

Title of Meeting	155 th Meeting of the Public Health Agency Board
Date	22 June 2023 at 1.15pm
Venue	Fifth Floor Meeting Room, 12/22 Linenhall Street, Belfast

Present

Professor Nichola Rooney	- Interim Chair
Mr Aidan Dawson	- Chief Executive
Dr Joanne McClean	- Director of Public Health
Ms Deirdre Webb	- Assistant Director of Nursing, Midwifery and Allied Health Professionals (<i>on behalf of Ms Reid</i>)
Mr Stephen Wilson	- Interim Director of Operations
Mr Craig Blaney	- Non-Executive Director
Mr John Patrick Clayton	- Non-Executive Director
Ms Anne Henderson	- Non-Executive Director
Mr Robert Irvine	- Non-Executive Director
Ms Deepa Mann-Kler	- Non-Executive Director
Mr Joseph Stewart	- Non-Executive Director

In Attendance

Ms Tracey McCaig	- Director of Finance and Corporate Governance, SPPG
Mr Brendan Whittle	- Director of Community Care, SPPG
Mr Robert Graham	- Secretariat

Apologies

Ms Heather Reid	- Interim Director of Nursing, Midwifery and Allied Health Professionals
Dr Aideen Keaney	- Director of Quality Improvement

79/23 | Item 1 – Welcome and Apologies

79/23.1 The Chair welcomed everyone to the meeting. Apologies were noted from Ms Heather Reid and Dr Aideen Keaney.

79/23.2 The Chair congratulated Ms Webb on being runner up in the public health award at the Nurse of the Year Awards ceremony.

80/23 | Item 2 – Declaration of Interests

80/23.1 The Chair asked if anyone had interests to declare relevant to any items

on the agenda.

80/23.2 Mr Clayton declared an interest in relation to Public Inquiries as Unison is engaging with the Inquiries.

80/23.3 Mr Irvine declared an interest in his role as a Local Council representative. He indicated that as his Local Council receives PHA funding, he would step out of the meeting if there were detailed discussions on this as part of the Financial Plan.

80/23.4 Mr Whittle declared an interest relating to Public Inquiries and said that he would recuse himself from the meeting if required as SPPG, through the Department of Health, is also participating in Inquiries.

81/23 Item 3 – Minutes of previous meeting held on 18 May 2023

81/23.1 The minutes of the Board meeting held on 18 May 2023 were **APPROVED** as an accurate record of that meeting.

82/23 Item 4 – Matters Arising

82/23.1 For action 1, the Chair noted that a workshop is taking place with EY today and the Chief Executive added that a workshop around screening will be organised for September.

82/23.2 For action 2, the Chair noted that the Chief Executive has asked the Organisation Workforce Development (OWD) group to take forward work on supporting staff who have to appear before Inquiries.

82/23.3 For action 3, Ms Webb advised that work on the development of a public health nursing framework has been paused while the Chief Nursing Officer carries out a review of the work carried out to date.

83/23 Item 5 – Chair’s Business

83/23.1 The Chair reported that she had attended a meeting with NHS Confederation Chairs at which a paper was presented on healthcare spend. She advised that following that meeting there was a meeting with Chairs from Northern Ireland where she raised the issue of the Partnership Agreement with the Department of Health. She noted that only 2 organisations had received theirs so she has asked for this to be placed on the agenda of PHA’s Accountability Review meeting with the Permanent Secretary.

83/23.2 The Chair advised that the HSC Chairs met with the Permanent Secretary and a range of areas was discussed. She reported that it is unlikely that the Assembly will be sitting by the autumn and that Northern Ireland will have to live within its budget, and that any pay deals cannot be approved without the Assembly. She said that during a discussion on efficiencies, it was asked whether consideration had been

given to the impact of efficiencies on health inequalities and future generations. She added that going forward, it will be about doing more with less and trying to roll out new ways of working.

At this point Mr Clayton left the meeting.

