

PHECC Council Meeting Minutes
17 August 2020
PHECC Office, Naas

Present:

Jacqueline Burke (Chair)

Apologies:

Pat Hanafin

Tess O'Donovan

Video Conference:

Hillery Collins (Vice Chair)

Jason van der Velde

Shane Mooney

Mick Molloy

Thomas Keane

Niamh Collins

Patrick Fleming

Fiona McDaid

Conor Deasy

Jimmy Jordan

William Merriman

David Menzies (item 1 & 2 only)

In attendance:

Richard Lodge, PHECC Director

Barry O'Sullivan (VC)

Ricky Ellis, PHECC PDO

Brendan Cawley, PHECC PDO

Jacqueline Egan, PHECC PDO

Karen O'Neill, Council Administrator

Con Foley, Council Secretary

1. Chair's Business

The Chair welcomed everyone to the meeting, noting apologies received, and thanked all for attending. A special welcome was extended to Mr William Merriman who was attending for the first time.

The Chair reported that two further appointments to Council were imminent.

2. Minutes & Matters Arising

2.1 Draft Minutes 09 July 2020*

The draft minutes were presented for consideration and subject to an agreed amendment to item 4.0, regarding the addition of a patient safety concern related to the internship year of the AP Programme to the Risk Register, the following resolution was passed;

Resolution: That the Council approve the minutes of the meeting of 09 July 2020 subject to the agreed amendment.

Proposed: Mick Molloy

Seconded: Jason van der Velde

Carried without dissent

2.2 Matters Arising

There were no matters arising from the minutes.

3. UCD AP Programme Review

3.1. Decision on whether to rollover the existing contract with UCD*

The executive was complimented on the extensive supporting documentation provided.

The Chair confirmed that she would be recusing herself from any decision on the matter due to a perception of potential conflict of interest. Recusals would also be invited from all remaining Council members.

Following a query as to why the extracts from Council minutes did not commence prior to October 2017, it was agreed to begin the timeline from January 2016. It was confirmed that payments to UCD for the provision of an AP course were approved by Council annually since its inception, however no formal SLA existed until 2014, when new DPER guidelines were introduced. Council first became aware of the current SLA in April 2019 when a copy of same, signed in August 2017 and due to expire in August 2020, was provided in Council papers by the Director.

David Menzies had provided his apologies and left the meeting at this point.

The Chair reminded all of the necessity of this meeting, as in the absence of assurances from the Department of Health of a stakeholder review taking place, as resolved by Council in July 2019, a decision on rolling over the existing contract for the provision of an AP Programme with UCD, due to expire on 31 August 2020, is required.

An extensive discussion ensued during which the following were discussed and noted;

- Consideration of the resolution already passed by Council on 11 July 2019 “That Council decide to cease funding the AP Programme at the end of the current SLA and enter discussions with the Department of Health as to the appropriate mechanisms to support the continued need for such education.”
- The importance of ensuring engagement with all stakeholders in order to safeguard the provision of AP education for all providers going forward.
- PHECC’s responsibility as an independent statutory body to ensure patient safety as per its mission statement.
- The possible detrimental implications on PHECCs financial determination from the Department of Health going forward, resulting from PHECCs decision to fund a particular AP programme or not.
- A reluctance to lose ring fenced funding for AP education.
- PHECC’s financial responsibility and the necessity of achieving value for money.
- The option of funding the current programme on a pro-rata/per-capita basis.
- The potential impact of having a single monopoly provider of AP education, AP registration and AP career progression.
- The option of possibly opening the course to non-state funded organisations to facilitate achieving the minimum number of students required to make the course viable.
- Where the responsibility to ensure minimum course numbers lies.

- Possible UCD legal response if the contract expires and is not rolled over.
- The existence of an 'arbitration' clause in the existing SLA and the impact this could have on any final outcome.
- Rolling over the contract for a 12-month period would provide an opportunity to review the current SLA, address examinations and clinical internships, review costs and the minimum number of students required on the course.
- Clarification that no tender is required if the contract is rolled over for a defined period. The SLA and modifications to same can be done by agreement of all parties, as provided in the SLA.
- The fact that NASC have an AP Programme licenced by PHECC, for which NAS are currently seeking PHECC funding, which could provide continuation of AP education.

Conor Deasy left the meeting during the above discussion.

Contributions from Pat Hanafin and David Menzies who had provided their apologies for today's meeting were read into the record. Both favoured renewing the current SLA for a period of 12 months with certain conditions, including a requirement for a minimum number of students on the course, in order to create space to conduct a comprehensive review of AP training, in the absence of the Department of Health doing so.

In order to facilitate a vote, the Chair declared her potential conflict of interest given her connection with UCD and offered to recuse herself from the meeting. A recommendation was made by the Chair that any NAS employees attending the meeting should also recuse themselves, given that organisation's involvement in another AP programme, which is also seeking PHECC funding.

Those referenced declined to recuse themselves from the meeting.

The Vice-Chair, Hillery Collins stated that would not recuse himself as he was independent and appointed by the Minister and was therefore representing the Minister for Health and not NAS. The Chair reminded Mr Collins that all of Council, including herself as Chair, were appointed by the Minister and she was recusing herself on the basis that there could be a perceived conflict of interest and advised Mr Collins to do the same.

The Chair left the meeting at this point and Patrick Fleming took the Chair in her absence.

Mr Fleming stated that any potential or perceived conflict of interest is currently a matter for each individual as to whether they should recuse themselves and queried if any members wished to reconsider.

Con Foley, as Secretary to Council, asked the three remaining NAS employees to reconsider their attendance in the light of potential perceived conflicts of interest.

The three Council members, Vice-Chair Hillery Collins, Shane Mooney and William Merriman confirmed that they would not be recusing themselves and wished the matter to be recorded in the minutes.

Shane Mooney strenuously disagreed with the Chairs recommendation that they recuse themselves; William Merriman expressed concerns about value for money of the UCD contract and did not see any relevance of the NAS AP Programme.

A synopsis of earlier discussion was provided by the acting Chair and number of resolution options were proposed however only one was seconded as follows;

Proposal: *That Council approve to roll over the current SLA with UCD to deliver an AP Programme for a period of 12 months subject to revisions and amendments of the fee structure and a minimum of 16 students.*

Proposed: Shane Mooney **Seconded:** Patrick Fleming

Council continued to vote on the above resolution, resulting in the proposal being carried by a majority vote of seven in favour, three against.

Hillery Collins (Vice-Chair), Jimmy Jordan and Jason van der Velde opposed the resolution. Jimmy Jordan voted against the motion as he was of the opinion the SLA should be rolled over with no amendments.

In further discussion, it was agreed that the record should show that PHECC again asserts that a comprehensive review of AP education be conducted and led, by the PHECC executive.

Niamh Collins & Fiona McDaid left the meeting at this point.

The Chair re-joined the meeting and resumed her position as Chair, thanking Mr Fleming for acting in her absence.


Based on the above resolution correspondence will now be drafted informing the UCD of the outcome of today's Council meeting.

It was suggested that the PHECC executive engage with the Department of Health and UCD to clarify future funding, and further actions.

The Chair also referenced the forthcoming retirement of Ms Jacqueline Egan at the end of October next, wished her well and looked forward to her contribution to the Council meetings in September and October.

The September meeting will continue to be a virtual meeting, taking place on September 10th next at 10.00hrs.

Signed:



Jacqueline Burke
Chairperson

Date:

10/09/2020