

**MINUTES OF THE BOARD MEETING OF THE  
HEALTH INFORMATION AND QUALITY AUTHORITY**

27 September 2023, 9.30 am – 2pm  
Board Room, Galway Office

**Present:**

| <b>Name</b>         | <b>Details</b>         | <b>Initials</b> |
|---------------------|------------------------|-----------------|
| Pat O'Mahony        | Chairperson            | POM             |
| Marion Meany        | Board Member           | MM              |
| Martin Higgins      | Board Member           | MH              |
| Michael Rigby       | Board Member           | MJR             |
| Lynsey Perdisatt    | Board Member           | LP              |
| Paula Kilbane       | Board Member           | PK              |
| Danny McConnell     | Board Member (virtual) | DMcC            |
| Jim Kiely           | Board Member           | JK              |
| Bernadette Costello | Board Member           | BC              |
| Caroline Spillane   | Board Member (virtual) | CS              |
| Martin O'Halloran   | Board Member (virtual) | MOH             |

**In Attendance:**

|                   |  |    |
|-------------------|--|----|
| Angela Fitzgerald | CEO                                    | AF |
| Kathleen Lombard  | Board Secretary and Chief Risk Officer | KL |

**Apologies:** No apologies were recorded

**1. Welcome and Quorum**

The Chairperson welcomed Board members to the meeting. A quorum was confirmed and the Board meeting was duly convened. A short Board only session took place and the CEO and the Board Secretary left the meeting for this part.

On return, the Chairperson advised the CEO and Board Secretary that he had informed the Board of the retirement of the Board Secretary in December. The Board requested that the position be advertised as soon as possible.

The Chairperson also thanked the Board and the Executive for their contributions to the Strategy session on the previous evening. It had been productive and worthwhile to take the time to consider the current environment given the level of change foreseen for HIQA.

## **2. Declarations of Interest**

CS advised that she had noted from the CEO's report that the Institute of Directors, where she is CEO, will be providing two Board training sessions to the HIQA Board. She advised that she has had no involvement with this and understands that the Board Secretary is arranging this independently with a member of the training team.

BC stated that she has been re-appointed to the Board of Oberstown Children's Detention Campus but has no involvement with operational activity.

In relation to the agenda item on HTA of adding SMA to the National New-Born Bloodspot Screening Programme, MJR stated that he is a member of the National Screening Advisory Committee (NSAC). He advised that as a matter of good practice, he had asked Jim Kiely to chair the HTA item at the SIRT committee at which it had been reviewed.

POM advised that he is on the Industry Advisory Council for Novartis which provides funding to SMA Ireland. He advised that he has no involvement in this aspect of Novartis business. It was noted that the Board's responsibility in terms of the HTA item on the agenda is to oversee that the HTA was carried out in line with the relevant statutory function and the processes for ensuring this.

POM also advised that he has been appointed by Minister Donnelly as Chair of a new Expert Taskforce to Support Expansion of the Role of Pharmacists but he believes that this work has no implications for his role with HIQA.

## **3. Minutes of Board meeting – 5 July**

The minutes of the meeting of 5 July 2023 were reviewed by the Board and it was agreed that they were an accurate record of the meeting. MJR proposed approval of the minutes and MM seconded the proposal; **accordingly it was resolved that the minutes of 5 July be approved by the Board.**

## **4. Review of Actions**

KL referred the Board to the Actions paper with updates on actions arising from the last meeting of the Board.

AF and POM briefed the Board on a meeting with the Minister where a wide range of issues were discussed including legislative developments, new functions, emerging issues and the workforce plan.

It was agreed that a letter should issue to Minister of Health by way of follow up to the meeting to include comments on key issues within the nursing home sector and how this may impact on residents.

## **5. Matters arising**

There were no matters arising.

## **6. Health and safety matters**

There were no notifiable health and safety matters since the last Board meeting.

## **7. Costs recovery for Chief Inspector**

Sean Angland (SA) Acting Chief Operations Officer and Aoife McCann (AMcC) Head of Legal Services joined the meeting for this item. AMcC presented to the Board on the recovery of legal costs by HIQA where HIQA has been successful in defending litigation claims. The statutory framework within which HIQA operates was set out and an overview was given on the nature of litigation to which HIQA and the Chief Inspector as a respondent has been subject.

There was an in-depth discussion on HIQA's approach to legal costs recovery, the factors which should be considered by HIQA and the options available to it in doing so. The Board emphasised that as a public body, HIQA has a duty to recover costs where appropriate. It was also agreed that a HIQA policy should be developed on recovery of legal costs arising in litigation which will be presented at a future Board meeting for consideration and approval.

