

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

2 October 2024, 9am – 1pm  
Boardroom, Galway

**Present:**

<b>Name</b>	<b>Details</b>	<b>Initials</b>
Pat O'Mahony	Chairperson	POM
Bernadette Costello	Board Member	BC
Caroline Spillane	Board Member	CS
Clíodhna Foley-Nolan	Board Member	CFN
Daniel McConnell	Board Member	DMC
Leonie Clarke	Board Member	LC
Lynsey Perdisatt	Board Member	LP
Marion Meany	Board Member	MM
Martin Higgins	Board Member	MH
Martin O'Halloran	Board Member	MOH
Paula Kilbane	Board Member	PK

**In Attendance:**

<b>Name</b>	<b>Details</b>	<b>Initials</b>
Angela Fitzgerald	Chief Executive Officer	AF
Carol Grogan	Chief Inspector of Social Services	CG
Sean Egan	Director of Healthcare Regulation	SE
Susan Montgomery	Head of Human Resources and Organisation Development	SM
Mairin Ryan	Director of Health Technology Assessment	MR
Rachel Flynn	Director of Health Information	RF
Bala Krishnan	Chief Information Officer	BK
Marty Whelan	Head of Communications and Stakeholder Engagement	MW
Aoife McCann	Head of Legal Services	AMcC
Catherine Ellen O'Keefe*	Legal Advisor	CEOK
Eleanor Noonan*	Finance Manager	EN
Pat Millar*	Clarion Consulting	PM
Ronan Foley*	Clarion Consulting	RFy
Karen Egan	Board Secretary	KE
Emma Deenihan*	Head of Quality, Risk and Compliance	ED
Sukhneet Kaur Dhir	Board and Committee Secretariat Manager	SKD

\*Joined for part of the meeting

### Apologies:

Name	Details	Initials
James Kiely	Board Member	JK
Sean Angland	Acting Chief Operations Officer	SA

## 1.0 Welcome and Quorum

The Chairperson welcomed Board members and members of the Executive Management Team to the meeting. A quorum was confirmed and the meeting was duly convened.

The Chairperson noted the apologies for the meeting and formally welcomed new Board member, Leonie Clarke, to her first meeting of the HIQA Board.

## 2.0 Conflict of Interest

No Conflicts of Interest were declared.

## 3.0 Board Minutes – 3 July 2024

The minutes of the meeting of 3 July 2024 were reviewed by the Board and it was agreed that they were an accurate record of the meeting. DMcC proposed approval of the minutes and CFN seconded the proposal; **accordingly, it was resolved that the minutes of 3 July 2024 be approved by the Board.**

## 4.0 Review of Actions

KE referred the Board to the Review of Actions paper and advised that nine of the actions were complete and six were ongoing.

## 5.0 Matters Arising

There were no matters arising.

## 6.0 Emerging Issues and Risks

AF highlighted an emerging risk relating to the internal IT application, Prism. She provided a high-level summary of the key issues, and advised that this emerging risk would be discussed further under a later agenda item.

## **7.0 Health and Safety Matters**

AF advised that there were ongoing issues associated primarily with the heating in the building in which the HIQA Dublin office is located. Facilities are actively engaged with the landlord to address the underlying issues. The Board requested the Executive to prepare a report on the matter for the next Board meeting in November.

The ongoing issues with the Wi-Fi service across all office locations were also noted. The CIO is to bring a report to the next Board meeting.

## **8.0 Corporate Performance and Risk**

### **8.1 Six-Monthly Review of Business Plan Objectives (BPOs)**

The Board noted the paper on the six-monthly Review of BPOs previously circulated.

In response to comments and queries from the Board, the following was clarified:

- In relation to the Children's Health Ireland review, AF advised that work was progressing in line with the Quality Assurance Framework and it was expected that the review report would be presented to the Board at an upcoming meeting.
- In relation to cyber policies, Bala Krishnan (BK), Chief Information Officer advised that HIQA is on track with implementation of cyber policies and the agreed recruitment campaign along with use of external supports was providing an appropriate response to cyber policy implementation.

