

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

12 May 2021, 10am – 1.15 pm
Zoom Conference

Present:

Name	Details	Initials
Pat O'Mahony	Chairperson	POM
Jim Kiely	Board Member	JK
Bernadette Costello	Board Member	BC
Caroline Spillane	Board Member	CS
Lynsey Perdisatt	Board Member	LP
Michael Rigby	Board Member	MJR
Paula Kilbane	Board Member	PK
Tony McNamara	Board Member	TMcN

In Attendance:

Phelim Quinn	CEO	PQ
Kathleen Lombard	Board Secretary and Chief Risk Officer	KL

Apologies: no apologies

1. Quorum

The Chairperson welcomed participants to the meeting. It was noted that a quorum was present and the Board meeting was duly convened.

The Chairperson noted that as the Chairs of the Audit Risk and Governance Committee (ARGC) and the Resource Oversight Committee (ROC) had to leave before the meeting ended, the reports from the Committee Chairs would be taken after the minutes and actions were considered.

2. Conflict of Interest

No conflicts were declared.

3. Board minutes

3.1 Minutes of Board meeting of 24 March 2021

The minutes of the meeting of 24 March 2021 were reviewed by the Board and it was agreed that they were an accurate record of the meeting. PK proposed approval of the minutes and BC seconded the proposal; **accordingly it was resolved that the minutes of 24 March be approved by the Board.**

3.2 Minutes of Board meeting of 21 April 2021

The minutes of the meeting of 21 April 2021 were reviewed by the Board and it was agreed that they were an accurate record of the meeting. TNcN proposed approval of the minutes and JK seconded the proposal; **accordingly it was resolved that the minutes of 21 April 2021 be approved by the Board.**

4. Review of Actions

An update on the actions arising from previous Board meetings was provided and the following was noted:

- A meeting has yet to be arranged with the Secretary General of the Department of Health (DOH) but there is ongoing engagement with officials in the DoH on the Patient Safety Bill
- PQ has raised the issue of how pensions are managed with other state agencies via the ACESA network. A further enquiry of agency Chief Financial Officers will be made and any feedback will be reported at the next meeting of the Board.
- Updates on all remaining actions are captured in the CEO's report or noted in the review of actions paper.

5. Matters arising

There were no matters arising.

6. Health and safety matters

There were no reportable Health and Safety matters since the last Board meeting.

9. Report from Board Committees

Audit Risk and Governance Committee (ARGC)

The Chair of the ARGC, Caroline Spillane (CS), reported that the Committee had, at its meeting on 13 April;

- Reviewed the financial statements for 2020 following the audit by the Comptroller and Auditor General and recommended that the statements go to the Board for approval

- Discussed the findings of an internal audit report on the healthcare monitoring approach, where the main finding relates to the replacement of the existing I.T. system, Prism
- Agreed the scope and timing of an internal audit on cyber security. In this context, it was noted that the committee had received a comprehensive presentation from the information division on cyber security projects and the projects to replace the existing prism system (the presentation is included with the Board papers for information)
- Discussed the postponement of a culture audit due to the range of initiatives that are currently underway. The Committee requested that a paper be brought to the Board outlining these initiatives and associated delays and risks. This paper is included with the agenda item on corporate performance
- Considered the survey results on the effectiveness of the internal audit service which showed a positive response overall.

Resource Oversight Committee (ROC)

The Chair of the ROC, Lynsey Perdisatt (LP), reported that the Committee met on 15 April where the following items were addressed:

- Plans for the recruitment of a new CEO and Chief Inspector (CI)
The Committee had expressed concern in relation to the delay of approval for the replacement of senior positions, particularly the Chief Inspector role given that the role is a statutory one and the incumbent is due to leave at the end of July. These issues have been highlighted to DoH via a business case in February 2021
- Organisational structure developments
- The Committee welcomed the progress on the risk based succession planning exercise. LP also advised the Board that there is significant recruitment underway but that there is sufficient capacity to undertake this activity at the present time. The presentation to the Committee is included under item 15 for Board information
- Digital and Data Information Strategy (DDTS). A full update on the progress of the DDTS was presented including details on capital budget spend, developing a business intelligence function and an update on cyber security activities and risks. This information is included under item 15 for Board information
- Agency staffing arrangements and related risks
The Committee were advised of plans for reducing reliance on agency staff.

PQ provided additional information which has become available since the ROC meeting on the items discussed by the Committee as follows:

- A number of agency staff have been successful through the recruitment process in becoming permanent employees of HIQA
- Approval has been received for the CEO position and the recruitment campaign will commence without delay
- There is no progress on the roles of the Chief Information Officer, the Director of Healthcare or the Executive level CIO which are essential to the development

of an organisational structure that can meet the needs of HIQA where substantial growth of functions is in train

- There is no progress on the role of the CI, which is of immediate concern given the statutory remit of the role and approaching departure of the incumbent.