AMcC left the meeting at this point.

## **8. Finance Report**

SA advised that the Finance Report included with the Board papers had been presented at the recent ARGC meeting. He summarized the financial position of HIQA to the end of August and explained that there is an emerging underspend driven primarily by headcount vacancies. He explained that there are a significant number of open roles that have been difficult to fill due to the employment market. He also confirmed that colleagues in the HR department are working to accelerate the pace of recruitment given our expanding remit

SA advised that a financial re-forecast has been prepared which will reduce the underspend to some extent. This is dependent on reducing vacancy levels across HIQA and targeted use of external contracts in those areas where recruitment is challenging

The Board thanked SA for his report. SA left the meeting at this point.

## **9. Report from Board Committees**

### Resource Oversight Committee (ROC) Meeting 21 September 2023:

LP, Chair of the ROC reported that the following items were reviewed in detail at their meeting:

- A status report on the DER project (update is included with the Board papers). The Committee considered the update and sought more information regarding the pace of the individual sprint phases of the project and requested a summary page on the project for their next meeting.

- The survey results on the interim Blended Working Model (on the Board agenda) and
- The Outputs from the organisational review (on the Board agenda).

### Audit Risk and Governance Committee (ARGC) Meeting 19 September 2023

BC, Chair of the ARGC reported that the following items were reviewed in detail at the ARGC meeting:

- The Finance Report to the end of August
- A presentation from HR on their management of risk
- A report from DHKN accountants, who carried out the audit of the 2022 financial statements on behalf of the C&AG. The C&AG representative confirmed that there were no findings that warranted a management letter. The Committee had a closed session with the C&AG representative, without Executives present, in line with governance requirements, who confirmed there were no issues of concern with the internal control environment.
- The Internal Audit Plan for 2023 – there have been some delays in progressing the plan for 2023 but significant activity is now under way with:
  - o audits on DER governance arrangements and cyber security in progress
  - o the system of internal controls audit scheduled for mid-November and
  - o an audit of contract management at planning stage.

BC also advised that because of a number of concurrent initiatives currently being managed by the HR department (Interim Blended Working Survey, ISPSOS MRBI survey, Excellence through People) the Culture Review was delayed in order to ensure that any additional work would add value. BC confirmed that an approach has now been agreed and the work will commence immediately with a focus on Board and EMT engagement and an assessment of work already undertaken in relevant areas.

The Board acknowledged the excellent report from the C&AG Audit on the 2022 accounts and conveyed appreciation to those implementing the financial controls.

### Regulation Committee meeting – 18 September 2023

JK, Chair of the Regulation Committee, advised the Board that the Committee reviewed a range of topics. Much of this is covered in the CEO's report and the Chief Inspector's Report but he drew the Board's attention to:

- The changing profile of nursing home beds which are becoming more commercial type entities with a reduction in the community type model
- A change of approach to the monitoring of children's services with a more direct focus at corporate entity level rather than service level
- A presentation on the purpose and implications of the CER Directive (paper included with board papers)
- The upcoming Governance Review of Screening Services.

## SIRT Committee – 2023

MJR, Chair of the SIRT committee advised that the Committee reviewed and recommends for Board approval the HTA report on the Addition of Spinal Muscular Atrophy to the New-Born Screening Programme. Two other items were reviewed by the Committee and are drawn to the Board's attention; the COVID-19 and HRB-CICER update and the HTA Impact report (included in the Board papers for information).

POM thanked the Committee Chairs for their reports and for the work of the Committees in providing oversight of the Executive on behalf of the Board.

### **10. CEO Report**

Carol Grogan (CG) Chief Inspector and Sean Egan (SE) Director of Healthcare joined the meeting for this item. AF briefed the Board on the following:

- **Corporate Governance**

The first step in the ISO process has taken place which assessed HIQA's readiness for the certification process; the outcome is positive so the formal audit schedule will be conducted during October and November.

- **Strategic HR**

- o The HR Department is busy on a number of key organisation wide initiatives including items on the agenda (Blended Work, Organisation Review)
- o It was confirmed that the bi-annual IPSOS MRBI staff engagement survey would be conducted during November. The ROC Chair confirmed that it is important for this work to be maintained
- o The Workforce Plan has been submitted to the Department of Health (DoH). Subject to approval, this will entail a significant staff increase to address the planned expansion of HIQA's functions.

