

Minutes

Minutes of Performance and Resources Committee Meeting held on 17 November 2021 via MS Teams due to the Covid-19 Public Health Emergency.

Agenda Item 1 - Apologies

Name	Role	Present (Yes/No)
Mr Graham Knowles (GK)	Chair	Yes
Ms Geraldine Crowley (GC)		Yes (09.45-12.22)
Ms Dorothy Donovan (DD)		Yes (09.30-12.17)
Mr Fintan Foy (FF)		No (Apologies)
Mr Roy Hogan (RH)		No (Apologies)
Mr Mark Jordan (MJ)		Yes (09.30-11.08)
Dr Shane McCarthy (SMC)		Yes
Ms Katherine Morrow (KM)		Yes
Members of PSI staff in attendance included:		
Mr Niall Byrne (NB)		
Ms Elaine Cronin (EC)		
Dr Lorraine Horgan (LH)		
Mr Brendan Flynn (BF)		
Ms Malika Hammani (MH)		
Mr Neil Wall (NW)	For Agenda Item 8	
Ms Aoife Mellett (AM)	For Agenda Item 7.3.2 and 9	
Ms Caroline Murphy (CM)	For Agenda Item 7.3.2 and 9	
Mr Renaud Deworst (RD)	For Agenda Item 10	

Colour code: *Red—for decision; Green—for discussion; Blue—for information*

Agenda Item 2 – Declaration of Interests

Issue
No conflicts of interest were declared.

Agenda Item 3 – Approval of Agenda

Issue
The Committee considered and approved the agenda. It was agreed to deal with the 2022 committee meeting dates decision item at the beginning of the agenda as some members of the Committee would not be available after 12.15hrs which, when overlayed with apologies, would render the Committee inquorate.

Decision Approved, and/or Action Requested
The Committee considered and approved the agenda.

Agenda Item 4 – Approval of Minutes of Committee meeting held on 01 September 2021

Issue
The minutes of the meeting held on 01 September 2021 were considered and agreed subject to an amendment on page 10 to change 'PPC' to 'PCC' under agenda item 9.4.

Decision Approved, and/or Action Requested
The Committee considered and approved the minutes of the 1 September 2021 meeting, subject to the amendment on page 10 identified by Dr Shane McCarthy. The minutes were proposed by Ms Dorothy Donovan and seconded by Ms Katherine Morrow.

Agenda Item 5 2021 Work Plan Project – Develop the Strategic Financing Review (SFR) for PSI

Agenda Item 5.1 Review of accumulated income and expenditure reserves plus recommendations for future policy on reserves

Information
The Committee was updated on the next step in concluding the first phase of the multi-annual Strategic Financing Review project in 2021, which is to conduct a review of PSI's reserves policies and to present recommendations to Council for a revision of these policies

and a systematic process for managing and monitoring reserves for both actual and forecast amounts.

Current reserves are designated as an Income and Expenditure Reserve, a Legal Reserve, a Revaluation Reserve, and a Pensions Reserve. As the Revaluation Reserve is only realisable on the disposal of PSI House, and the Pensions Reserve should be – as qualified in the accounts – along with its associated liabilities, transferred to central government, the Income and Expenditure Reserve, and the Legal Reserve are the only existing reserves subject to this policy review. New designated reserves under consideration include a Fitness to Practise Rolling Reserve, a Building Reserve Fund, and a Technology Investment Fund.

Three reserves policy options under consideration were projected to 2025, and reviewed against three minimum retention thresholds (30%, 40%, 50%); Option 1 'Individual Reserve Components – Legal Reserve Ring-fenced'; Option 2 'Individual Reserve Components – Encompassing Legal Reserve'; and Option 3 'Consolidated Reserves Approach'.

In presenting the options to the Committee, the Chair suggested that as a single, undifferentiated view, the Consolidated Reserves Approach offers greater flexibility than the other two options and is easier to monitor and control. The disadvantage is that there is less visibility of individual components. This potential disadvantage was discussed at length, and the purpose for which the Legal Reserve was originally established was outlined, including the reasoning behind implementing a distinct and separate fund from the other reserve components. PSI's public rather than private status was highlighted, and it was also outlined that most public bodies would not hold reserves.