### **8.2 Presentation on Risk**

Emma Deenihan (ED), Head of Quality, Risk and Compliance joined the meeting and gave the six-monthly presentation on HIQA's risk management. In her presentation she provided the following:

- An overview of how risk is managed in HIQA, including the Risk Management Framework and Risk Register.
- A deep review of the Risk Register, including Corporate and Directorate risks.
- Analysis of Corporate and Directorate risks by risk category and risk appetite.

In response to comments and queries from the Board, the following was clarified:

- There is a standing agenda item on risk at the weekly Executive Management Team meetings which ensures a consistent approach to risk and promotes an appropriate risk management culture.

- The Executive is refining the process for proactive risk assessment including a review of organisation wide processes for disaster recovery and business continuity and is working with external third parties in this regard.

The Board noted that there are inherent costs to an organisation in having a low risk appetite and a low risk appetite may not always be appropriate for particular areas/workstreams. The Board requested that the next six-monthly review of risk management include a review of risk appetite and risk profiles against other regulators to inform the determination of the appropriate risk appetite for HIQA.

The Board thanked ED for an excellent and informative presentation. AF acknowledged the work of ED and her team in bringing consistency to the organisation's management of risk.

ED left the meeting.

## **9.0 Board Committee Report**

### Audit, Risk and Governance Committee (ARGC) – 17 September 2024

BC, Chair of the ARGC reported that the following items were reviewed in detail at the ARGC meeting on 17 September 2024:

- The C&AG Audit Completion Memorandum for year ended 31 December 2023 was presented.
- An update on the Internal Audit Programme for 2024 was presented by Forvis Mazars.
- The Terms of Reference for the DER Governance Review, the System of Internal Control review and the Follow-up Audit 2024 were approved.
- 2025 IA planning was considered by the Committee.
- The Finance Report to July 2024, the updated Culture Review report and update on DER Finances and Risks were presented.
- An update on Risk Management was provided. One new high-priority Directorate risk (Precision accessibility and functionality) and one existing Corporate Risk (relating to the IT system) were raised by the Executive for the Committee's attention.

BC also advised that the Committee received a presentation on "Emerging Trends in Governance, Internal and IT Audit" from Forvis Mazars.

### Standards, Information, Research and Technology Committee (SIRT) – 18 September 2024

PK advised that the main items reviewed at this meeting were as follows:

- The Process outline for the core HTA of Teledermatology for triage of primary case referrals was reviewed and recommended for approval by the Board.
- The HTA of use of an enhanced inactivated influenza vaccine for those aged 65 years and older in the HSE Seasonal Influenza Vaccination Programme was reviewed and recommended for approval by the Board.
- The updated process outline for the development of National Standards for Home Support Services was reviewed and recommended for approval by the Board.
- An update on HTA and HIS risks was provided to the Committee. One existing risk, relating to staff recruitment and retention in the HTA Directorate was raised for the specific attention of the Committee.

#### Regulation Committee – 25 September 2024

MOH advised that he had chaired the Regulation Committee meeting on 25 September 2024, and that the Committee had reviewed a range of topics at the meeting. He advised that much of this is covered in the CEO's report and the Chief Inspector's Report. However, he drew the Board's attention to:

- A Report from the Director of Healthcare Regulation providing updates on:
  - o Monitoring of International Protection Accommodation Services (IPAS) against National Standards
  - o Patient Safety Act Preparations
  - o The Human Tissue Bill Preparations
  - o An update on the Children's Health Ireland Review.
- A presentation from the Legal Team on Law Reform Commission's Report on a Regulatory Framework for Adult Safeguarding.
- An update on the Networks and Integration Security Directive (NIS-2) and the Critical Entities Resilience Directive (CER Directive).
- An update on the Business plan objectives and risk management in the Healthcare Regulation and Social Care Directorates.

