



# **Ard Reachtaire Cuntas agus Ciste** **Comptroller and Auditor General**

## **Report for presentation to the Houses of the Oireachtas**

### **Special Account Established Under Section 4 of the Hepatitis C Compensation Tribunal (Amendment) Act 2006 – Insurance Scheme**

#### **Opinion on the Account**

I have audited the Special Account prepared by the Health Service Executive for the year ended 31 December 2021 under section 7B of the Hepatitis C Compensation Tribunal Act 1997 as inserted by section 4 of the Hepatitis C Compensation Tribunal (Amendment) Act 2006. The Special Account comprises an account of receipts and payments, the statement of accounting policies, and related notes.

In my opinion, the Account properly presents

- the transactions for 2021, and
- the balance at 31 December 2021.

#### ***Basis of opinion***

I conducted my audit of the account in accordance with the International Standards on Auditing (ISAs) as promulgated by the International Organisation of Supreme Audit Institutions. My responsibilities under those standards are described in the appendix to this report. I am independent of the Health Service Executive and have fulfilled my other ethical responsibilities in accordance with the standards.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

#### **Report on other matters**

My responsibilities to report in relation to certain other matters upon which I report by exception, are described in the appendix to this report.

I have nothing to report in that regard.

**John Crean**  
**For and on behalf of the**  
**Comptroller and Auditor General**

**16 December 2022**

## Appendix to the report

### Responsibilities of the Health Service Executive

The Health Service Executive is responsible for

- the preparation of the annual account
- ensuring that the account properly presents the balance at year end and the transactions in the year
- ensuring the regularity of transactions, and
- implementing such internal control as is necessary to enable the preparation of an account that is free from material misstatement, whether due to fraud or error.

### Responsibilities of the Comptroller and Auditor General

I am required under section 7B of the Hepatitis C Compensation Tribunal Act 1997 as inserted by section 4 of the Hepatitis C Compensation Tribunal (Amendment) Act 2006 to audit the Special Account and to report thereon to the Houses of the Oireachtas.

My objective in carrying out the audit is to obtain reasonable assurance about whether the account as a whole is free from material misstatement due to fraud or error. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this account.

As part of an audit in accordance with the ISAs, I exercise professional judgment and maintain professional scepticism throughout the audit. In doing so,

- I identify and assess the risks of material misstatement of the account whether due to fraud or error; design and perform audit procedures responsive to those risks; and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- I obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the internal controls.
- I evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures.

I communicate with the Health Service Executive regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

I report by exception if, in my opinion,

- I have not received all the information and explanations I required for my audit, or
- the accounting records were not sufficient to permit the account to be readily and properly audited, or
- the account is not in agreement with the accounting records.

### Reporting on other matters

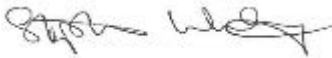
My audit is conducted by reference to the special considerations which attach to State bodies in relation to their management and operation. I report if I identify material matters relating to the manner in which public business has been conducted.

I seek to obtain evidence about the regularity of financial transactions in the course of audit. I report if I identify any material instance where public money has not been applied for the purposes intended or where transactions did not conform to the authorities governing them.

**SPECIAL ACCOUNT ESTABLISHED UNDER SECTION 4 OF THE HEPATITIS C COMPENSATION TRIBUNAL  
(AMENDMENT) ACT 2006 - INSURANCE SCHEME**

**ACCOUNT OF RECEIPTS AND PAYMENTS FOR THE YEAR ENDED 31 DECEMBER 2021**

	2021 €	2020 €
Balance at 1 January		
<b>Receipts</b>		
Oireachtas Grant	252,475	1,686,153
	<hr/> 252,475	<hr/> 1,686,153
<b>Payments</b>		
Refunded to HSE in respect of Insurance Premium Loadings, Uninsurable Benefit Underwritings and Scheme Administration Costs	252,475	1,686,153
	<hr/> 252,475	<hr/> 1,686,153
Balance on Special Account at 31 December	0	0



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**Stephen Mulvany**  
Chief Executive Officer  
16th December 2022

## **SPECIAL ACCOUNT ESTABLISHED UNDER SECTION 4 OF THE HEPATITIS C COMPENSATION TRIBUNAL (AMENDMENT) ACT 2006 - INSURANCE SCHEME**