Following discussion, the Committee agreed to amend Option 3 to include a ring-fencing of the Legal Reserve and preservation of it at the current €2.5m level. The Committee agreed to recommend to Council the adoption of this amended Option 3, the Consolidated Reserves Approach – Legal Reserve Ring-fenced (Hybrid), as the basis for managing the reserves of PSI going forward. The Committee agreed to recommend to Council that a new reserves policy be developed for presentation to Council in Q1 2022 that would give effect to the revised reserves management approach, subject to Council's approval of this approach. It was noted that the reserves policy would be reviewed on an ongoing basis by the Committee with any recommendations going to Council.

Decision Approved, and/or Action Requested

The Committee agreed to amend Option 3 to include a ring-fencing of the Legal Reserve and preservation of it at the current €2.5m level. The Committee agreed to recommend to Council the adoption of this amended Option 3, the Consolidated Reserves Approach – Legal Reserve Ring-fenced (Hybrid), as the basis for managing the reserves of PSI going forward.

The Committee agreed to recommend to Council that a new reserves policy be developed for presentation to Council in Q1 2022 to give effect to the revised reserves management approach. The recommendations were proposed by Mr Mark Jordan and seconded by Ms Katherine Morrow.

Agenda Item 5.2 SFR Project Health Card

Information

The Committee was updated on the Strategic Financial Review Project Health Card. Aside from work on the reserves policy, which will be taken into 2022, the end-year timeframe remains on track.

Agenda Item 6 2022 Budget

Agenda Item 6.1 Review of 2022 Budget for recommendation to Council

Information

The Committee was taken through the proposed budget for 2022, including a line-by-line review of 2021/2022 variances. The budget is based on the activities outlined in the proposed Service Plan and the objectives contained in the Corporate Strategy 2021–2023, and has been drafted in the context of the ongoing challenges arising from the pandemic. In line with previous years, the budget is projecting a deficit of €352,711. This planned deficit includes drawdowns from reserves, for Strategic Objective projects meeting the reserves policy. It was noted that a €10,000 contribution to the Practitioner Health Matters Programme is currently included in the budget for 2022, and that this line item will be highlighted to Council for its review.

Decision Approved, and/or Action Requested

The Committee approved the budget for submission to Council, proposed by Dr Shane McCarthy, seconded by Mr Mark Jordan.

Agenda Item 6.2 PSI Draft Service Plan 2022

Information

The Committee took the PSI Draft Service Plan 2022 as read.

Agenda Item 7 Finance matters

Agenda Item 7.1 Management account

Agenda Item 7.1.1 Approval of Management Accounts to 30 September 2021 for submission to Council

Information

The Committee was updated on the management accounts to 30 September 2021 for submission to Council. The Committee discussed the management accounts to 30 September 2021. Key variances in the accounts were outlined and noted by the Committee.

Decision Approved, and/or Action Requested

The Committee agreed to recommend to Council the approval of the management accounts at its December meeting. The recommendation of the Management Accounts to 30 September for the approval of Council at its December meeting was proposed by Ms Katherine Morrow and seconded by Ms Dorothy Donovan.

Agenda Item 7.2 Quarterly review of compliance with the Treasury Management Policy (invested funds and policy metrics)

Information

The Committee was updated on current compliance with the Treasury Management Policy. Following the closure of a KBC account, the fund balance was routed to Ulster Bank, pending transfer to the NTMA. As a result, Ulster Bank currently represents 65.3% of funds, and is therefore temporarily out of compliance on diversification grounds. It was noted that once this transfer of funds to the NTMA is completed, PSI will again be in compliance with the Treasury Management Policy.

Agenda Item 7.3 Procurement and contract management

Agenda Item 7.3.1 Update on 2021 PSI Procurement Plan delivery

Information

The Committee was updated on the 2021 Procurement Plan. The Committee discussed the deferral of the Legal Assessors procurement to 2022. Delivery of this item of procurement has been planned for some time, representing approximately 10% of the legal budget, and should be prioritised. It was agreed that a briefing memo would be prepared by the Legal Affairs Team to update on this procurement competition for a more detailed discussion at the next Committee meeting.

