed members to the meeting and provided an update to the Board during their private session on several matters.

2. Governance and Administration

2.1 Declarations of Interest

No conflicts of interest were declared.



2.2 Chairperson's Remarks

The Chair briefed the Board on the quarterly meeting held with the Minister for Health on 14 December 2023. Discussion with the Minister focused on the Urgent & Emergency Care Plan including rostering over the Christmas / New Year period, waiting lists, productivity, recruitment, finance, Pay and Numbers Strategy, Unscheduled Care, HSE Balance Scorecard and workforce issues.

The Chair also briefed the Board on a data presentation regarding trends in Acute Hospital Expenditure, Workforce and Activity that had been shared at the quarterly meeting and it was agreed that a similar presentation was to be added to the Board Workplan.

A discussion was also held with the Minister regarding Recruitment and Retention. The Board noted the Pay and Numbers Strategy is being finalised and will be presented to the Board at its March meeting.

The Chairman informed the Board that an updated version of the HSE / DoH Oversight Agreement was signed by the Minister and Chair, as amendments had been made to reflect the responsibility of the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) for funding, policy and oversight of disability services and the accountability of the Health Service Executive to the DCEDIY in delivering disability services.

The Chairman informed the Board that a quarterly meeting is due to be held with the DCEDIY on 24 January 2024. Board members B Whelan and F Finlay will be invited to attend with him and the CEO.

The Chairman informed the Board that the Minister had reappointed him as Chairperson for a further three-year period. The Chairman also provided an update on discussions with the DoH and Public Appointments Service (PAS) on the recruitment process for new Board members.

The Chair noted he had received correspondence from the Minister for Health regarding a National Incident Management System External Review (NIMS) incident in Limerick and it was agreed that the matter would be discussed further with the CEO later in the meeting.

The Board welcomed the appointment of Sandra Broderick as Regional Executive Officer (REO) in HSE Midwest region. The Board also acknowledged the work that had been carried out by Paul deFreine, National Director of Capital and Estates who is due to retire at the end of the year and Mary Day, National Director Acute Operations who is returning to her position of CEO, St James's Hospital. The Board welcomed the appointments of Brian O'Connell, Interim National Director of Capital and Estates and Grace Rothwell, Interim National Director Acute Operations.



2.3 Ministerial Correspondence

Ministerial correspondence was discussed under Item 4.2.

2.4 Minutes of Board meeting

The Board approved the minutes of the Board meeting of 24 November 2023.

3. Committees of the Board Briefings

3.1 Audit and Risk Committee

The minutes of the Committee meeting of 17 November 2023 were noted.

The Committee Chairperson provided a verbal report on the matters considered at the Committee meeting that took place on 08 December 2023 as follows:.

He noted the CEO attended the meeting and updated the Committee on the Corporate Centre Design and the NSP 2024.

Papers relating to Agencies Oversight Agreements and Business Continuity Management (BCM) Policy and Handbook, were noted by the Committee and will be further discussed by the Committee in 2024.

The Committee is arranging a workshop with management to review the arrangements for Board oversight of risk management to review the new format.

The Committee received an update in relation to the Interim Internal Audit Plan 2024, discussed outsourced ICT audits, and requested that ND IA review the policy of total outsourcing of IT auditing. The findings of two special audit reviews were reported and the Committee will receive a management summary of one of the reviews at a future meeting.

The Deputy Director of Audit C&AG attended and presented to the Committee the C&AG Audit Plan for year ended 31 December 2023, and noted the Audit could be impacted by current work-to-rule. The Committee were briefed on the AFS 2024 timelines, current issues and judgements. The Committee will continue to provide oversight of the audit work until the audit is completed in May 2024.

The Committee had reviewed the draft chapter of the NSP 2024 relating to the Financial Management Framework, and provided feedback to the CFO.



The Committee had also reviewed that Capital Plan 2024 (Building & Equipment) and agreed to recommend to the Board.

The Chair noted no paper was presented to the Committee in relation to the YTD Financial Position due to the Forsa work-to-rule. He mentioned concerns the Committee had regarding the overall industrial relations environment. The Committee received an update in relation to the IFMS Implementation issues including HSE & Tusla RCA Duplicate Payments.

The Committee had considered the detail of proposed capital and commercial contracts and properties, and recommended approval to the Board.

3.2 Planning and Performance Committee

The minutes of the Committee meeting of 17 November 2023 were noted and the Committee Chairperson provided a verbal report on the matters considered at the Committee meeting that took place on 08 and 14 December 2023.

At the meeting of 08 December the Committee received an update on Communication items in relation to the winter vaccine programmes, the current spike in RSV, and the projected hospital attendance over the Christmas period.