#### Resource Oversight Committee (ROC) – 19 September 2024

LP, Chair of the ROC, advised that the main items reviewed by the Committee included:

- An update on DER, including finances and risks.
- A report on Human Capital, including organisational structure, succession planning, and implementation of the culture framework was presented.
- The Digital and Data Transformation Strategy Report was presented.
- Updates on Corporate Performance and Risks were provided and one existing Corporate risk relating to the IT system was raised for the specific attention of the Committee.

POM thanked the Committee members for the work done at the Committee meetings which supports the Board and increased efficiency at Board meetings.

## 10.0 CEO's Report

AF highlighted the following from her report:

### Corporate Governance

- The increased focus on governance was supported by the recent appointment of the new Quality and Risk Manager. This appointment will enable increased rigour around oversight of risk and internal audit recommendations.
- Several aspects of the Quality Management System had seen recent upgrades, including the Suggestion Box.

### Strategic HR Issues

- HR is developing a HIQA People and Culture Strategy 2025–2027 to coincide with development of the new HIQA Corporate Plan. The Strategy will build on the outputs from a number of reviews and staff consultation exercises including the Blended Working Review, the IPSOS Staff Engagement Survey results and the recent Culture Review.
- In relation to the Workforce Plan, the Department of Health had confirmed that additional funding (€3m) will be made available to support the delivery of pay and non-pay costs in 2024, including the implementation of priority posts. Discussions are ongoing in relation to ELS for 2025 but the early notification on ELS funding is encouraging. Posts for a range of proposed new functions for HIQA to commence in 2025 are the subject of ongoing discussions with DOH in terms of resource requirements.
- The All Staff Away Day was held on 11 September 2024 and was attended by over 340 staff members (92%). The theme of the day was "Connecting While Growing". Feedback from the day was overwhelmingly positive.

The Board congratulated AF on the All Staff Away Day and noted the popularity of the event among the staff of the organisation. The Board noted that a review of fees would be timely and asked the Executive to consider commissioning an annual review of fees.

### Healthcare Regulation — Strategic Developments

- International Protection Accommodation Services (IPAS) monitoring has progressed steadily. To date, 46 inspections have been conducted in 42 centres. It is intended that HIQA will be in a position to publish an Overview Report in 2024.
- The Section 8 Review at CHI Temple Street is in its final stages of report generation. The final recommendations will be discussed with the Board in advance of submission to the Minister and report publication.
- The Patient Safety (Open Disclosure and Notifiable Incidents) Act commenced on 26 September 2024 and HIQA had completed all necessary preparations in advance of this date.
- Regarding the NIS-2 Directive, there has been constructive ongoing engagement with the Department of Health, Department of the Environment, Climate and

Communications, and the National Cyber Security Centre on the key considerations identified by the Board as conditions for HIQA taking on responsibilities under NIS-2.

#### Health Technology Assessment

- Following the publication of Terms of Reference for the Review of Emergency Care Service Provision in the Mid-West Review in August 2024, internal preparations are underway. This project will be conducted under Section 8(1)(e) of the Health Act 2007. External input and expertise will be sought to inform the review's work relating to capacity and demand planning for urgent and emergency care needs in the region. A further update will be provided at the next Board meeting.
- Draft National Guidelines on the Use of Medical Radiological Procedures in Asymptomatic Individuals guidelines have been developed and will soon be submitted for targeted and open consultation.
- An update on the National Immunisation Advisory Committee (NIAC) was provided, including approach, budget and governance. A further update will be brought to the Board at its next meeting.

#### Health Information and Standards

- The amended National Standards for Safer Better Healthcare were approved by the Minister for Health on 27 August 2024 and came into operation on commencement of the Patient Safety Act.
- The development of the draft National Standards for Home Support Services will be progressed by going to public consultation on the draft standards under the existing standard-setting provisions of the Health Act 2007.

#### Information Division Update

AF acknowledged the ongoing work of the Information Directorate and noted the challenges faced in securing the necessary staffing with appropriate skills and expertise. She advised that DOH supports the business case to replace external third party arrangements with necessary in house skills and expertise on a cost neutral basis. She also advised that support for the new DDTS was one of the workstreams included under the forthcoming Project Management Office.

The Board thanked AF for her comprehensive report.