The Committee noted the overall satisfactory practice in procurement by PSI.

Decision Approved, and/or Action Requested

The Committee considered the 2021 Procurement Plan update and requested that a briefing note on the Legal Assessors procurement be prepared by the Legal Affairs Team for an update on progress on, and timeframes for, this procurement at the next Committee meeting.

Agenda Item 7.3.2 Update on status of procurement procedure for the Provision of Legal Services and expected recommendation from the Registrar on award following conclusion of OGP Framework drawdown procedure

Information

The Committee was updated on the status of procurement procedure for the Provision of Legal Services and the expected recommendation from the Registrar on award following conclusion of OGP Framework drawdown procedure. The procurement process is currently live, having been delayed due to technical issues with the Office of Government Procurement tendering portal. The deadline for responses is now December 8th and an evaluation is scheduled for December 17th, after which an evaluation recommendation will be presented for decision to the Registrar. As the next Committee meeting is scheduled to take place in February, the Committee considered other options for review of the recommendation for contract. It was agreed that following approval by the Registrar, a paper will be circulated by email to the Committee for 5-day review, with decision taken by quorum email response.

It was also noted that as the current service providers contracts are due to expire on 20 December and there is no further entitlement under the contracts to provide an extension thereof, a business case should be made to the Registrar to allow for a short extension outside of contract on an exceptional basis, for the sole purposes of allowing the procurement process to conclude and for new service providers to be formally appointed. A period of 8 weeks was discussed.

Decision Approved, and/or Action Requested

It was agreed that following approval of the recommendation by the Registrar based on the Evaluation Panel's assessment, a separate recommendation for the formal award of the contracts will be circulated by email to the Committee for 5-day review, with decision taken by quorum email response. Proposed by Dr Shane McCarthy, seconded by Ms Katherine Morrow.

Agenda Item 7.3.3 Update on contract extensions

Information

The Committee was updated on proposed contract extensions. Three business cases are to be presented to the Registrar for a possible extended period (see also item 7.3.1 above).

Agenda Item 8 ICT matters

Agenda Item 8.1 Penetration testing and general cybersecurity update

Information

The Committee was updated on penetration testing and general cybersecurity. Phishing testing and training are ongoing with PSI staff on average scoring above the industry norm.

Agenda Item 9 Disciplinary Committees

Agenda Item 9.1 Reappointments and Appointments to the Disciplinary Committees for submission to Council

Information

The Committee discussed the proposed re-appointments and appointments to the Disciplinary Committees.

Ms Susan Ahern BL's term as a member on the Professional Conduct Committee (PCC) is due to expire on 31 December 2021 following three years on the Committee. The Committee discussed the reappointment of Ms Ahern for a further five years, which would bring her up to the maximum term permissible of eight years. The Chair of the PCC, Mr Dermott Jewell, and Ms Ahern have agreed to the proposed reappointment.

Mr Colm Devine MPSI's term as a member on the PCC is due to expire on 31 December 2021 following three years on the Committee. The Committee discussed the reappointment of Mr Devine for a further five years, which would bring him up to the maximum term permissible of eight years. The Chair of the PCC, Mr Dermott Jewell, and Mr Devine have agreed to the proposed reappointment.

Dr Sabine Eggers MPSI's term as a member on the PCC is due to expire on 31 December 2021 following three years on the Committee. The Committee discussed the reappointment of Dr Eggers for a further five years, which would bring her up to the maximum term permissible of eight years. The Chair of the PCC, Mr Dermott Jewell, and Dr Eggers have agreed to the proposed reappointment.

Mr Timmy Frawley's term as a member on the PCC is due to expire on 31 December 2021 following three years on the Committee. The Committee discussed the reappointment of Mr Frawley for a further five years, which would bring him up to the maximum term permissible of eight years. The Chair of the PCC, Mr Dermott Jewell, and Mr Frawley have agreed to the proposed reappointment.

