



Minutes of HSE Board Meeting

Friday 29 September 2023

A meeting of the Board of the Health Service Executive was held on Friday 29 September 2023 at 9:00am in Dr Steevens' Hospital

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

In Attendance for Board Meeting:

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

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 members to the meeting and provided an update to the Board during their private session on number of matters.

1. Governance and Administration

1.1 Declarations of Interest

No conflicts of interest were declared.

1.2 Chairperson's Remarks

The Chair informed the Board that he and the CEO had attended a Quarterly meeting with Minister Roderic O'Gorman, Minister Anne Rabbitte and their officials on Wednesday 27 September. Agenda items included Budget Management, the Action Plan for Disability Services 2023-2026, Roadmap for Children's Services, Assessment of Need, Disability Workforce issues and Regional Health Structures. The Chairman agreed to consult with the Minister on attendance of relevant Board members at these meetings as appropriate.

The Board noted the seriousness of emerging issues in respect of Children's Health Ireland (CHI) and spinal surgery issue and agreed that they would discuss this matter under the CEO Report.



1.3 Minutes of Board meeting

The Board approved the minutes of the Board meetings of 28 July and 13 September 2023.

2. Chief Executive Officer

2.1 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.

Discussions were held on the following aspects of the report.

Retained Organs at CHI Crumlin

The CEO informed the Board that following a HSE Audit in December 2021, it was identified that organs which had been retained at Post Mortem in CHI at Crumlin remained, securely stored, in the department. These organs were from Post Mortems performed pre-2020. The retention of organs from the children was the result of a breakdown (or non-commencement) of communication with families or an inadequate capture of information about the family's wishes regarding Organ Retention.

A planned programme of work, including communication strategies was presented to the Board and the CEO noted that a commitment had been given by the CHI Executive that this work will be fully completed by the end of December 2024.

The Board were concerned at the failure to learn from previous reports and reviews on organ retention. The Board requested that all other hospitals are asked to confirm that they are complying with policy and procedures on this matter.

In response to the Board's concerns and questions the CEO informed the Board that a review of CHI at Crumlin mortuary departmental processes has been completed to ensure that this prolonged retention situation cannot recur. He also noted that following an open disclosure process he would be writing to the system seeking assurances that all Internal Audit findings have been implemented.

Children's Health Ireland Scoliosis Reports

The CEO informed the Board that the outcomes from two CHI reports are concerning at a high level. The additional revelations regarding the use of unauthorised springs as internal devices have seriously damaged confidence in the sensitive area of the health care system. The CEO confirmed that the matter would be fully examined and responded to as part of the independent expert clinical



review commissioned by the HSE, which would be led by a UK-based Orthopaedic Surgeon Financial and HR Positions.

The CEO noted that the finance and HR positions to year end 2023 has been reported to the Board at the special Board meeting on the 13th September 2023. He noted that the estimates and planning processes underway for 2024 as budget day is approaching. The CEO informed the Board on the position and his ongoing engagements with the Department of Health (DoH). He noted it is anticipated that 2024 will be an extremely challenging year throughout the system when factors of demand, inflation and control will again create financial pressures.

Waiting List Action Plan (WLAP)

The CEO informed the Board that the end of August position was 708,399 against a target of 678,383. However he reported that it is essential to understanding the actual performance to note that within the target there were over 80,000 under estimated new “ons” on the waiting list, the actual figure reflects a positive variance of 50,000 indicating progress with performance.

Development of new HSE Corporate Plan

The process and timeline for development of the new Corporate Plan was considered noting that a new Corporate Plan is required to be submitted to the Minister by end September 2023. However, due to a number of factors including the impact of COVID-19 on finalisation and implementation of the current plan and the implementation of the new Health Regions accompanied by reform of the HSE Centre, the Board agreed to the management recommendation that the finalisation of the new plan would be done by Q3 2024. This revised process and timeline for the development of the new Corporate Plan will be discussed and agreed with the DoH.

National Screening Services

The CEO provided updates to the Board on the National Cervical Screening Service (NCSS) noting that the NCSS project to build and equip the new laboratory is completed and will start to support the service in the coming weeks. The National Screening Service Strategic Plan 2023 – 2027 is being implemented and annual reports regarding progress will be shared in due course. The Board were also informed that ongoing governance of the Cervical Check personal cervical screening reviews (PCSRs) has transferred to the Cervical Check Management Team.

Regional Health Areas (RHA's) and the National Centre Design

In relation to the development of RHA's and the National Centre design, the CEO informed the Board that the positions for six new Regional Executive Officers have been advertised via the Public Appointments Service. In response to Board questions the CEO said he anticipated a high level of



interest in the new roles. As this matter is now at competition, he will again update the Board at the conclusion of the process.