### **11.0 Chief Inspector's Report**

CG presented the Chief Inspector's report and highlighted the following:

#### Older Persons team

- There are currently 551 designated centres for older people with 32,467 registered beds.
- Since the previous data reported, two new designated centres were registered and two designated centres were closed.

- The registration of three designated centres was cancelled since the previous report, and these designated centres are currently being operated by the Health Service Executive pursuant to the Health Act 2007.
- An update was provided on the sustainability of certain nursing homes operated by different registered providers under a group structure.

#### Disability team

- By 6 September 2024, there has been a net increase of 64 centres since the start of the year. There are now 1,627 centres providing 9,202 residential places. This represents an increase of 38% in the number of regulated centres since 2019 as a result of the policy decision in relation to de-congregation and an increase in capacity within residential centres to meet ongoing requirement for services in the community.
- Staffing resources are an ongoing issue for the Disability team. The team continues to seek to balance inspection activity with allowing inspectors to fulfil their other regulatory and monitoring duties.
- The Workforce Plan provides for the increase in the staffing within the Disability team and this has been prioritised by HIQA in its overall submission to the DOH and HIQA expects to be in a position to progress with filling posts quickly as there are panels in place.

#### Children's Team

- Overall, inspection findings from children's services are mixed. Challenges include effectiveness of governance and not having adequate resources – both in terms of staffing and the availability of suitable placements for children in care.
- There are positive findings in some centres in terms of the promotion of children's rights and assisting children in attending and attaining education.

#### Legislative change / Commencement projects

- CG advised that the recently commenced Patient Safety (Notifiable Incidents and Open Disclosure) Act 2023 and Health (Miscellaneous Provisions) (No.2) Act 2024 make wide-reaching amendments to the monitoring and regulatory functions of HIQA and the Chief Inspector.

#### Legal proceedings

CG summarised the current legal proceedings underway in the Directorate and provided detail on a recent judgement. She advised that there were a number of cases coming before the Courts in October.

The Board thanked CG for her detailed report.

## **12.0 DER Status Report**

[Redacted]



### **13.0 CER / NIS-2 update**

Sean Egan (SE), Director of Healthcare Regulation, introduced this item. He advised that the update on NIS-2 had already been provided under an earlier agenda item.

In relation to the CER Directive, he advised that while substantial progress had been made, the remaining matters had not yet been sufficiently clarified for a final request for approval to be made to the Board. He advised that the two outstanding matters related to resourcing and a legal review of the position regarding amendment of the Health Act 2007. Once these outstanding issues had been addressed, the matter would be brought back to the Board.

### **14.0 Human Capital Report**

The Board noted the paper previously circulated and that a full review of the report had been undertaken at the recent Resource Oversight Committee meeting.

Susan Montgomery (SM), Head of Human Resources and Organisation Development, provided a summary overview of the Human Capital Report.

The Board noted that there were no metrics in the report that were of concern. The volume of work undertaken by the HR team on recruitment was acknowledged and it was advised that the lead-in time for recruitment be reflected in the timelines for the 2025 Business Plan Objectives.

### **15.0 Culture Review**

The Board noted the report previously circulated and the Board decision that the implementation of the culture framework would be a matter for the Resource Oversight Committee.

### **16.0 Finance Report**

Eleanor Noonan (EN), Finance Manager joined the meeting at this point.

The Board noted the papers previously circulated.

BC introduced the Finance Report to end-July and advised that the report had been discussed in detail at the recent ARGC meeting. She highlighted the following points:

- The increased grant allocation of €3m from the Department of Health means that pressures that previously existed in a number of costs areas, particularly in payroll, have now been addressed.
- A breakeven budget position is projected for year-end.

- The ARGC had also examined the expenditure on third party services and the actions in relation to recruitment of in-house ID staff which will significantly reduce such costs.
- Discussions with the Department of Health are ongoing regarding financial requirements for 2025 including ELS and New Development monies.

The Board complemented EN on the presentation of the financial results which were clear and comprehensive.