Ms Rebecca Kilfeather MPSI's term as a member on the PCC is due to expire on 31 December 2021 following three years on the Committee. The Committee discussed the reappointment of Ms Kilfeather for a further five years, which would bring her up to the maximum term permissible of eight years. The Chair of the PCC, Mr Dermott Jewell, and Ms Kilfeather have agreed to the proposed reappointment.

Mr Frank Moriarty MPSI's term as a member on the PCC is due to expire on 31 December 2021 following three years on the Committee. The Committee discussed the reappointment of Mr Moriarty for a further five years, which would bring him up to the maximum term permissible of eight years. The Chair of the PCC, Mr Dermott Jewell, and Mr Moriarty have agreed to the proposed reappointment.

Mr David O'Brien's term as a member on the PCC is due to expire on 31 December 2021 following three years on the Committee. The Committee discussed the reappointment of Mr O'Brien for a further five years, which would bring him up to the maximum term permissible of eight years. The Chair of the PCC, Mr Dermott Jewell, and Mr O'Brien have agreed to the proposed reappointment.

Mr Martin Hynes MPSI's term as a member on the Health Committee is due to expire on 31 December 2021 following three years on the Committee. The Committee discussed the reappointment of Mr Hynes for a further five years, which would bring him up to the maximum term permissible of eight years. The Chair of the Health Committee, Ms Ann Sheehan, and Mr Hynes have agreed to the proposed reappointment.

Ms Claire Millrine's term as a member on the Health Committee is due to expire on 31 December 2021 following three years on the Committee. The Committee discussed the reappointment of Ms Millrine for a further five years, which would bring her up to the maximum term permissible of eight years. The Chair of the Health Committee, Ms Ann Sheehan, and Ms Millrine have agreed to the proposed reappointment.

Ms Sinead Ryan MPSI's term as a member on the Health Committee is due to expire on 31 December 2021 following three years on the Committee. The Committee discussed the reappointment of Ms Ryan for a further five years, which would bring her up to the

maximum term permissible of eight years. The Chair of the Health Committee, Ms Ann Sheehan, and Ms Ryan have agreed to the proposed reappointment.

Decision Approved, and/or Action Requested

The Committee agreed to recommend to Council at its December meeting, the reappointment of Ms Susan Ahern BL, Mr Colm Devine MPSI, Dr Sabine Eggers MPSI, Mr Timmy Frawley, Ms Rebecca Kilfeather MPSI, Mr Frank Moriarty MPSI and Mr David O'Brien to the PCC for a further term of five years which would bring each of the members up to the maximum term permissible of eight years. Proposed by Dr Shane McCarthy, seconded by Ms Dorothy Donavan.

The Committee agreed to recommend to Council at its December meeting, the reappointment of Mr Martin Hynes MPSI, Ms Claire Millrine and Ms Sinead Ryan MPSI to the Health Committee for a further term of five years to bring them up to the maximum term permissible of eight years. Proposed by Ms Katherine Morrow, seconded by Dr Shane McCarthy.

Agenda Item 10 HR matters

Agenda Item 10.1 Approval of New Employee Handbook

Information

The Committee considered and approved the new Employee Handbook. It was noted that the Handbook has been in use by employees since August.

Decision Approved, and/or Action Requested

The Committee considered and approved the new Employee Handbook. The Employee Handbook was proposed by Ms Katherine Morrow and seconded by Ms Dorothy Donovan.

Agenda Item 10.2 2021 Work Plan Project – Develop and commence delivery of a new HR Strategy 2021-2023

Agenda Item 10.2.1 HR Strategy implementation plan

Information

The Committee was updated on the 2021-2023 HR Strategy implementation plan. This strategic objective is progressing as planned.

Agenda Item 10.2.2 HR Strategy Project Health Card

Information

The Committee was updated on the HR Strategy Project Health Card. This project is progressing as planned and is tracking green across all key metrics.