- 83/23.3 The Chair noted the amount of work required to prepare for Inquiries and said that PHA is going to have to pay for additional resources. The Chief Executive advised that PHA has extra resources, but noted that when this was raised with the Permanent Secretary, HSC bodies were told that no additional funding was available and that organisations have to find resources from within their own budgets.
- 89/23.4 The Chief Executive explained that the issue for PHA is that it has undergone a significant turnover of staff resulting in a loss of corporate memory. He added that PHA will be involved in this work for a considerable period of time and therefore individuals working on this now may in future move to other jobs. He said he wished to place on record his thanks to those former PHA staff who have come and given up their free time to help, but he noted that their good will can only be relied on for so long, and there may come a point when those individuals are called before an Inquiry themselves. The Chair asked if remuneration could be given for their time but the Chief Executive replied that this may only be possible in some cases. A member suggested that there should be a mechanism whereby these individuals register through the Leadership Centre. The member added that given the size of the COVID Inquiry, PHA will need to scale up. The Chair suggested that there should be a Board workshop to look at how PHA is preparing for the COVID Inquiry (**Action 1 – Chair**).
- 89/23.5 A member asked if there is an HSC position in terms of compelling people to appear at Inquiries, but the Chief Executive said while the HSC cannot compel individuals, Inquiries can.
- 89/23.6 The Chair asked what approach SPPG is taking and Mr Whittle advised that it has not asked former staff to come back, but has instead prepared its submission based on records.
- 89/23.7 A member asked what provision PHA has for obtaining legal support. The Chief Executive outlined that PHA has access to Junior Counsel and a solicitor dedicated to PHA. He noted that if a situation arose where a former staff member had a view that was contrary to PHA's view, they would have separate legal support. The member asked if the PHA Board needs to authorise this expenditure, but the Chief Executive replied that it is within his delegated limits. Ms McCaig added that provision for this has been made in PHA's Financial Plan. The member said that how information is presented at Inquiries is important and that coaching is required, to which the Chief Executive said that PHA has received Counsel help with its preparations in terms of lines to take, and anticipating what questions may be asked.

89/23.8 Mr Whittle noted that for the Muckamore Inquiry, the Department of Health and SPPG are core participants whereas PHA is not, and being a core participant means that you can access the Witness Statements of other organisations. The Chief Executive said that PHA had received advice not to be a core participant.

89/23.9 The Chair said that there needs to be a review of resources. Mr Wilson advised that 2 Band 6 staff and a Band 8a member of staff are being transferred from other work to assist. Dr McClean added that a Band 8a member of staff has also been recruited from an agency as PHA aims to build up a team.

84/23 Item 7 – Chief Executive’s Business

84/23.1 The Chief Executive reported that PHA has submitted a third Statement to the Muckamore Inquiry and he will appear at the Inquiry on 28 June. For the COVID Inquiry, he advised that he has been asked to appear on 5 July but PHA is liaising with the Inquiry around sending another member of staff. He noted that each Inquiry operates differently and that other HSC bodies are taking the same approach in terms of asking that the appropriate individuals attend, rather than the Chief Executive. A member commented that it may be helpful if the legal advisors could discuss this with the Inquiries upfront. Ms McCaig agreed, and added that it is also useful to speak to others who have attended.

At this point Mr Clayton re-joined the meeting.

84/23.2 The Chief Executive advised that PHA is having its Accountability Review meeting with the Permanent Secretary on 6 July.

84/23.3 The Chief Executive reported that PHA staff have been assisting with providing advice in relation to ongoing matters at Daisy Hill and South West Area Hospital (SWAH). The Chair asked if there are any issues to be brought to the attention of the Board, but the Chief Executive said that part of PHA’s role is to provide support and advice to SPPG. A member asked if this advice could be recorded and documented so that there is a record of it.