### **STATEMENT OF ACCOUNTING POLICIES**

#### **Background**

The Hepatitis C Compensation Tribunal (Amendment) Act 2006 established a statutory scheme with effect from January 2007 to address insurance difficulties experienced by persons infected with Hepatitis C and HIV through the administration within the State of blood and blood products. This scheme addresses the problems faced by these persons due to their inability to purchase mortgage protection, life assurance policies and travel insurance as a result of contaminated blood products being administered to them. The scheme covers the insurance risk for the 1,700 or more people entitled to avail of assurance products, regardless of any other medical conditions these people may have, once they pay the standard premium that an uninfected person of the same age and gender would pay. The overall cost over the lifetime of the scheme is estimated at €90m.

Applications for insurance are processed by the scheme administrator, who is an officer of the HSE and are charged to the HSE in the first instance.

In accordance with the Act, a Special Account was established on 1 October 2007 which is an account with the Paymaster General held in the joint names of the Health Service Executive and the Minister for Finance and which reimburses the HSE for benefits paid under the insurance scheme and the costs of the scheme administrator. The bank accounts of the PMG were transferred to Danske Bank in 2018.

#### **Funding**

The Special Account is funded from moneys provided by the Oireachtas through the Vote 38 - Health. Payments from the Vote into the Special Account and reimbursements from the Special Account are issued only with the sanction of the Minister for Finance and the Minister for Public Expenditure and Reform. These moneys may only be used for the purposes for which they were voted and shall be issued out of that account only by direction of the Minister for Finance and the Minister for Public Expenditure and Reform.

#### **Administrative and Governance Arrangements**

The HSE is responsible for the administration of expenditure incurred under the insurance scheme. Requests by the HSE for reimbursement which are based on scheme expenditure and the costs of the HSE as scheme administrator are sent at regular intervals to the Department of Health, which are then sent to the Department of Expenditure and Reform for approval by the Minister. Once the Minister's approval is received, the HSE is refunded from the Special Account. The governance and control procedures (which encompass the account) are set out in the HSE's financial statements.

#### **Basis of Accounting**

The account has been prepared on a receipts and payments basis. Outstanding liabilities are set out in Note 2 to the account.

#### **Oireachtas Grant**

The Oireachtas grant is paid into the Special Account from Vote 38 - Health.

**SPECIAL ACCOUNT ESTABLISHED UNDER SECTION 4 OF THE HEPATITIS C COMPENSATION TRIBUNAL  
(AMENDMENT) ACT 2006 - INSURANCE SCHEME**

**NOTES TO THE ACCOUNT**

**Note 1** **2021**    €    **2020**    €  
**Statement of Balances as at 31 December**

Balance on Special Account at 31 December			
Outstanding			
Amount due for refund to the HSE at 31 December	2,640	(59,189)	

**Note 2**  
**Outstanding Liabilities at 31 December**

Opening balance - due to the HSE at 1 January	(59,189)	839,637	
Payments made by the HSE during the year	314,304	787,327	
Refunds made to the HSE during the year	(252,475)	(1,686,153)	
Balance due to the HSE at 31 December	2,640	(59,189)	

**Note 3**  
**Current Scheme Expenditure**

Expenditure in relation to the Hepatitis C Insurance Scheme to 31 December is as follows:

	<b>2021</b>	<b>€</b>	<b>2020</b>	<b>€</b>
Pay	92,583		46,958	
Payments of insurance premium loadings	218,289		232,882	
Payments of uninsurable benefits to claimants underwritten by the HSE	0		500,630	
Advertising	0		0	
Legal and Professional Fees	0		0	
Office Expenses	3,432		6,857	
	314,304		787,327	

**Note 4**  
**Cumulative Scheme Expenditure**

Cumulative expenditure in relation to the Hepatitis C Insurance Scheme to 31 December is as follows:

	<b>Cumulative to 31 Decem</b>			
	<b>2021</b>	<b>€</b>	<b>2020</b>	<b>€</b>
Pay	1,402,245		1,309,662	
Payments of insurance premium loadings	5,139,906		4,921,617	
Payments of uninsurable benefits to claimants underwritten by the HSE	4,918,956		4,918,956	
Advertising	97,529		97,529	
Legal and Professional Fees	340,824		340,824	
Office Expenses	98,804		95,372	
	11,998,264		11,683,960	