Following consultation with the Board in July on the headline approach to the National Centre design the CEO noted that he had circulated a draft revised structure for the HSE at national level. He stated that the proposed change is part of the overall structure reform (move to Regions) which in turn is designed to facilitate integration and development of modern-day health and social care services and that he is aiming to arrive at a conclusion capable of implementation between February and September 2024.

Emily Report

The CEO reported that the Emily Report previously circulated to the Board commissioned from an independent expert has been received and accepted and is now published.

He informed the Board he had met with Emily's family in advance of the publication. He noted the recommendations in the report are significant but pragmatic in the circumstances and will now be implemented.

Board Strategic Scorecard

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

The Board noted the overall average rating of 2.73, down 0.11 since July 2023. 11 scorecards maintained their ratings since July, five downgraded their ratings: Public Health Covid 19 - Test and Trace and Programme for Vaccination & Immunisation; Reform of Disability Service; Prevention and Early Intervention; Enhancing Bed Capacity and eHealth. Three Scorecards increased their ratings, each from a 2 to a 3: Unscheduled care; Patient Service User Partnership and Planning and Implementation of Health Regions.

The Board noted and approved the changes to individual September Scorecards relating to Reform Home Support and Residential Care for Older Persons; and Planning and Implementation of Health Regions.

The Board approved the BSS for September 2023, reflecting June / July data, for submission to the Minister for Health, and a copy to be sent to the Department of Children, Equality, Disability, Integration and Youth.



3. Reserved Functions of the Board

3.1 Contracts & Properties

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.

Contract Approval Requests (CARs)

- i. Respiratory Therapy Products **Board Decision No.: 280723/56**
- ii. NAS Intermediate Ambulance Services **Board Decision No.: 280723/57**

Building Contracts

- iii. Award of Contract Beaumont Hospital Cystic Fibrosis Unit **Board Decision No.: 280723/58**

Building Properties

- iv. Proposed Lease of Primary Care Centre, Co Cavan **Board Decision No.: 280723/59**
- v. Proposed Lease of Primary Care Centre at Mayfield/Ballyvolane, Co Cork **Board Decision No.: 280723/60**
- vi. Proposed Lease of Primary Care Centre, Navan, Co. Meath **Board Decision No.: 280723/61**

4. Committees of the Board Briefings

4.1 Audit and Risk Committee

The minutes of the Committee meeting of 14 July 2023 were noted and the Committee Chairperson provided a verbal report on the matters considered at the Committee meeting that took place on 15 September 2023.

The Chair advised the Board that the Committee were provided with an update during the private session from the ND IA in relation to the management of the Internal Audit function.

The Committee received an update in relation to the final draft Report of the Corporate Risk Review 2023, which reflected the output and decisions of the EMT and were presented with the 10 proposals contained in the Report which responded to the findings of the Review. The CRO also presented to the Committee the HSE Q2 2023 Corporate Risk Register (CRR) Report. The Chair advised the Board that the Committee discussed the plan to review the approach to risk oversight by the Committees of the Board and it was agreed that the ARC and other Committee Chairs would hold a separate meeting devoted solely to the topic with the CRO and team and report back to the Board for consideration of how Risk should be managed at Board level.



The Chair advised the Board that the Committee were presented with the Protected Disclosures Report – Half year update January to June 2023 and a Data Protection briefing on HSE’s Record Retention Policy.

The Committee were provided with updates from the CFO and Asst CFO in relation to the YTD Financial Position as at June 2023, an overview of the Estimates for ELS for 2024, Procurement Compliance Self-Assessment relating to Q1 & Q2 2023, the progress of the Internal Controls Improvement Programme (ICIP) and the Plan for Review of Effectiveness of System of Internal Control within the HSE – Controls Assurance Process 2023.

The Committee considered a paper on the proposed governance arrangements for the National Maternity Hospital (NMH) at St Vincents University Hospital (SVUH) programme, which would ensure that an effective Programme Governance Framework, incorporating project governance, and a performance management and accountability system is in place to deliver the programme in line with approvals.

The Chair reported that an update was provided by the ND IA with regard to the Internal Audit Q2 2023 Report, and discussed the outstanding recommendations relating to 2014 to 2020. The Chair advised the Board that the Committee reiterated their request that respective management of outstanding aged recommendations will be required to report to Committee on audit issues. The ND IA also presented to the Committee the update in relation to the Internal Audit Planning for 2024 and that Internal Audit had undertaken a mid-year review of the approved 2023 Audit Plan, and were presented with the Recalibration of the Internal Audit Plan 2023.

The Chair advised the Board that the High Earners Review Action Plan was discussed and the Committee welcomed the significant work that had taken place on the matter. The Committee noted that the high earner threshold would likely be increased from €300k to €500k, due to inflationary and other factors. The Committee welcomed that HSE management is committed to address the issue of high earners within the organisation, and that the solutions required to address resourcing, recruitment and retention challenges are likely to be longer term and more strategic in nature.