- **IPAS**

The IPAS team has visited every centre to ensure that IPAS providers are familiar and prepared for the inspection approach. The DCEDIY has confirmed that the regulatory framework will be finalised imminently.

- **Monitoring of Healthcare against National Standards**

Recent inspection reports of Emergency Departments at Beaumont Hospital and University Hospital Waterford demonstrated good compliance in meeting the Standards and there was limited overcrowding observed. These reports were published in early September.

- **Patient Safety Act and Human Tissue Bill**

The National Standards are being assessed in terms of how they will apply to public and private hospitals under the provisions of the Patient Safety Act.

The Human Tissue Bill is progressing to the final stages and is expected before the Oireachtas in October.

- **Protected Disclosure**

There has been a significant increase in the number of Protected Disclosures from external sources received by HIQA. A submission for additional resources went to the DoH last March to meet HIQA's obligations under the Protected Disclosure Act, as amended. Funding was approved in respect of one of the resources sought and discussions are ongoing with DOH in this regard.

- **HTA Directorate**

- The Directorate continues to be busy in its recruitment efforts to consolidate the Directorate workforce
- HRB-CICER – HIQA has applied for a grant to continue funding the evidence synthesis work to inform National Clinical Guidelines. The result of the application should be known by year end.

- **National Immunisation Technical Advisory Group**

The DoH is examining a transition of the National Immunisation Advisory Committee, currently hosted by the Royal College of Physicians, to a National Immunisation Technical Advisory group.

HIQA is engaging with DoH to establish how best this objective can be met with HIQA support.

The Board had an in-depth discussion on this development and advised the CEO to develop a proposed approach for consideration by the Board.

- **Health Information and Standards and National Care Experience Survey**

The HIS Team has been successful in a number of applications for grant funding which is a significant strategic development for the Directorate and HIQA.

## **11. DER Project Report**

The Board noted the report included with the Board papers and the report from the Chair of the ROC on requests for additional information on specific aspects of the project.

## **12. Chief Inspector (CI) report**

CG advised that she had presented the Chief Inspector's report in detail at the recent Regulation Committee meeting and highlighted the following key points to the Board:

### **Designated Centres for Older Persons (DCOP)**

- There is a good level of compliance overall with regulations in Older Persons services but providers are reporting a mismatch between funding and the cost of care
- There is a notable changeover in nursing home ownership and
- In some instances the registered provider has grown rapidly in size without a commensurate governance structure.

### **Designated Centres for Disability Services**

- An Overview Report of the Inspection and Regulation of Designated Centres for People with Disabilities in 2022 is due for publication next week
- A Business case setting out the projected growth in registered centres over the coming 5 years to meet the growth was submitted to the DoH in March 2023. The requirements are also included in the HIQA Workforce Plan which was recently submitted to DOH.

### **Children's Services**

A revised approach to inspection of Child Protection and Welfare Services and Foster Care Services has been commenced due to a lack of sustained improvement in certain service areas. As a result, the alternative approach will focus at the corporate provider level, rather than service level. This approach was presented to Tusla at the end of August and there will be monthly update meetings with the provider.

### **Legal proceedings**

CG summarised the current legal proceedings involving the Chief Inspector of Social Services.

The Board thanked CG for her report.

## **13. Critical Entities Resilience (CER) Directive**

SE advised the Board that he had presented on this topic at the recent Regulation Committee. He explained the main purpose of the CER Directive is to bolster resilience in a range of sectors across the EU and highlighted the following:

- The Government has decided that the Department of Defence, through the Office of Emergency Planning will act as a strategic oversight office for the co-ordination of Competent Authorities. Competent Authorities will be identified across sectors among pre-existing regulators with HIQA likely to be one of these
- The full implications for HIQA are not clear as yet
- Ireland has until October 2024 to transpose the Directive into national law.

The Chair of the Regulation committees, JK advised that this was discussed in detail at the Regulation Committee. It was agreed that

- A lot more detail needs to be known before a considered decision can be made on the way forward
- HIQA should engage with other relevant agencies to gain better understanding of key issues and
- A proposal will come to the Board when implications and impact are clear.

The relationship between the Directive on the Networks and Information Security Directive (NIS 2) was also noted. NIS2 relates specifically to cybersecurity measures and requires Member States to identify and regulate essential services relating to cyber security. In this context it was agreed that HIQA needs to understand fully what is required in taking on the Competent Authority function as the implications could be considerable.