Agenda Item 10.3 Workforce planning and recruitment update

Information

The Committee was updated on workforce planning and recruitment, including recent appointments, ongoing competitions, and roles pending sanction from the Department of Health. There is currently a lot of recruitment taking place, due to post-lockdown economic recovery and natural turnover. A query was raised and addressed regarding the requested change in grade scale for the Regulatory Solicitor role from State Solicitor to Engineer II. Recruitment advertising was discussed, and the Committee was informed that all roles are advertised on the PSI and Public Jobs website, while specific roles are often additionally advertised on other platforms.

Agenda Item 11 2021 Work Plan Project – Deliver the Year Two objectives of our Business Transformation Programme (BTP)

Agenda Item 11.1 BTP Project Health Card

Information

The Committee was updated on the BTP Project Health Card. This project is tracking amber and green across key metrics.

Agenda Item 12 2021 Work Plan Project – Implement an organisation and people development programme to underpin business transformation (ODP)

Agenda Item 12.1 ODP Project Health Card

Information

The Committee was updated on the ODP Project Health Card. This project is progressing as planned and is tracking green across all key metrics.

Agenda Item 13 Service Plan Performance

Agenda Item 13.1 Update on 2021 Service Plan Project Health Tracker

Information

The Committee was updated on the 2021 Service Plan Project Health Tracker. Most project items are tracking green, with some items tracking amber. Work has commenced

Information

on realising Council policy on a new proposed TCQR route, but this item has not advanced as planned due to service restraints and is tracking red as a result: it is planned to instead be progressed during Q1 2022.

Agenda Item 13.2 EFQM – Embed the discipline and approaches underpinning Excellence throughout PSI

Information

The Committee was updated on the EFQM project, to embed the discipline and approaches underpinning Excellence throughout PSI. This project is progressing as planned and is tracking green across all key metrics.

Agenda Item 13.3 Enhance our customer services and engagement with key stakeholders by developing an improved website and improve our use of social media platforms

Information

The Committee was updated on the project to enhance our customer services and engagement with key stakeholders by developing an improved website and improve our use of social media platforms. While procurement was previously delayed due to Covid-19 and staff resource constraints, this project is now progressing, and is tracking amber and green across key metrics.

Agenda Item 14 General Matters

Information

The proposed dates for 2022 Committee meetings were reviewed and agreed as follows:

- Thursday, 10 February
- Wednesday, 30 March
- Wednesday, 1 June
- Wednesday, 31 August
- Wednesday, 16 November.

Decision Approved, and/or Action Requested

The Committee agreed the proposed dates for 2022.

Agenda Item 14.2 Areas of focus for next meeting

Information

The Committee will sign off on its workplan for 2022 and will focus on the annual review of the panels for the various disciplinary committees; the reserves policy; the 2022

Information

procurement plan, Legal Assessors procurement and the review of the Procurement Policy.

Agenda Item 14.3 Recap of decisions taken at this meeting for Committee Report to Council

Information

- Approval of Agenda of 17 November 2021 Committee meeting
- Approval of Minutes of 1 September 2021 Committee meeting
- Approval of the recommendation to Council of the adoption of amended Option 3, the Consolidated Reserves Approach– Legal Reserve Ring-fenced (Hybrid), as the basis for managing the reserves of PSI going forward. Approval of the recommendation to Council that a new reserves policy be developed for presentation to Council in Q1 2022.
- Approval of 2022 Budget for recommendation to Council
- Approval of Management Accounts to 30 September 2021 for submission to Council
- Approval that following approval of the recommendation by the Registrar based on the Evaluation Panel's assessment in relation to new legal services providers, a separate recommendation for the formal award of the contracts will be circulated by email to the Committee for 5-day review, with decision taken by quorum email response.
- Approval that a briefing note on the Legal Assessors procurement be prepared by the Legal Affairs Team for an update on progress on, and timeframes for, this procurement at the next Committee meeting.
- Approval of Reappointments to the Disciplinary Committees for submission to Council
- Approval of new Employee Handbook
- Approval of Proposed dates of Committee meetings in 2022

The meeting concluded at: 12.22hrs

Signed by:

Chair

Date