The Committee reviewed draft 1 of the NSP 2024 following receipt of the Letters of Determination (LoDs) from both the DoH and DCEDIY, and provided feedback.

The Committee was presented with the monthly COO Performance Report, HSE Hi-level KPI Report (previously OSR) and Performance Profile (October Data), and noted that due to the industrial relations environment, some data was unavailable.

Key strategic and operational updates were provided with a particular focus on Scheduled Care, Urgent and Emergency Care, Urgent Colonoscopy, Cancer Services, Therapy Waiting Lists, CAMHs, Disability Services, Human Resources; Pay and Numbers Profile, and Escalation under Performance and Accountability Framework (PAF) 2023.

A Special Committee meeting was held on 14 December to consider the updated draft NSP 2024. The majority of feedback received from the Committee on draft 1 post - LoD NSP 2024 at the meeting of 8 December had been incorporated, and the Committee noted examples of key issues highlighted by the DOH feedback. It was agreed that the matter would be discussed further under Item 4.2 NSP at today's meeting.



The Committee agreed to recommend to the Board the adoption of NSP 2024 on the basis that their feedback is incorporated into the final draft.

3.3 Safety and Quality Committee

The minutes of the Committee meeting of 16 November 2023 and the Quality Profile (October data) were noted. The Committee Chairperson provided a verbal report on the matters considered at the Committee meeting that took place on 13 December 2023.

The Committee received an update in relation to the implementation of the Emily and Brandon report recommendations and the Healthcare Audit Plan 2024.

The monthly Chief Clinical Officer's report was presented to the Committee, which included a Public Health update in relation to planned respiratory virus epidemiology and surveillance outputs from HPSC for the 2023/2024 winter season, COVID-19 cases, RSV activity, the overall influenza trend, and the Winter Vaccination Programme. The Committee expressed concern on the continuing low uptake of COVID-19 and influenza vaccines among healthcare workers.

Also included in the CCO report was an update with regard to the National Women and Infants Health Programme's Obstetric Event Support Team (OEST) Programme, the National Screening Services, CHI Reviews, NSP 2024 process, the review of a serious incident resulting in the death of a teenage girl in University Hospital Limerick in December 2022, current ED Activity at Our Lady's Hospital Navan (OLHN), Beneficiaries of Temporary Protection (BOTP) - International Protection Applicants (IPA) Catch-up Vaccination Programme, Childhood, Adolescent and Young Adult (CAYA) Cancers re Screening Programme, Drugs Shortages, Administration of IV antibiotics in nursing homes/step down hospitals.

The Committee was presented with an overview of Clinical Governance in the HSE and funded agencies, which covered various topics, and it was noted that a further discussion on Clinical Governance is scheduled for the Committee's February 2024 meeting.

The Quality Profile from the October data cycle was considered and it was noted that there was very little change in the monthly indicators compared to September. A workshop on the Quality Profile is to be held in January 2024 with the aim of agreeing how the Quality Profile will be utilised going forward.

The Committee were presented with the overall implementation plan with progress being reported on each commitment of the Patient Safety Strategy and the achievements and challenges for each, and



the Committee discussed measures taken to achieve the 'Measure and Learn to Improve Patient Safety' commitment.

Two presentations, relating to the Quality and Safety Signals Programme and Data for Decision Making were presented at the meeting.

The Committee had discussed the Human Trafficking Bill 2023, and highlighted the need to ensure that awareness of human trafficking is included in all staff training.

3.4 Technology & Transformation Committee

The minutes of the Committee meeting of 06 October 2023 were noted. The Committee Chairperson provided a verbal report on the matters considered at the Committee meeting that took place on 01 December 2023.

The Committee attended the Better Together for Digital Healthcare conference in the Convention Centre and noted their support of the initiatives showcased. An update on the engagement with the DoH in relation to the development of the Digital Health Strategy Prioritisation Framework for Transformation was provided.

The Committee discussed the HSE Board Strategic Scorecard (BSS) 14 - eHealth, its present format and that the current industrial relations environment is impacting on data provided in the BSS.

The Committee reviewed the eHealth and ICT Capital Plan 2024, and agreed to recommend to the Board.

The Committee received an update on the Prioritisation Framework for Transformation and discussed the next steps for further development of the Framework and how it should be maintained.

4. Chief Executive Officer

4.1 CEO Report

The Chair welcomed the CEO to the meeting and 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 relating to operational matters, strategic objectives Ministerial priorities and organisational change. He noted that the reporting of data had been impacted on by the ongoing industrial action.



Discussions were held on the following aspects of the report.