In response to a query from the Board, CG confirmed that she is aware of the proposed strike of health and community workers and her Directorate is considering the implications of this for regulatory work.

The Committee thanked SE for a very clear and informative presentation. SE and CG left the meeting at this point.

#### **14. Corporate Performance Report and Corporate Risk Review**

- Corporate performance to mid-September 2023  
KL advised that there are a small number of objectives that are at variance with target dates; the reasons are outlined in the report to the Board. These have been reported to the Board Committees.
- Risk Report  
KL referred the Board to the key changes to the risk register since the last meeting of the Board and advised that risk reports have been presented at Board committees, relevant to the Committees' remits.

#### **15. Interim Blended Working review – Presentation**

Susan Montgomery (SM) Head of Human Resources and Organisational Development joined the meeting for this item and the item on the Organisational review. Rebecca Ring (RR) of Deloitte also joined the meeting at this point.

SM advised that a detailed presentation on this item was provided to the Resource Oversight Committee where it was agreed that the Review should be presented to the Board because of its strategic and operational importance.

SM highlighted the following from the presentation:

- the Interim Blended Working Model was introduced post-pandemic; the project included a commitment that a review would be undertaken when the model was in operation for sufficient time to assess its effectiveness and opportunities for improvement
- the Review focused on key areas such as culture, connectivity, productivity and flexibility and involved extensive engagement, including an employee survey, meetings with senior managers and focus groups
- the emerging themes and findings and
- next steps.

The Board emphasised the need to follow through with an appropriate Action Plan so that staff see that HIQA is responding to the findings. It was also stated that a strong focus should be on integrating new staff as the organization expands. In addition, it was queried if working hubs had been considered as part of future working arrangements.

In response, SM clarified that during induction and onboarding of new staff, teams are present in the office for longer periods. SM also advised that a need for working hubs had not arisen during the various staff engagements but HIQA is open to looking at this in response to staff or organizational needs if it arises.



The Board thanked SM for her presentation and welcomed the positive engagement of HIQA staff in the overall initiative. The Board congratulated the HR team on a comprehensive and proactive approach to identifying the most effective ways of working for HIQA as an organization.

## **16. Organisational Review**

AF introduced this item and explained that this work had already started when she had taken up the role of CEO. As such, she felt it was appropriate for her to take time to assess context for and implications of, future changes and determine the best way of completing the review. The critical importance of engaging with senior management about the proposed re-structuring was another key consideration. Significant engagement and analysis was carried out over the last year which examined a wide range of internal and external factors such as the expansion of statutory functions and responsibilities and enabling the organization to best support delivery of these. AF expressed the view that the presentation before the Board reflects a well-considered proposal for revised structures that will seek to address current and future requirements in terms of operational effectiveness and strategic focus. AF clarified that she is seeking endorsement from the Board of the proposed structure.

Rebecca Ring (RR) of Deloitte presented the revised structure to the Board and outlined the main changes which included:

- A new senior management post reporting to the CEO focussing on 3 key areas; strategic capabilities, compliance capabilities and a Project Management Office (PMO).
- Creation of an Office of the CEO with combines Board Secretary/Executive Management role in addition to the Personal Assistant role to support the functioning of the CEO Office and to further align the work processes of the Board and Executive
- Expanded information management function centralised under the Chief Inspector that provides organisation-wide support for protected disclosures and other comments or concerns received by HIQA
- The addition of strategic research management to the HTA directorate
- Expansion of the HIS Directorate due to resourcing from EU grants and additional functions arising from the Health Information Bill
- Developing enhanced change management functionality in the HR and Organisational Development Unit
- Adding responsibility for advancing the Economic, Social and Governance (ESG) agenda under Head of Corporate Services.

A number of queries and observations arose from the Board's discussion and the following was noted or clarified:

- A Workforce Plan has been submitted to the DoH that reflects requirements for expansion of HIQA's functions but does not pre-empt the Board discussion on the structures; if approved, the additional posts will be included in the Workforce Plan
- A number of new competencies will be required as HIQA expands into new areas so there may need to be separate business case submissions to support such competencies (e.g. ESG, strategic research, CER)

- The alignment potential between ESG and corporate governance will be considered
- The title of the new senior post should convey both strategic and operational span of that role
- Strategic research management is cross organizational rather than HTA specific and the remit of that function needs to be clear in this regard
- The need to ensure that internal audit and assurance functions remain independent and have a direct report line to the ARGC.