The Committee were presented with an update in relation to Mount Carmel Surgical Hub – Construction Tender Award, and that a proposal to bring forward a recommendation to award the contract to the preferred contractor will come before the Committee in due course.



Recording of written procedure decisions

The Board noted that the appointment of Ms Sharon Keogh and Ms Éimear Fisher as external members of the Audit and Risk Committee for a term of 3 years until 15 September 2026 had been approved via written procedure on 17 August 2023. **Board Decision No.: 290923/62.**

4.2 People and Culture Committee

The minutes of the Committee meeting of 13 July 2023 and the HR Dashboard were noted and the Committee Chairperson provided a verbal report on the matters considered at the Committee meeting that took place on 25 September 2023.

The Chair advised the Board that the Committee were presented with the Health Regions Progress Report, and were provided with an overview of the timeline for the regions rollout, and the importance of ICT in the process. The Committee discussed the expected transition period, the utilisation of KPIs and patient engagement in the development of the Health Regions.

The Chair reported that the Committee were presented with the Internal Communications report which included an update in relation to the current communications activities including the launch of Health Regions, internal staff communication; consultant recruitment international campaigns; and NAS Recruitment campaign.

The Chair advised the Board that the CEO joined the Committee meeting and provided a brief update on the development of the NSP 2024, and advised that work is ongoing towards a pay and numbers strategy and future support from the Committee will be critical in this regard.

The Committee were presented with an update in relation to the employment of people with a disability in the HSE, and were provided with an overview of the estimated number of staff with a disability employed within the HSE, the measures supporting employment of staff with a disability, and ongoing work to demonstrate compliance with relevant legislation.

The ND HR provided the Committee with the HR Bi Monthly report and provided an update on the Public Only Consultant Contract 2023 (POCC). The Committee discussed the mechanism for measuring the success of the marketing campaigns in terms of POCC applications received.

The Chair advised that the 2023 Health Excellence Awards is now open for applications, and members of the Committee are taking part in judging the applications.



The Chair reported that a discussion was held regarding services which have exceeded WTE targets in the 2023 Pay and Numbers Strategy in the category of Management and Administration, and were joined by CEO's of the Hospital Groups / CHO areas.

The Committee were presented with an update in relation to the HSE Staff Survey 2023 and welcomed the increase in the overall engagement and score level.

4.3 Planning and Performance Committee

The minutes of the Committee meeting of 21 July 2023 were noted and the Committee Chairperson provided a verbal report on the matters considered at the Committee meeting that took place on 22 September 2023.

The Chair advised that the Committee received an update on Communication items by the ND Communications particularly in relation to the Paediatric Orthopaedic Surgical service at Children's Health Ireland (CHI) at Temple Street following a number of serious spinal surgical incidents there.

The Committee considered the approach to the structure and drafting process of the National Service Plan 2024, including the proposed outline and the development of content for the NSP 2024 to ensure an early draft pre-Letter of Determination NSP 2024 is available for review by EMT/SLT and brought back to the Committee in October.

The Committee was presented with the monthly COO Report, Operational Service Report (June / July Data), Performance Profile (June / July Data), National Performance Oversight Group (NPOG) Meeting Notes (August / September Data), and the PMO Report – Winter/NSP 2022-23, with a focus on Scheduled Care, Urgent and Emergency Care, Urgent Colonoscopy, Cancer Services, Therapy Waiting Lists, CAMHS, Disability Services, Independent Investigations, Resourcing / Pay and Numbers Strategy, Absenteeism, Escalation to National Director Level Performance and Accountability Framework (PAF) 2023.

The Committee were provided with a presentation relating to Mental Health, and the current position within the HSE which included people, funding, management structures, and a good understanding of overall need, including especially unmet need. The Committee discussed the importance in seeing an overall plan to improve mental health services.

The Chair advised the Board that a joint approach in relation to Mental Health is required with the Safety & Quality Committee, and discussions have taken place with the Chair of the Committee.



The Committee were provided with an update in relation to cancer performance at Cork University Hospital (CUH). The Committee were provided with an outline of the challenges in CUH in terms of achieving and improving the current Key Performance Indicators (KPI), with a particular focus on Breast and Prostate, Radiology access/capacity - PET, US, CT, MRI, and Mammography. The Committee found the report to be very concerning, and noted the ongoing engagement with clinicians and senior management teams at HG level via the NCCP-Acute Operations Oversight group.

The Chair advised the Board that the Committee were provided with an update in relation to the final draft Report of the Corporate Risk Review 2023, and noted the 10 proposals contained in the Report which responded to the findings of the Review and noted the Q2 2023 Corporate Risk Register (CRR).

