



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

Feidhmeannacht na Seirbhíse Sláinte
Rannán Gnóthaí Parlaiminte
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PAC32-R-521 B Meeting 25/05/2017

23rd May 2017

Mr Kieran Lenihan,
Clerk to the Committee,
Committee of Public Accounts,
Leinster House,
Dublin 2.

Dear Mr Lenihan,

I refer to your recent correspondence dated the 9th of May seeking information on a number of matters.

Please find below the response to the matters raised.

Question 1: Is or did Mr O'Brien receive media/communications training or briefing in relation to how questions on the Grace issue should be answered or on how related issues should be presented before the PAC?

Response:

The Director General takes his responses to and appearances before the Public Accounts Committee very seriously and makes every effort to answer all questions – whether in writing or verbally – as accurately, comprehensively and openly as possible. In order to achieve this, considerable preparatory work is undertaken and involves Mr O'Brien and a small team of senior HSE staff ensuring that all information sought is provided. Included within this small team is the HSE's National Director for Communication. Aside from his input, no additional media / communications advice on this matter is sought or provided.

Question 2: Is Mr O'Brien satisfied that he has given a true and accurate account to the PAC on the HSE's interaction with the Garda Síochána on matters relating to Grace? If not, can he correct the record?

Question 3: Is Mr O'Brien satisfied that he has given a true and accurate account to the PAC on the HSE's disciplinary actions in respect of staff related to this case? If not, can he correct the record?

Question 2 and Question 3 are being responded to together.

Response:

At all times when the Director General attends the PAC or any committee of the Oireachtas his evidence is always given *bona fide* and based on the best information available to him at the time of attending the meeting. Where new information became available to him following attendance at the PAC re the Grace

case he as the committee is aware provided the necessary clarification as per example in response to question 4 below.

As of now the Director General is not in possession of any further new information that would require him to clarify his evidence to date re the issues mentioned in these two questions. If the committee has information that it believes requires clarification we would ask that it be sent to us and we will have it examined.

Question 4: Can Mr O'Brien explain the reasons why the PAC was given a contradictory/confusing account as to the whereabouts of those staff members who were/may have been responsible for leaving Grace in a dangerous situation?

Response:

As explained in the Opening Statement to the PAC on 23rd March 2017 Mr O'Brien received further and better information in relation to previous HSE employees involved in the Grace situation. This new information followed a detailed examination of the HSE's pension-payroll system records. On receipt of this new information, Mr O'Brien immediately wrote to the PAC in order to correct the record. He also apologised to the Committee for not being in a position to have had more complete information at the time in February 2016. The examination of the pension-payroll system that Mr O'Brien referenced was not straightforward as many retired persons can possess a number of payroll numbers, both pay and pension, across different organisations, within a financial / payroll system that is not sufficiently integrated to allow the many payroll numbers to be attributed to one person. Such was the case with H3, who was one of the three persons to whom Mr O'Brien had referred to in a previous PAC hearing (2nd Feb. 2016).

Question 5: Can Mr O'Brien give the Committee an update on the Deloitte report?

Response:

Deloitte who are undertaking the independent review of the funding to the voluntary provider have advised us that their draft report has now gone through their internal risk and quality assurance review process and was issued on 19th May 2017 to the voluntary service provider for their review and comment. Following consideration of any comments from the service provider Deloitte will issue the final report to the HSE. If the report is available before our planned attendance at the committee on the 15th June I will provide a copy to the committee, otherwise I will update the committee at the meeting on its status.

Question 6: Mr O'Brien said that the headlines in the media were misleading and that not all information had been sought. It subsequently transpired that RTE had sought the information. Can Mr O'Brien provide the PAC with all the correspondence between the media and the HSE in relation to this matter under FOI?

Response:

It is important to note that there are two categories of "information" that need to be taken into consideration in order to respond adequately to this question.

Through its FOIs to the HSE, RTE sought information and correspondence between the HSE and AGS relating to the "publication" of the reports. In its opening statement to the HSE, Mr. O'Brien was referring to wider aspects of information and correspondence between AGS and the HSE on the South East Foster Home matter since 2011. At no time did RTE seek through the FOI process this latter category of information, as is suggested in question 6.

The HSE wrote to the Committee and clarified these matters and provided the correspondence in relation to the FOI's and a copy of a detailed statement the HSE had issued to the "This Week" programme prior to the broadcast in question.

Questions 7: Can the HSE provide information on all persons who had responsibility for the care of Grace who are still working in the public sector as far as can be ascertained?

Response:

On the 25th April 2017, in a letter to the committee we provided details of the employment status of the five persons who the Director General had referred to in his evidence to the committee. Please find below (**Table1**) a copy table of the information that was provided.

Table 1

The table below sets out the HSE understanding of the employment status of these five persons:

Devine Report	Current Status	Confirmed Details
H3	TUSLA	Retired from HSE in 2012. Commenced part time contract work. Transferred to TUSLA in Dec 2013. <i>(Note: The DG only became aware of this on 22nd March and clarified this by letter to the Committee and subsequently in his Opening Statement on the 23rd March.)</i>
H7	Retired	Ceased on HSE payroll 17.10.2010.
H12	Retired	Ceased on HSE payroll 29.02.2012.
H4	Resigned	Ceased on HSE payroll 29.04.2009.
H6	TUSLA	Ceased on HSE payroll 08.12.2013.

The Director General in his evidence to the committee did say that there were many who would have been responsible for the care of 'Grace' other than the five persons he had referred to.

In table 2 below please find attached as far as can be ascertained the current status of those others referenced in the Devine report who would have been responsible for 'Grace's' care.

Table 2

Devine Report	Current Status
H1	Deceased (RIP)
H2	Retired 2003
H3	As above
H4	As above
H5	Left employment with HSE in 2012

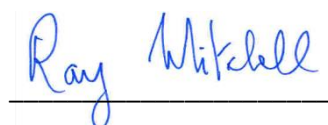
H6	As above
H7	As above
H8	Retired 2013
H9	Retired 2010
H10	Retired 2013
H11	Deceased (RIP)
H12	As above
H13	Retired 2011
H14	Retired 2012
H15	Retired 2010
H17	Retired 2010
H18	In HSE employment
H19	Resigned 2001
H20	Resigned 2007
H21	In HSE employment
H22	Retired 2008
H23	In TUSLA employment
H24	Retired 2009
H25	In HSE employment
H26	In TUSLA employment
H27	In HSE employment
H28	Retired 2012
H29	Resigned 2001
H30	In HSE employment
H31	Resigned 2008

Note: H16 was an unallocated number in the Devine Report

The above information has been provided further to the request from the PAC but in line with usual HSE organisational arrangements, where an investigatory process is underway, individuals have not been identified so as not to prejudice any possible outcome of same. In that regard, any prejudice, or other failure to provide fair procedures, may impair the ability of the HSE to hold any persons to account where such persons have a case to answer.

If any further information is required please do not hesitate to contact me.

Yours sincerely,



Ray Mitchell
Assistant National Director
Parliamentary Affairs Division