Urgent & Emergency Service Pressures (UEC)

Informing the Board that he will directly be involved in the management of UEC through the Christmas and New Year period, the CEO confirmed that he has communicated to the system a number of key actions for implementation, which will be in response to and due to the potential risks to patient safety over the coming weeks. This included immediate operational actions to be implemented by all hospital sites and CHOs, surge capacity measures in key areas to be implemented immediately, an increased focus on staff vaccination is required, local communications forums are to be established, hospital sites need to ensure that site level escalation plans as per the National UEC Escalation Framework are established and implemented by 15 December and all staff are aware of infection and prevention control precautions for caring for patients with respiratory illness and norovirus.

The CEO confirmed the plan has been the daily focus x 7 days coming into and over Christmas to manage and develop capacity (weekend discharging) and has yielded comparatively favourable results in managing ED and avoidance and discharge.

The Board welcomed the update with regards to the operational focus of measures, further discussions were held on the quantum of private beds that will be made available to support acute sites in the context of available funding approval.

Waiting List Action Plan (WLAP)

The CEO provided an update to the Board on the 'in- year' Unscheduled Care Management Plan which will run over the coming period. He noted that while year on year trolley waits have dropped by an average of 6.5%, which was welcomed, he confirmed there is continued focus on some individual sites that remain challenged in order to achieve improvements in wait times.

The CEO informed the Board that coming into this period, trolley waits and pressures will be a feature of the services with system wide management and clinical leadership hands-on approach to exploiting every opportunity to respond to the public need, particularly as it manifests itself in the Emergency Departments (ED).

He also highlighted that a clear priority of this year's focus was that older and more frail people are to be the most urgent focus of all services, including where necessary their care experience while in ED awaiting admission.



The Board welcomed the actions and plans that have been put in place, they commended all HSE staff in both hospitals and the community in responding to the pressures and their enormous effort in what may be extremely challenging circumstances over the coming weeks.

CHI Organ Retention

The CEO informed the Board that as reported in his November CEO Report, that following a full review of all organs and relevant information that had been completed by CHI at Crumlin, he has received further assurances on this matter, noted that communication issues, further forensic work and time had all contributed to the issue but he has now received assurance that the matters are now comprehensively dealt with and CHI Crumlin is now compliant with the guidelines. He informed the Board that engagement with families remains ongoing.

Employment Control & Industrial Relations

The Board discussed the impact of the current industrial relations, and the CEO informed the Board that the issue is impacting on capability and remains challenging, but a detailed Pay Forecast Model is in its final stages of development and will set out affordable WTE limits. It is intended to issue affordable WTE limits to the system before the end of December 2023 to enable reporting and monitoring to commence in 2024.

Mental Health Commission

In response to a request from the Board for a formal update regarding implementation of the Mental Health Commission (MHC) recommendations following its review of Children and Adolescent Mental Health (CAMHS), the CEO presented a progress report which included proposed governance structure and overall progress achieved to date. The Board welcomed the progress made and it was agreed that a further update would be provided in due course.

NIMS Incident University Hospital Limerick (UHL)

The CEO briefed the Board on a report received in respect of the death of a 16-year-old girl at UHL. The Board were informed that the report is significant in its findings about the care of the girl and the operation of the hospital including the non-implementation of the ED escalation framework.

The Minister in his correspondence to the Board regarding the report (dated 13 December 2023) noted the clear failures in clinical and governance at the hospital. The Board agreed with the Minister and emphasised that questions of accountability learnings for improvement need to be addressed and assurances that similar failures cannot occur again.



The Board acknowledged steps that the CEO had made in bringing forward the Regional Executive Officer appointment of Sandra Broderick for the Mid West Region but noted that it is extremely concerned at these events and the wider context of previous issues in respect of UHL.

The Board requested that the CEO urgently consider the governance arrangements in place at various levels within UHL and that without prejudice to the outcome of any further processes, that he provide maximum assurance as to the adequacy of current arrangements.

The CEO informed the Board that while there are numerous instances in health and social care where the analysis of adverse incidents can be beneficial for improvement, there are situations where further investigation is required and he is satisfied this is one of those. He confirmed that he is considering commissioning an evidence-based report on the circumstances surrounding the death and the clinical and corporate governance of UHL which led to the conclusions set out in the report and will revert to the Board regarding next steps.

HSE and VHI Engagement

The CEO confirmed to the Board that discussions had concluded on the basis previously advised and the Board supported the position reached subject to the usual necessary DOH and DPER approvals being received for same.

4.2 National Service Plan 2024

EMT members joined the meeting

The CEO presented to the Board the NSP 2024 – penultimate draft post receipt of LoD, and the timelines for completing the NSP 2024, with submission due for 20 December 2023 to the Minister for Health and the Minister for Children, Equality, Disability, Integration and Youth and advised the Board of the ongoing work to finalise the financial and workforce positions and associated service considerations.