The Board commended the work done and indicated that they were satisfied with the proposed structure subject to some minor amendments that may arise from the discussion. POM proposed approval of the revised Organisational structure and MH seconded the proposal; **accordingly it was resolved that the new organisational structure be approved by the Board.**

The Board thanked SM and RR for progressing this project and arriving at an appropriate outcome. Both left the meeting at this point.

### **17. HTA of the addition of SMA to the National New-born Bloodspot Screening Programme**

JK advised that this item had been reviewed in detail at the SIRT committee meeting. The Committee made a number of suggestions in terms of clarifying the message and these have been reflected in the papers before the Board.

JK proposed approval of the HTA and PK seconded the proposal; **accordingly it was resolved that the addition of SMA to the National New-born Bloodspot Screening Programme be approved by the Board.**

### **18. Committee membership review**

KL advised that Board members are appointed to committees of the Board on a three yearly basis. Some of these appointments are due to expire. KL presented a paper reflecting updated committee memberships and any proposed changes:

- |            |   |   |
|------------|---|---|
| ROC        | - | membership and Chair to remain the same   |
| ARGC       | - | appoint Marion Meany to ARGC membership to address shortfall                            |
| SIRT       | - | Chair and membership to remain the same, with the exception of MM's transition to ARGC, |
| Regulation | - | membership and Chair to remain the same.  |

It was agreed that membership will be considered again when the new appointment is made to the Board; subject to the skills of the new member he/she may be appointed to the Regulation and SIRT committees. KL confirmed that letters of appointment for a further term will issue to those whose membership tenure is due to expire.

POM proposed approval of the updated membership and JK seconded; **accordingly it was resolved that the updated committee memberships be approved by the Board.**

## **19. Committee Co-ordination Group Terms of Reference**

KL advised that further to the discussion at the July Board meeting, she had amended the terms of reference (ToR). The Board indicated their agreement with the updated TOR and JK proposed approval of the Committee Co-ordination Group ToR and BC seconded the proposal; **accordingly it was resolved that the Committee Co-ordination Group Terms of Reference be approved by the Board.**

## **20. COVID-19 and HRB-CICER Update**

MJR advised that an update on this item was presented at the SIRT Committee and he complimented the range and quality of work undertaken by the team.

## **21. HTA Impact Report 2022**

MJR advised that the Committee had received this report at the last meeting of the SIRT Committee who noted the value and significance of the work which was evident from the report. The report will be published in the near future.

## **22. Chairperson's report**

The Chairperson's report was noted.

## **23. Any other Business**

POM thanked everyone for their contributions during the meeting. There being no further business, the meeting was closed.

### **Signed**



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Pat O'Mahony  
Chairperson



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Kathleen Lombard  
Board Secretary

## Actions arising from Board meeting on 27 September 2023

| No  | Action   | Person Responsible | Time-frame          |
|---|--|--------------------|---------------------|
| 1   | Advertise Board Secretary position   | AF                 | as soon as possible |
| 2   | a letter to issue to Minister of Health by way of follow up to meeting to include n key issues within the nursing home sector and how this may impact on residents.                              | AF/CG              | October             |
| 2   | Develop a policy on recovery of legal costs arising in litigation and present at the next Board meeting for consideration and approval.  | A McCann           | November Board      |
| 3   | Develop proposed approach on how best HIQA might assist the DOH's transition of the National Immunisation Advisory Committee to a National Immunisation Technical Advisory Group.                | AF                 | November Board      |
| 4   | Develop a proposal on HIQA's approach for the CER Directive when implications and impact are clearer   | SE                 | November Board      |
| <b>Actions carried forward from previous meetings</b> |  |                    |                     |
|   |  |                    |                     |
|   |  |                    |                     |
| 1   | Consideration to be given to governance arrangements for occasions when staff members are appointed to external bodies. AF agreed to come back with an update on this to the Board.              | KL/AF              |                     |
| 2   | On a rolling basis throughout the year, each Director/Head of function will be allocated a time on a Board agenda to outline high level strategic issues and relationships with key stakeholders | KL                 |                     |
| 3   | Regulation committee to maintain oversight of developments on OPCAT. A report will come back to the Board at the appropriate time.   | JK/KL              | When appropriate    |
| 4   | Further updates on Patient Safety Act 2023 nearer commencement with clarification on the points raised by the Board  | AF/AMcC            | Sept/Nov?           |

### On hold actions

|   |   |         |                  |
|---|---|---------|------------------|
| 1 | CEO and Chairperson to meet with the HRB to explore what is being done in the area of technology research | POM/AOF | When appropriate |
|---|---|---------|------------------|