### **17.0 Presentation - Law Reform Commission's Report on a Regulatory Framework for Adult Safeguarding**

Catherine-Ellen O'Keefe (CEOK), Legal Advisor joined the meeting.

Aoife McCann (AMC), Head of Legal Services introduced this item and advised that the Commission's Report marked a significant milestone in the area of adult safeguarding and the presentation would provide an opportunity to reflect on the findings of the Report.

CEOK gave the presentation on the Law Reform Commission's Report on a Regulatory Framework for Adult Safeguarding and highlighted the following:

- HIQA has long advocated for policy and legislative reform in the area of adult safeguarding, in addition to promoting robust safeguarding practices to ensure safer and better health and social care services which HIQA regulates.
- The publication of the Commission's Report followed significant stakeholder engagement, including observations and submissions from HIQA on the Commission's recommendations, which HIQA broadly welcomes.
- The Commission's key recommendations.
- The work that HIQA is currently doing to promote adult safeguarding in the discharge of its statutory remit.

The Board thanked CEOK and AMC for the engaging presentation. CEOK left the meeting.

### **18.0 Policy on recovery of legal costs arising in litigation**

Aoife McCann (AMC), Head of Legal Services introduced this item for approval. In her presentation she highlighted the following:

- A Legal Costs Recovery Policy had been developed following the request from the Board in September 2023 to develop a policy that ensured effective and proportionate decision making regarding legal costs recovery.

- There had been engagement with the NTMA and the State Claims Agency on the matter.
- The policy is aligned to HIQA's values and its responsibilities as a public body.
- If legislative amendment is implemented to ensure there is clear delegated authority for the NTMA to manage legal costs arising to the Chief Inspector in litigation, then all costs arising in litigation will be delegated to the NTMA and the Legal Costs Recovery Policy, or parts thereof, may become obsolete and will require review.

AMC advised that two matters were being put forward for the approval of the Board:

- Approval of the Legal Costs Recovery Policy
- Approval to commence a process with the NTMA for legislative amendment of S.I. 191/2018 to provide delegated authority to the NTMA to manage costs arising in litigation to which the Chief Inspector is subject.

MoH proposed the approval of the Legal Costs Recovery Policy and the commencement of a process with the NTMA for legislative amendment of S.I. 191/2018, and MH seconded the proposal; **accordingly it was resolved that the Legal Costs Recovery Policy and the commencement of a process with the NTMA for legislative amendment of S.I. 191/2018 be approved by the Board.**

## **19.0 Core HTA Teledermatology Process Outline**

The Board noted the papers previously circulated.

MM proposed the approval of the Process outline for HTA of Teledermatology for triage of primary case referrals and CFN seconded the proposal; **accordingly it was resolved that the Process Outline for HTA of Teledermatology for triage of primary case referrals be approved by the Board.**

## **20.0 Immunisation Flu enhanced QIV 65+**

The Board noted the papers previously circulated.

MM proposed the approval of the HTA of use of an enhanced inactivated influenza vaccine for those aged 65 years and older in the HSE Seasonal Influenza Vaccination Programme and MH seconded the proposal; **accordingly it was resolved that the HTA of use of an enhanced inactivated influenza vaccine for those aged 65 years and older in the HSE Seasonal Influenza Vaccination Programme be approved by the Board.**

## **21.0 Process Outline for National Standards for Home Support**

The Board noted the papers previously circulated.

CFN proposed the approval of the updated Process Outline for the development of national standards for home support services and PK seconded the proposal; **accordingly it was resolved that the updated Process Outline for the development of national standards for home support services be approved by the Board.**

## **22.0 Committee appointments**

The Board noted the paper on Committee and Committee Chair appointments which proposed the following:

- James Kiely to be appointed as Chair of the Standards, Information, Research and Technologies (SIRT) Committee from 2 October 2024. His appointment to the Resource Oversight Committee (ROC) to cease on 2 October 2024.
- Martin O'Halloran to be appointed as Chair of the Regulation Committee from 2 October 2024.
- Caroline Spillane to be appointed to the Regulation Committee for a 12 month period from 2 October 2024 to 1 October 2025. Her appointment to the Audit, Risk and Governance Committee (ARGC) to cease on 2 October 2024.
- Leonie Clarke to be appointed to (i) Audit, Risk and Governance Committee (ARGC) and (ii) Standards, Information, Research and Technologies (SIRT) Committee for a 12 month period from 2 October 2024 to 1 October 2025.