The Board noted that the draft circulated reflected feedback from the EMT, Planning & Performance Committee, the DoH and DCEDIY.

The Board were advised that feedback on draft 1 post-LoD NSP 2024 was received from the DoH and DCEDIY on 13 December and circulated to service teams for their consideration. Following this feedback, subsequent amendments are being made to the NSP and all will be addressed, as appropriate, in the final draft NSP issuing to the Board on 20 December 2023.



In relation to the DoH feedback, the Board noted that of the 41 red line issues, a response to just four is awaited, of the 37 where a response was received, approximately 68% resulted in changes being made to the draft. Specific text amendments / additions have also been indicated and additional feedback (non-red line issues) has been provided. All are being considered by service teams for inclusion / amendment of text as appropriate.

In relation to the DCEDIY, the feedback relates primarily to ensuring reference and inclusion of the new Department in initiatives such as the Savings and Productivity Taskforce, strengthening of reference to safeguarding, specific accommodation for a resourcing strategy specific to Disability Services and clarification of KPIs. Of the 10 red line issues, 70% resulted in changes being made to the draft.

The Board were advised that the draft was reviewed by the Planning & Performance Committee at their meeting on 14 December and the Committee's feedback was outlined by the ND Operations Planning and the Chair of the Committee. The plans in relation to the focus on productivity was discussed by the Committee and it was highlighted that the language should clearly define early in the document the proposed approach. The Committee had emphasised the need to strengthen the role of the community sector, especially in relation to the multi-annual urgent and emergency care plan, and change management support was raised as a consideration to achieve productivity aims.

The Committee requested that the section relating to disability services be revised and strengthened, and it was noted that further funding was expected in this area and that the section may be revised following the receipt of further detail of this funding. KPI targets were highlighted, particularly those set at a lower point than the 2023 KPIs.

In relation to the funding of clinical strategies outlined in the draft NSP, the Committee had expressed particular concern on the low level of additional funding allocated to the National Cancer Care Programme (NCCP) for 2024 as it was felt it would not be sufficient to progress the NCCP in line with Sláintecare. The Committee suggested that the overall commitment to Sláintecare from a strategy perspective be made clear to services in the final NSP.

The Board members considered the draft presented and outlined their feedback to the CEO and EMT and emphasised that the patient focus should be highlighted throughout and that the CEO and Chair introductions would be key in setting the overall tone of the document.

It was agreed that the final draft of the NSP 2024 would be brought to the Board for approval at a Special meeting on 20 December 2023.



4.3 End of year review of Board Strategic Scorecard

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

The Board noted that due to the ongoing industrial action reporting is incomplete for 12 of 19 Scorecards.

The Board discussed and approved the BSS for December 2023, reflecting October data, for submission to the Minister for Health, and a copy to be sent to the Department of Children, Equality, Disability, Integration and Youth.

The Board reviewed the BSS with the CEO and EMT members. The ND Operations Planning advised the Board of feedback received from the Performance & Planning Committee relating to the deliverability of the NSP. The Board agreed that the need to create tighter alignment on progress against key strategic programmes / priorities, objectives and goals of the NSP and Corporate Plan in the BSS for 2024 is vital, that there is commitment to the NSP and to ensure that it is reflected in the BSS in 2024.

5. Reserved Functions of the Board

5.1 Properties & Contracts

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

- i. CAR 22065 - International Recruitment of Nurses & Midwives. **Decision No.: 151223/75**
- ii. CAR 19946 - Media Agency Tender. **Decision No.: 151223/76**
- iii. CAR 21223 - National Contract for Oncotype Dx Testing. **Decision No.: 151223/77**
- iv. CAR 22969 - HSE Legal Services. **Decision No.: 151223/78**
- v. Contract Award for 20-bed purpose build Cystic Fibrosis Inpatient Facility at Beaumont Hospital. **Decision No.: 151223/79**
- vi. Contract for Refurbishment and Extension of North West Hospice Sligo. **Decision No.: 151223/80**



vii. Lease of Primary Care Centre, Youghal, Co Cork. **Decision No.: 151223/81**

viii. Lease of Primary Care Centre, Middleton, Co Cork. **Decision No.: 151223/82**

ix. Proposed Acquisition of JJSR Building Tralee, Co Kerry. **Decision No.: 151223/83**

6. Any Other Business and Close

There was no further business. The meeting concluded at 14.22. It was noted that a HSE Special Board meeting regarding the National Service Plan 2024 would take place remotely on Wednesday 20 December 2023.

Signed: **Ciarán Devane**
Chairperson

Date: **26th January 2024**