The Board considered the additional information provided by the CEO and agreed that a contingency plan is required for filling the position of the Chief Inspector. It was agreed that any contingency should ensure that fairness and equity is paramount in terms of the future recruitment process for the Chief Inspector's role and cannot be compromised by temporary arrangements.

It was agreed by the Board that the Chairperson should write to the Ministers for Public Expenditure and Reform and Health to raise the Board's concerns and to ask that sanction of the posts be expedited.

Regulation Committee

The Chair of the Regulation Committee, Jim Kiely (JK), advised that the Committee met on 6 May and had discussed the following items:

- The Chief Inspector's report - it was noted that the vaccine programme has had a positive impact on nursing homes residents.
- The intention of a large provider of disability centres to cease operating and the inspectorate's focus on ensuring that there is an orderly transfer of services to ensure that residents wellbeing is prioritised
- Good progress on regulatory reform, facilitated by a bi-lateral group established by the DoH
- Planning in respect of the proposed role for HIQA as the interim inspection body for Direct Provision centres and
- The impending development where HIQA may be given responsibility for investigating incidents under the Patient Safety Bill and the implications of this function on an organisation where on the one hand, there is a regulatory role and on the other, has an investigatory role.

It was agreed that this needs further Board attention in the context of strategic plan considerations.

- JK also advised the Board that the Committee had received presentations updating on:
 - o A review of gynaecological services at Letterkenny University Hospital
 - o The commencement of a review of foster care and
 - o A revised monitoring approach for the National Standards for Safer Better Healthcare.

MJR highlighted that the Committee also discussed, in the context of the presentation on the revised monitoring approach, the need to consider emerging aspects of care such as homecare and the role that virtual healthcare may play in the future.

TMcN referred to the Committee's discussion on the number of unexpected deaths that occurred in nursing homes in 2020 and 2021 and suggested that there is an opportunity to explore this further.

Finally, it was noted by the Chair of the Regulation committee that it was the last committee meeting that MD, as Chief Inspector and Director of Regulation would attend. The Committee reflected their appreciation of the work she has progressed in her role and her contribution to the quality and safety of the services and the lived experiences of service users.

The Chairperson thanked the Committee Chairs for their reports and for the work being undertaken to provide a comprehensive oversight structure for HIQA's functions and operational activity. The Chairperson advised that he had been notified that 4 new Board members will be appointed from 1 June and this will provide additional resources to the committee memberships.

CS left the meeting at this point.

7. CEO's Report – key strategic and operational matters

Mary Dunnion (MD) Chief Inspector (CI) joined the meeting for this item as some items on the CEO's report are relevant to regulatory activities. PQ highlighted the following items from his report:

- COVID-19 response – Business Continuity Plan

In line with Government's public health measures, all staff with the exception of those staff whose presence is essential, continue to work from home. A project on the design of future working in HIQA is underway.

- Culture audit

There are a significant number of cross organisational projects underway. Following a discussion at EMT, it is proposed to defer the culture audit to the latter part of 2021. At its meeting, the ARGC committee requested that a paper detailing the ongoing initiatives be brought to the attention of the Board highlighting related delays or associated risks. This paper is included with the Board papers.

- Regulation of Health and Social Care

Discussion on a number of new functions has been progressing since the last Board meeting including:

- The Patient Safety Bill – members of HIQA met with DoH officials to discuss the proposed role of reviewing individual incidents in nursing homes. Advices based on HIQA's experience of regulating in the sector had been shared with the DoH including Senior Counsel advice that HIQA had sought on the proposed new function. Further meetings with DoH are planned to progress the matter
- Direct provision – further detail has been provided in relation to the services to be inspected by HIQA as well as a revised business case and proposed project timeline. The timeline for commencing this function has yet to be agreed
- Optional Protocol to the Convention against torture (OPCAT) – A presentation on this function and the proposed role for HIQA is on the agenda

- Regulatory and legislative Reform

Following the submission on legislative and regulatory reform, there has been positive engagement with the DOH and work is currently underway on proposed interim legislative changes. In addition, research has been requested for a review of nursing home regulatory models. It was noted that there needs to be a focus on wider social care and HIQA has corresponded with the DoH and the Department of Children, Equality, Disability, Integration and Youth (DoCEDIY) to emphasise this.

- E-Health position paper

A meeting took place with the DoH on the position paper on the reform of the health information system and E-health landscape in Ireland. It was agreed that cognisance is taken of developments in the HSE during COVID-19 in the paper's development. A follow up meeting is planned before the end of May.

- Evidence Synthesis (COVID-19)

The majority of work in the HTA Directorate remains focussed on COVID-19 work which has been the case since March 2020. Since the last Board meeting, 9 evidence syntheses has been provided to NPHET.