POM proposed the Committee appointments and MH seconded the proposal; **accordingly, it was resolved that the Committee appointments to be approved by the Board.**

## **23.0 Noting of Board decision by written procedure on DER Call off contract 3**

The Board noted that, as provided in its Standing Orders, the decision on DER CO.03 taken in July by written procedure would be recorded in the minutes of the 2 October 2024 Board meeting as follows:

**The Board resolved by written procedure on 12 July 2024 to proceed with DER Call off Contract C.03 at the agreed price. The requirements for any change requests will be subject to separate approval in line with agreed governance arrangement for DER.**

## **24.0 Noting of Board decision by written procedure on NIS-2**

The Board noted that, as provided in its Standing Orders, the decision on the Network and Information Systems Directive 2 (NIS-2) taken in July by written procedure would be recorded in the minutes of the 2 October 2024 Board meeting as follows:

**The Board resolved by written procedure on 22 July 2024 to provide approval in principle for HIQA to assume a role as regulator under the NIS-2 Directive, subject to the outstanding issues, specifically around resourcing levels, HIQA's role alongside the National Cyber Security Centre (NCSC), including agreement around transitional arrangements for potentially assuming this function by HIQA from NCSC, and clarity on outstanding legal queries, being addressed to the satisfaction of the HIQA Executive. Specific approval for acceptance of a role as Competent Authority will be sought from the Board at the appropriate time.**

## **25.0 Chairperson's Report**

The Board noted the Report previously circulated.

POM advised that HIQA was required to make a nomination to the Minister for Health for appointment to the Medical Council, and that a member of the Board had agreed to be nominated.

## **26.0 Board meeting dates 2025**

The Board noted the paper on the Board meeting dates for 2025.

## **27.0 Any other business**

POM thanked everyone for their contribution during the meeting. There being no further business, the meeting concluded.

### **Signed**



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**Pat O'Mahony**  
Chairperson



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**Karen Egan**  
Board Secretary

## Actions arising from Board meeting – 2 October 2024

No	Action	Person Responsible	Timeframe
1	Executive to prepare a report on the HIQA Dublin office for the next Board meeting in November.	SA	November 2024
2	The next six-monthly review of risk management to include a review of risk appetite and risk profiles against other regulators.	ED	March 2025 Board meeting
3	Executive to prepare a report on review of fee income.	SA	Timeframe tbc
4	Update on the Mid-West Review to be provided at the next Board meeting.	MR	November Board meeting
5	Update on the National Immunisation Advisory Committee (NIAC) to be brought to the Board at its next meeting.	MR	November Board meeting
6	Executive to follow up on actions related to DER project as agreed by the Board and to bring a further update to the next Board meeting.	CG	November Board meeting
7	The lead-in time for recruitment be reflected in the timelines for the 2025 Business Plan Objectives.	SM/SA	When 2025 Business Plan is being prepared
<b>Actions carried forward from previous meetings</b>		<b>Person Responsible</b>	<b>Timeframe</b>
8	Business Case on the transfer of the NITAG function to HIQA be submitted to the Board in August 2024.	MR	November Board meeting
9	A paper providing clarification on the NIS-2 proposal, including setting out the impact on HIQA as an organisation of taking on the new functions under NIS-2, to be brought to the Board later in the year.	SE	At appropriate time
10	To consider a symposium during the upcoming Irish Presidency of the Council of the European Union (July–December 2026)	AF	Ongoing
11	Show percentage of training/education days against the overall number of working days	SM	Ongoing

12	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.	KE/AF	Ongoing
13	Regulation committee to maintain oversight of developments on OPCAT. A report will come back to the Board at the appropriate time.	MOH/KE	When Appropriate