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16th December 2021

By email

Carol Grogan
Chief Inspector of Social Services
Dublin Regional Office
Georges Court
Georges Lane
Dublin
D07 E98Y

Re: Fitness of HSE as Provider in CH01

Dear Carol,

I am writing in response to your correspondence of December 10th, 2021 regarding the fitness of the HSE as registered provider of designated centres for people with a disability in Community Healthcare Area (CHO) 1. The HSE acknowledges the required intervention of HIQA and you will be aware that prior to the receipt of this correspondence, we have equally been responding to the range of concerns in relation to governance and safeguarding, including assessment of the need for and type of enhanced national oversight external to CHO 1.

The HSE appreciates your acknowledgement of the progress that has been made in some areas in CHO 1 and that this has been done with helpful supports from HIQA in the way in which they have fulfilled their role as regulator. This correspondence will provide an initial update with respect to immediate actions in advance of further updates next week and also January 6th, 2022 acknowledging the further correspondence received directly from your CEO by Mr. Paul Reid, CEO of the HSE. I also appreciate that you have afforded us some additional time to ensure that the significant volume of work required can be appropriately scoped and robustly established in order to address the concerns you have raised, which the HSE fully share.

With respect to the incident in July 2021 (and previously 2016 and 2017) in [REDACTED] our immediate priority is rectifying any deficiencies in the current safeguarding plan, underpinning risk assessments and controls. To that end, I have sought and received assurance from the CHO that a completed safeguarding plan is now in place. However, given the history of the management and the deficiencies in response, I have also directed that this be scrutinised independently by the National Safeguarding Office. In addition, a full systems analysis regarding the management of the incidents in 2016, 2017 and July 2021 is being commissioned and the terms of reference for this – and the independent scrutiny of the current safeguarding arrangements will follow. I have further directed that all required supports are provided to the resident by the HSE including biopsychosocial, advocacy and legal representation. I will seek confirmation from the National Clinical Lead for disability service that he is satisfied with the range of supports in place.

As National Director I am agreeing appropriate interventions for the Donegal area comprehending all designated centres for people with a disability. This may extend to direct surveillance by Community Operations of safeguarding activity across all designated centres for people with a disability in Donegal pending, and if required beyond the completion of a safeguarding assurance review external to CHO 1. The interventions will likely include a requirement for, at the outset, a weekly report to my office on incident reporting, safeguarding reports and the management of current safeguarding plans in place across disability services in Donegal. These reports will be scrutinised and discussed as a standing item on the performance management of the Chief Officer for the foreseeable future.

A safeguarding review, external to CHO 1, of designated centres for people with a disability in Donegal, on a prioritised basis, is currently being scoped, and indicatively will include as a minimum the independent verification of evidence for each designated centre that;

- All staff are trained in the HSE safeguarding policy.
- Staff and co-workers/volunteers competence and their compliance with safeguarding policy regarding recognising and responding to concerns of abuse and neglect.
- Processes in place to respond to Safeguarding concerns to include the management of the concern/incident and the reporting requirements to meet both Regulatory and HSE/TUSLA/HIQA requirements.
- Effective management including investigation of allegations of abuse Safeguarding incidents including effective implementation of the Trust in Care Policy.
- The culture of openness and transparency within the organisation without undue influence or co-coercion on service users or family members in relation any abuse and neglect concerns that have been raised.
- Protection plans are in place following agreement with the HSE Safeguarding Team and actions followed up /reviewed appropriately
- All abuse/neglect allegations or concerns either current or historical that could be criminal in nature have been reported to An Garda Síochána.
- Any restrictive practices being undertaken are proportionate and safe according to best practice.
- Intimate care plans being undertaken are proportionate and safe according to best practice.
- Implementation of a supervision policy for Volunteers and any co-workers.
- Policy and good practices for lone working.
- Staff are competent and trained in the range of behaviours that the service users in their care might engage in, with a particular focus on risk assessment and management.

In addition, to the above a further response will issue to the further correspondence from your CEO to the HSE CEO. I would welcome a meeting with HIQA as the HSE finalise the scope and terms of reference of the distinct processes (systems analysis and safeguarding assurance review) now required to take an early view from you on the fitness for purpose of the work before further detailed progression.

I want to assure you that the HSE are deeply concerned that the service user in the most recent case has been so significantly let down and are committed to a transparent review independent of the CHO. As previously mentioned, we have also been aware and concerned about the history, as outlined in your letter, and the very serious questions this raises about regional governance as the registered provider of disability services. Planning continues at pace to put a series of interventions in place as outlined above with a view to direct national assurance and ongoing enhanced surveillance.

Please contact me in the interim should you have any questions.

Yours sincerely,



Yvonne O'Neill
National Director
Community Operations