- Health Information and Standards

An extensive six week consultation process has been undertaken on the National Standards for Children's social services with a high volume of submissions received in response. A significant percentage of the submissions were from foster carers and therefore specific focus is being added to the standards and the supporting material to address the feedback and facilitate better implementation of the standards.

The standards team has also developed three modules to support staff health and social care services to apply a human rights based approach in their work.

- Corporate plan

Work on developing a new corporate plan has commenced and a corporate planning session for the Board and executive management will be arranged shortly.

- Sharing of information by the CI to the Authority during COVID-19

A new policy and standard operating procedure on the Provision of Information by the CI to the Authority during the COVID-19 pandemic is being developed to ensure that there is a clear process in place which complies with the Act and enables HIQA to request information from the Chief Inspector.

- Strategic HR developments

A detailed update on strategic HR initiatives was presented to the ROC at their last meeting. The related presentation is included with the Board papers for information.

- Finance Improvement project

The finance modernisation project has commenced. The project plan outline has been approved by the EMT and the outcome of this project will be provided to the ARGC.

The Board made a number of observations arising from the CEO's report and the following was emphasised:

- The need to ensure that the e-health position paper is progressed and addresses the elements discussed by the Board
- The work progressed by the HSE in terms of the COVID-19 case tracker, the testing appointment system and the vaccination system provides a strong case and opportunity for the proposals outlined by HIQA in the position paper
- The need to ensure that more complex care is considered when developing a monitoring approach for homecare services and
- The need to review HIQA's processes prior to integrating them into the replacement system for HIQA.

The Executive noted the observations and confirmed that they will be considered when progressing the various strands of work.

The Board thanked PQ for a comprehensive report.

8. Chief Inspector (CI) and Director of Regulation report

MD referred the Board to the Chief Inspector's and Director of Regulation report and highlighted the following:

- The situation in nursing homes has improved with the roll out of the vaccination programme where the number of COVID-19 outbreaks has declined considerably. However, it appears that staffing arrangements are also returning to pre-pandemic levels
- The acquisition of nursing homes by large organisations is a trend and creates concerns going forward
- A large national provider of disability services has communicated their intention to cease operating from the end of September 2021. The provider is in discussion with the DoH and the HSE and the situation is being monitored closely by the CI to ensure that the safety and wellbeing of residents is prioritised
- Concern regarding the practice of emergency placement of children and persons with a disability in nursing homes which is not provided for by the Act. The CI added that there are indications that this is currently receiving attention
- Legal activity - including a judicial review being taken by a provider on the right of the CI to publish an inspection report and seeking an order to quash the publication of their inspection report and regulatory judgements
- A bi-lateral group has been established by the DoH to work on the issues outlined in the paper submitted by CI on regulatory reform. In this context, there has been a request from the DOH to carry out an international evidence review of nursing home regulatory models
- Research is also underway on homecare regulation which will be informed by the risks identified by focus groups.

In response to the Board's queries on aspects of the CI's report, MD clarified that:

- The research on homecare will address simple and complex care needs
- A meeting with Sláintecare will take place next week and some of the issues outlined above will be explored
- The acquisition of nursing homes by large companies has been highlighted to the DOH, together with the risks as part of the regulatory reform paper and subsequent discussions.
- One area of concern relates to regulatory powers that provides for individual centres to be subject to sanction rather than the larger entity
- In relation to the international review of nursing home regulatory models, MD agreed with the Board that other countries could be added to the scope of the review and that consideration would be given to policy and practice on acquisitions and conglomerates.

The Board noted that the acquisition of nursing homes resonates with the current media attention on housing investment. It was agreed that it is important that the Chairperson meets with the Secretary General and the Minister to raise the significance of this matter.

The Board thanked MD for her report and for her leadership and commitment.

MD and LP left the meeting at this point.

9. Report from Board Committees

This item was covered earlier in the meeting.

10. Risk Report

Joan Heffernan, Acting Quality and Risk Manager joined the meeting for this item. SA also joined the meeting.

KL advised the Board that a new corporate performance and risk system has been developed which provides an improved method of tracking and reporting on HIQA's objectives and risks. KL added that new functionality places greater focus on management's responsibilities for establishing controls to manage business functions and related risks and for checking that the controls remain effective.

JH presented on the format of the risk report and on how to interpret the new features including the focus on inherent, residual and target risk maps and the tracking of risk movement.

The Board observed that this is a welcome development and is particularly useful in terms of integrating and enabling a number of related activities such as tracking of internal audit recommendations and assurance mapping.

In response to Board feedback on the format, KL will investigate removing a couple of the less important fields.

KL also advised that the new corporate performance report will be presented at the next meeting of the Board.

JH left the meeting at this point.