4.4 Safety and Quality Committee

The minutes of the Committee meeting of 14 July 2023 and the Quality Profile (July data) were noted. The Committee Chairperson provided a verbal report on the matters considered at the Committee meeting that took place on 08 September 2023.

The Chair advised the Board that the Committee were provided with an update in relation to the National Service Plan 2024 process, focusing on the Estimates (New Service Developments) 2024.

The Chair advised the Board that the Committee heard directly from clinical staff members who shared their experience practicing quality and patient safety work in front line services. The Committee received updates in relation to QI resources within the National Quality and Patient Safety Directorate and the opportunities and challenges for embedding QI across the health service; and a quality improvement project within a clinical service which was the Introduction of a Post Gastrostomy Device Insertion Feeding Protocol.

The Committee received an update from the CEO of the National Screening Services in relation to the Legal Framework Group report, the purpose of which was to provide information and discussion on report findings, recommendations, next steps, associated challenges, and support required. The Chair advised the Board of the recommendations particularly in relation to Recommendations 10, 12 and 14.

The Chair briefed the Board on the monthly Chief Clinical Officer's report which included an update with regard to the Children's flu vaccination campaign, National Women's and Infants Health Programme (NWHIP), HSE and CHI oversight group and the NDTP summary of vacant consultant posts and locums.



The Committee were updated on the work of the Healthcare Audit (HCA) of the IA Division, and were presented with the HCA report for Q1 and Q2 2023, which highlighted issues seen in certain sites including in fetal heart rate monitoring, the management of women with epilepsy in maternity services, the use of review tools to identify the causes of Staphylococcus Aureus Blood Stream Infection, and the prevention of blood clots in hospitals.

The Committee considered the Quality Profile from the July data cycle, and focussed in particular on the CAMHS performance and noted that the new Clinical lead for CAMHS is now in place, and that CAMHS will be the focus of a joint meeting with the Planning and Performance Committee which is due to be scheduled before the end of the year.

The Chair reported to the Board that the Committee was presented with an introductory session on Human Factors which provided an update on ongoing work to embed Human Factors into Irish healthcare system in a strategic, sustainable and system-wide approach, and was also presented with the work of the Quality and Patient Safety (QPS) Improvement team.

The Chair advised the Board of correspondence received relating to Owenacurra.

4.5 Technology & Transformation Committee

The minutes of the Committee meeting of 09 June 2023 were noted. The Committee Chairperson provided a verbal report on the matters considered at the Committee meeting that took place on 12 September 2023.

The Chair of the Technology & Transformation Committee advised the Board that the Committee were presented with a high-level briefing on the Report on the Independent Reassessment of the HSE's National Institute of Standards & Technology (NIST) Capability Maturity Model Integration (CMMI), and the Committee discussed the ratings across the five NIST domains noting that the HSE has made progress with regards the cybersecurity maturity uplift since the cyber incident in 2021.

The Committee discussed the target maturity levels and timelines, and the role of third parties in achieving the targets. The Chair advised that the CRO is due to report on this topic at the Committee's next meeting, and that he would also discuss further with the Chair of the ARC.

The Committee discussed the HSE Operational Clinical Resilience (OCR) Programme, and a status update focusing on technical aspects of the programme will be provided for the October meeting, and the Chair would raise this further with the Chair of the Planning and Performance Committee.



The Committee discussed the structure of the governance of cyber resilience in the HSE in relation to the upcoming implementation of the new Health Regions and that the CIO/CTTO will provide a briefing at their next meeting.

The Chair advised that the Committee were updated on the DoH Digital Health & Social Care Strategic Framework and HSE Digital Health Strategic Implementation Plan, to fulfil its commitment outlined in “Harnessing Digital - The Digital Ireland Framework” that places a focus on eHealth. The Committee were advised that the DoH framework has not yet been published, however the HSE team have been working in close collaboration with DoH divisional colleagues in developing a Digital Health Strategic Implementation Plan. It was agreed that this topic would be discussed in more depth at the October Committee meeting. The Committee requested that the principle of digitally enabled workforce and workplace be brought to the attention of the People and Culture Committee.

5. Board Strategic Focus

5.1 Tour of the National Children’s Hospital Site

The tour of the National Children’s site was postponed, to be rearranged at a future date.

6. Any Other Business and Close

The Board noted that the Patient and Public Partnership Conference is being held on 12 October. The conference is one of the first of its kind, and will focus on and look at how the HSE works in partnership with patients and members of the public to design and deliver person-centred care.

The meeting concluded at 12.50pm.

It was noted that the next meeting would take place via Ms Teams on 25 October 2023.

Signed: **Ciarán Devane**
Chairperson

Date: **25th October 2023**