84/23.4 The Chair asked if PHA is giving professional advice. Dr McClean explained that PHA has always had a role in providing professional advice into commissioning and while PHA will not get a request to provide this advice, it will work collaboratively with Trusts and bring an external perspective. She said that the relationship with SPPG is different now that it is part of the Department. Mr Whittle advised that there is guidance from 2007 which states that organisations must seek guidance from PHA and HSCB, but that guidance is currently being updated.

84/23.5 Dr McClean said that in addition to Daisy Hill and SWAH, there are also issues relating to Maternity Services at Causeway Hospital. Mr Whittle

- noted that PHA has provided advice to the Permanent Secretary on that matter.
- 84/23.6 A member noted that in these areas there are widespread community concerns and asked that if PHA is giving advice, does this look at health inequalities as well as safety and quality. Dr McClean advised that it would and added that if a public consultation is carried out PHA would receive the reports on these and analyse them. The member said that there is an issue, particularly with Causeway Hospital, where people may not have access to a car so it would be useful to know if issues such as travel and distance are being looked at. Mr Whittle said that if an HSC organisation is undertaking a public consultation, it will have to also undertake an Equality Impact Assessment (EQIA) and a Rural Needs Assessment of any decisions and the findings of those will assist SPPG/PHA in coming to its final decision.
- 84/23.7 The Chief Executive advised that a graduate trainee, Mrs Suzanne Johnston, has taken up post and he would like her to attend a future Board meeting.
- 84/23.8 The Chief Executive reported that an EY workshop was held with Digital Health and Care (DHCNI) which was very useful. He advised that PHA will be looking to partner with DHCNI and NISRA on population health analytics in the future. With regard to the Refresh and Reshape work, he advised that this will slow down over the summer to allow for an opportunity to take stock.
- 84/23.9 The Chief Executive offered his congratulations to Ms Webb for coming runner up in the public health award at the Nurse of the Year Awards. He advised that the award went to Ms Jane Ferguson and Ms Tanya Zulian in the Northern Trust for their work with asylum seekers and refugees.
- 84/23.10 The Chief Executive said that the launch of Professor Ray Jones' Independent Review of Children's Social Care Services took place on Wednesday and PHA was represented at the event by Ms Hilary Johnston, Ms Deirdre Webb, Ms Siobhan Slavin and Ms Anita Rowe. He added that on Tuesday there was an event on Working Together for Healthcare in Criminal Justice at which Ms Siobhan Donald represented the PHA. He advised that he was unable to attend these events.
- 84/23.11 The Chief Executive advised that Dr Alison Little presented at the International Confederation of Midwives (ICM) Triennial Congress. He said that to present on the world stage was a credit to her work in the Agency and she was a great ambassador for the Agency and Northern Ireland.
- 84/23.12 The Chief Executive advised that there are no new risks on the Corporate Risk Register but that it is due to be reviewed.

84/23.13 The Chief Executive said that the first ICS pilot started in the Southern Trust at the beginning of June and Dr Diane Corrigan and Dr Diane Anderson are representing PHA on this. He added that a delegation of Trust and Council Chief Executives, led by PHA, is travelling to Wigan on 9/10 July to meet with senior leaders there and see the ICS in action.

84/23.14 A member asked if stories about staff success and awards are relayed to all PHA staff. Mr Wilson replied that they would be communicated to staff via Connect and the staff newsletter, inPHA. The member said that it is good to build up the PHA brand internally.

85/23 Item 6 – Updates from Non-Executive Directors

85/23.1 The Chair advised that she wished to receive updates from other Non-Executive Directors at each meeting about meetings or events that they have attended.

85/23.2 Ms Henderson advised that she had attended the last meeting of the Screening Programme Board where there was discussion on delays in the cervical screening programme. She said that this is a high risk area for PHA and there needs to be more scrutiny by the PHA Board.

86/23 Item 8 – Finance Update

Draft PHA Financial Plan 2023/24 (PHA/01/06/23)

86/23.1 Ms McCaig presented the draft Financial Plan. She explained that PHA is required to make savings of £5.3m in 2023/24. She noted that a decision has to be made regarding £3.2m relating to R&D which has also been withdrawn from PHA's budget.

