

**Department of Health**

**Post Enactment Report**

**Children's Health Act 2018 (No. 27 of 2018)**

**(Dáil Éireann - Standing Order 164A)**

**(Seanad - Standing Order 168)**

## **Introduction**

The Children's Health Act 2018 (No 27 of 2018) provided for the establishment of a new legal entity, Children's Health Ireland (CHI), to run the new children's hospital. The Act was signed into law by the President on 20 November 2018.

## **Background**

In 2006, the HSE published "*Children's Health First*" which outlined that there was compelling evidence for one national specialist paediatric hospital based in Dublin, which would also provide all the less complex hospital needs of children in the Greater Dublin Area. The report underlined the need for access to urgent care centres in Dublin in addition to the proposed hospital.

In 2012, the Government decided that the new children's hospital should be located on the campus at St James's Hospital, and in April 2017 approved the construction investment decision to enable the National Paediatric Hospital Development Board to award the main construction contract. As well as the new hospital itself, the project includes outpatient and urgent care centres at sites adjacent to Connolly and Tallaght hospitals. The National Paediatric Hospital Development Board is responsible for this major and complex capital project.

The capital project is one aspect of the new children's hospital project. Staff and services from the existing children's hospitals in Dublin, which had a long and proud tradition of caring for our children, were required to come together in the new buildings, under a single governance structure. This is provided for in the Children's Health Ireland Act 2018.

## **Purpose of the Act**

The primary purpose of the Act was to establish a body corporate, Children's Health Ireland, to assume responsibility for the governance and management of all services then provided by the three children's hospitals, Our Lady's Children's Hospital, Crumlin; Temple Street Children's University Hospital, and the paediatric services provided at the Adelaide and Meath Hospital, Dublin, Incorporating the National Children's Hospital, commonly known as Tallaght Hospital.

Children's Health Ireland became the single national tertiary/quaternary centre for highly specialised paediatric care for children from all over Ireland. Together with its two paediatric outpatients and urgent care centres on the campuses of Tallaght Hospital and Connolly Hospital, it provides all secondary, or less specialised, acute paediatric care for children from the Greater Dublin Area.

CHI manages and delivers health services to children and young people on behalf of the HSE under Section 38 of the Health Act 2004.

## **Main Provisions of the Act**

### **Part 1 - Preliminary and general**

Provides for the short title of the Act, definitions and administration costs.

### **Part 2 - Establishment and functions of Children's Health Ireland**

This part provides for establishment day and sets out the object and functions of the CHI. The functions of Children's Health Ireland include planning, delivering and developing acute paediatric services as part of an integrated clinical network of paediatric care. Accordingly, it is given broadly-worded functions that provide clarity, authority and certainty in relation to its leadership role nationally in relation to paediatric healthcare and the National Model of Care for Paediatrics, and delivery of its remit for education, research, philanthropy and advocacy on behalf of children's healthcare in this country.

### **Part 3 - Board of Children's Health Ireland**

This part relates to the composition, role and *modus operandi* of the Board. CHI is led by a twelve-member competency-based Board appointed by the Minister for Health. The Act gives the Board sufficient autonomy to make and implement the decisions required in order to effectively carry out its remit as a State body, subject to the high standards of corporate governance and accountability required of State bodies. Board and Board committee members may be paid expenses, but not fees. This is in line with the voluntary ethos of the previously existing three children's hospitals.

### **Part 4 - Chief Executive Officer and employees of Children's Health Ireland**

Provides that the CEO is appointed by the Board, with the consent of the Minister, and can be required to appear before the Public Accounts Committee. The CEO of the Children's Hospital Group immediately before establishment day is the first CEO. The superannuation provisions provide continuity for staff of the previous existing three hospitals - employees eligible for the Single Public Service Pension Scheme are members of that Scheme and all other employees will remain or become members of the Voluntary Hospital Superannuation Scheme.

### **Parts 5, 6, 7 and 8 - relating to transfers of the three hospitals and the HSE to CHI**

These parts contain standard provisions for the transfer of employees, property, rights and liabilities, contracts, agreements and records of Our Lady's Children's Hospital Crumlin and Temple Street Children's University Hospital, and such as may be agreed or designated for transfer from Tallaght Hospital and the HSE to Children's Health Ireland.

After the transfer to CHI, and the subsequent winding up as anticipated of Our Lady's Children's Hospital Crumlin and Temple Street Children's University Hospital by their directors under the provisions of the Companies Act 2014, directors would no longer have the indemnity they would have enjoyed had the companies remained in existence. Accordingly, the Act empowers the Minister to indemnify past directors of Our Lady's Children's Hospital Crumlin and Temple Street Children's University Hospitals post wind-up where a Director has discharged in good faith his or her duties in pursuance of the functions of the company concerned.

### **Part 9 - National Paediatric Hospital Development Board**

Provides for a number of amendments to the Order under which the National Paediatric Hospital Development Board, the body responsible for the building and equipping of the new hospital, was established, and for the dissolution of the Board in due course. For example, it substitutes Children's Health Ireland for the three children's hospitals in articles providing for consultation on the development of the new facilities and amends the appointment process to the Board to better reflect its role of constructing, equipping and furnishing the new facilities.

In addition, the Act provides that the Board may plan, equip and furnish the maternity hospital to be located on the St James's Hospital campus next to the new children's hospital. However, this function will only be commenced if a future decision is taken that the Board is the appropriate body to do this.

### **Commencement of the Act**

The Act comes into operation by means of Commencement Orders made by the Minister for Health. To date the Minister has signed two Commencement Orders to give effect to the following provisions of the Children's Health Act:

w.e.f. 3 December 2018:

- (a) Parts 1, 2, 3 and 4;
- (b) sections 60 and 61 (other than paragraph (b)(i)(I)) - Contained in Part 9.

w.e.f. 1 January 2019 Parts 5, 6, 7 and 8.

Part 9, Sections 62-66 are expected to be commenced shortly.

### **Conclusion**

The main purpose of the Act was to establish a new body to provide paediatric services at the new hospital on the site at St James's Hospital, and at the two outpatient and urgent care centres being built adjacent to Tallaght and Connolly Hospitals.

On 4 December 2018 Children's Health Ireland was established. On 1 January 2019 CHI took over responsibility for running paediatric services on the sites of the three existing children's hospitals prior to the opening of the new children's hospital in 2023. These are now known as Children's Health Ireland at Crumlin, Children's Health Ireland at Temple Street and Children's Health Ireland at Tallaght.

The first outpatient and urgent care centre, Children's Health Ireland at Connolly, Blanchardstown opened on 31 July 2019. By 31 January 2020, more than 4,000 children had presented to the urgent care centre with the vast majority being discharged home after their visit. Where required, a child is transferred from the urgent care centre for further investigation and treatment to Children's Health Ireland at either Temple Street, Crumlin and Tallaght.

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