11. Corporate Performance Report

SA presented the corporate performance report and indicated that the current position is that the majority of the objectives are on target with the exception of five, four of which are delayed due to competing organisational demands. A further objective cannot be progressed because of external factors.

In addition, the Board's attention was drawn to an ancillary paper, requested by the ARGC on the initiatives and projects that have been delayed within the organisation and the rationale for such delays.

12. Finance Report

SA presented the financial report and the position as at the end of March. He highlighted that although there is a small underspend against budget, it is being closely monitored. SA highlighted the areas of variance against budget by expenditure area and budget.

The Board thanked SA for a detailed and clear report. SA left the meeting.

13. Optional protocol (OPCAT)

Christopher Regan Rushe (CRR) National Operations Manager, Disability services joined the meeting at this point to present on the Optional Protocol to the Convention against Torture (OPCAT).

CRR outlined the background to the Protocol, explaining that it is a human rights treaty for the prevention of torture and ill treatment in places of detention and he provided examples of what could be described as places of detention in the Irish setting. He explained that Ireland had signed up to the Protocol in 2007 and it is expected that it will be formally ratified in 2021.

CRR also explained that the Protocol requires that National Preventative Mechanisms (NPM) are established within one year of the Protocol's ratification. In addition, he outlined the nature of current discussions in terms of HIQA's role and Ireland's NPM arrangements. Issues and uncertainties were also set out including the status and timing of the relevant legislation, setting standards for this function and related resources.

In response to the Board's observations and queries the following clarifications were made;

- Considerable thought and discussion is needed with key stakeholders in terms of the NPM role and definitions on restrictions of liberty

- There is a close relationship between this work and the development of a human rights based approach being actively promoted by HIQA
- The NPM will have a reporting responsibility to the United Nations (UN) Subcommittee on Prevention of Torture (SPT) who provide oversight and will hold individual countries to account.

It was agreed that the Regulation committee will maintain oversight of developments on this function. A report will come back to the Board at the appropriate time.

14. Chairperson's report

The Chairperson's report was noted.

15. Papers presented at ROC and ARGC

The following presentations were brought to the attention of the Board:

- Update on Cyber security programme of work and related capital budget (presented at the ARGC on 13 April 2021)
- Update on progress on the Digital and Data Transformation Strategy (presented to ROC on 15 April 2021)
- Update on strategic HR initiatives (presented to ROC on 15 April 2021).

16. Correspondence

A number of items of correspondence included with the Board papers was noted by the Board.

17. Any other Business

There being no further business, the meeting was closed.

Signed



Pat O'Mahony
Chairperson



Kathleen Lombard
Board Secretary

Actions arising from Board meeting on 12 May 2021

No	Action	Person Responsible	Time-frame
1	explore with CI the possibility of continuing in position until the permanent replacement is in post	PQ	Immediate
2	write to the Ministers for Public Expenditure and Reform and the Department of Health to expedite approval for recruitment of CI	POM/PQ	May 2021
3	Implications of function of investigating incidents (Patient safety Bill) on HIQA to be considered further as part of strategic discussions	Corporate planning	corporate planning timeline
4	meet with the Secretary General and the Minister to raise the significance of acquisition of nursing homes by large companies	PQ/POM	When meeting can be arranged
5	remove a couple of the less important fields from the risk report	KL	immediate
6	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

Carried forward actions from previous meetings

No	Action	Person Responsible	Time-frame
1	a coordinated understanding and approach to diverse activities to be raised with the Secretary General of the DoH by CEO and Chairperson	PQ/ POM	When meeting is arranged
2	the CEO to raise pensions with other state bodies and to explore with DoH establishing a separate budget line for this expenditure	PQ	Further updates to be provided
3	The Chairperson and the CEO to raise HIQA's role under the Patient safety Bill at the next meeting with officials in DOH.	PQ/ POM	When a date is arranged
4	Revised dates to be provided in future corporate performance reports for those objectives that have been delayed.	SA	system procured which will provide better reporting

Recurrent actions

1	the process for recruitment of a new CEO and a new Chief Inspector to commence and will be overseen by the ROC	PQ/LP/KL	Commenced – regular updates will be provided
2	Provide a more granular update on the various work streams of the DDT strategy at future Board meetings	BK	Future board meetings

On hold actions

1	Further develop elements of the paper on emergency department overcrowding revisit at the appropriate time	MD	On hold
2	CEO and Chairperson to meet with the HRB to explore what is being done in the area of technology research	POM/PQ	deferred
3	Explore securing a temporary resource to work on the AON standards. (Chairperson and CEO to raise the matter with the Secretary General of the DoH at their upcoming meeting)	PQ/ RF	Following the prioritisation process this item emerged as third, so will not be progressed in the near future – RF has discussed with Childrens Ombudsman – may be revisited