86/23.2 Ms McCaig gave an overview of how PHA's funding is allocated across each of the main programme areas. She noted that the budget for management and administration does not take account of any pay awards.

86/23.3 Ms McCaig advised that PHA has a deficit of £650k. She noted that where £100k of savings has been listed against Service Development and Screening, this could potentially increase to £400k. She said that she will be including the £650k deficit on the monitoring return to the Department.

86/23.4 Ms McCaig explained that this Plan outlines how PHA could make savings in-year, but the savings are required to be found on a recurrent basis so PHA needs to start looking at all of its programmes to determine which of these are recurrent. She advised that she will be preparing correspondence for the Chief Executive to issue to all staff regarding the need to minimise discretionary spend. She added that financial governance and accountability training will be taking place for all budget holders. She stated that there will be no slippage for

- individual budget holders, but instead all slippage will be corporate slippage. She said that there are many risks which have to be managed in this Plan.
- 86/23.5 Ms McCaig gave an overview of the capital budget.
- 86/23.6 Ms McCaig said that she is asking for the Board to give consideration to, and approve, this draft Financial Plan.
- 86/23.7 A member said that while this Plan was developed based on what was available to PHA, they would find it hard to support as it contained areas of concern. The member noted that these savings have to be made recurrently and yet, when a review was carried out of PHA, the view was that public health was underfunded so this seems a backward step. The member asked if PHA has carried out an EQIA on the Plan as a whole and suggested that if this has not been done, it should be done urgently.
- 86/23.8 Ms McCaig said that PHA has a statutory duty to break even and the current Plan represents a challenge as there is a £650k deficit. She noted that PHA has had slippage in recent years and used it to fund other initiatives. She advised that the entire HSC is being contracted when PHA is working on its Refresh and Reshape programme. She said that this is the best Plan that PHA can up with under the circumstances.
- 86/23.9 The Chief Executive commented that in recent years PHA has found itself in a surplus, but the challenge now is to show good financial stewardship at a time when the whole system is under pressure. He added that there is a gap that PHA still needs to close.
- 86/23.10 A member said that this Financial Plan represents the best position at this time, but PHA now needs to spend time looking at how it is spending its money and how this relates to population need. Ms McCaig agreed that prioritisation is an area that the Board has struggled with, but now it will be the focus. With regard to the EQIA, she advised that an EQIA was carried out on the health budget as a whole, but PHA can carry out an EQIA if it is making a decision regarding a service. She explained that this Plan has derived from what was natural slippage and at the moment there is no solution for the £650k shortfall, and going forward it will become more challenging.
- 86/23.11 A member said that an EQIA should be carried out at the earliest possible stage and it is still worth doing. The member noted the duty of the Board to break even, but said that there is a conflict in that PHA also has duties with regard to Health Protection and Health Improvement and to reduce health inequalities.
- 86/23.12 A member said that the impact of the Plan will be felt by the PHA itself and it is for the Chief Executive and Directors to formulate a plan to mitigate that. The member added that there is a need to look at

outcomes given the reality now is that finances are limited and will be for the short to medium term. The member said that the Board needs to authorise the approach. The Chair commented that PHA is past the stage where it can use slippage from one area to support another area.

86/23.13 A member commented that the bigger risk is the recurrent nature of the savings. Ms McCaig agreed and said that PHA has until the end of March 2024 to develop a Plan to meet these savings and it should aim to have this completed by January.

86/23.14 The Board **APPROVED** the Financial Plan, but noted the dissent of one member.

87/23 Item 11 – Update from Chair of Planning, Performance and Resources Committee

87/23.1 The Chair advised that the main item for discussion at the recent Planning, Performance and Resources Committee meeting was the Financial Plan which had been discussed earlier in the meeting.

88/23 Item 9 – Health Protection Update

88/23.1 Dr McClean said that she had no specific matters to update on and proposed that going forward, there was no longer a need to have this standing item.

89/23 Item 10 – Update from Chair of Governance and Audit Committee (PHA/02/06/23)

89/23.1 Mr Stewart advised that the Committee had met on 8 June and he gave an overview of the issues discussed at that meeting.

89/23.2 Mr Stewart reported that the Committee had received the Annual Report from the Head of Internal Audit where a satisfactory level of assurance was given to PHA. However, he noted that PHA had received 2 audits with limited assurance during the year, one relating to screening programmes and one relating to recruitment.

89/23.3 Mr Stewart advised that the draft NIAO “Report to those Charged with Governance” gave PHA’s accounts an unqualified audit opinion but it contained 3 Priority 1 recommendations. He said that the first of these related to a fraudulent payment which the Board has received updates on and that recommendations made following an Internal Audit review have been fully implemented. He said that the second related to an unlawful payment made by SBNI and advised that while the Chief Executive has put measures in place, the Committee raised with the auditors the inappropriateness of PHA hosting SBNI. He advised that the final matter related to a delay in PHA receiving outstanding payments owed by SEUPB (Special EU Programmes Body), which is due to a timing issue, but the payments will be made.

- 89/23.4 Mr Stewart said that NIAO raised an issue concerning how remuneration is recorded in the Annual Report, but this is a technical issue and he has spoken to Ms McCaig about it.
- 89/23.5 Mr Stewart reported that the Committee had considered the report of the Internal Audit on recruitment which consisted of 2 elements, those within the control of PHA and those outside PHA's control. He said that both he and the Chief Executive had expected this outcome and that management have accepted all of the recommendations. He hoped that Ms Karyn Patterson will help monitor the progress that needs to be made.
- 89/23.6 The Chief Executive informed members that he and Dr Janice Bailie had met with representatives from SEUPB and that further payments have been made in recent months. He added that SEUPB have appointed an external body to process the final payments.
- 89/23.7 A member noted that within the audit on Serious Adverse Incidents (SAIs), there was a reference to an MOU and that they would like to see this. The member added that information on complaints should be brought to the PHA Board.
- 89/23.8 The Board noted the update from the Chair of the Governance and Audit Committee.
- 90/23 Item 12 – PHA Annual Report and Accounts 2022/23 (PHA/03/06/23)**
- 90/23.1 Ms McCaig advised that the Annual Report and Accounts were submitted to NIAO and that following the audit, there were some minor changes but no matters of materiality. She highlighted the issue regarding the Remuneration Report and how, because there is a delay in Senior Executive pay awards, the figures only reflect what has actually been paid.
- 90/23.2 Ms McCaig said that there are no matters of significance within the accounts section, but she pointed out that there was a reduction in PHA's staff costs, mainly due to the closure of the Contact Tracing Centre.
- 90/23.3 Ms McCaig advised that once the Annual Report and Accounts are formally approved, they will be signed off by the Chair and Chief Executive and the Letter of Representation will be sent to the Comptroller and Auditor General. She added that once PHA receives the signed audit certificate it will be digitally inserted into the Report and the accounts will be formally laid.
- 90/23.4 A member commended the work undertaken to complete the Annual Report and Accounts, but asked if the matters highlighted in the Internal Audit report on screening programmes could be picked up as part of the Board workshop.

90/23.5 | A member asked about the reference to optimising learning from Inquiries in the Chief Executive's Report and if this was an ambitious statement, but the Chief Executive said that PHA is always keen to ensure that learning is progressed.

90/23.6 | The Board **APPROVED** the Annual Report and Accounts.

91/23 | Item 13 – Any Other Business

91/23.1 | There was no other business.

92/23 | Item 14 – Details of Next Meeting

Thursday 17 August 2023 at 1.30pm

Board Room, Tower Hill, Armagh

Signed by Chair:

A handwritten signature in black ink, appearing to be 'J. W. D.', written over a faint rectangular stamp.

Date: 17 August 2023