



Edited minutes of the meeting of the Nursing and Midwifery Board of Ireland (NMBI) held by video conference on Wednesday, 24 March 2021 starting at 9.00hrs.

**Members present:**

Ms E Cassidy, President of NMBI	Prof C O’Herlihy
Dr L Sahm	Ms A Horgan
Mr M Blake-Knox	Dr D Lawler
Mr J Horan	Ms A Lynch
Mr D Murphy	Mr C McKenna
Ms L Collins	Mr J Shalbin
Dr C Sullivan	Ms M Vaughan
Ms AM Duffy	Ms L Clarke-Bishop
Ms E Kelly	Ms M Gorman
Mr L Hamill	Ms S McArdle

**In attendance:**

Ms S McClelland, CEO  
Mr M Balfe, Interim Director of Corporate Services and Finance  
Dr A de Búrca, Head of Operations  
Mr C O’Leary, Director of Fitness to Practise  
Ms N Dagash, Director of Registration and Digitisation  
Ms D Johnston, Director of Midwifery  
Dr AM Ryan, Director of Professional Standards (Nursing)  
Mr G Harkin, Communications Manager (items 1,2, 4 and 5)  
Ms S Nolan, Communications and Governance Officer (items 1,2, 4 and 5)  
Mr G Love, Mazars (item 4.3)  
Mr R Fahy, Mazars (item 4.3)  
Mr S McLoughlin, Beauchamps Solicitors (item 5.2)  
Mr D Coombes, Crowleys DFK (item 7)  
Mr J Hussey, IT Manager (item 7.6)  
Ms L Manselli, Programme Manager (item 9.5)  
Ms M Mulrennan, External Contractor (item 9.5)  
Ms C Conroy, LaTouche Training  
Ms O Coady, Governance and Secretariat Manager

**Item 1 – Apologies and conflicts of interest**

- 1.1 Apologies were received from Dr L Kavanagh McBride and Ms C Cocoman.
- 1.2 The President reminded Board members of the provisions of the conflict of interest policy. The President then asked Board members to review the agenda to identify any conflicts of interest. No conflicts were identified.



The President advised members that matters discussed during this video conference were to remain confidential to Board members and attendees.

## **Item 2 – Minutes and actions of previous meetings**

### **2.1.1 Minutes of the meeting of 27 January 2021**

The Board considered the minutes of the meeting of 27 January 2021 which had previously been circulated to members.

**Decision** The Board approved the minutes of the meeting of 27 January 2021.

### **2.1.2 Minutes of the meeting of 3 March 2021**

The Board considered the minutes of the meeting of 3 March 2021 which had previously been circulated to members.

**Decision** The Board approved the minutes of the meeting of the 3 March 2021.

### **2.2 Actions and matters arising from previous meetings**

The Board approved the updated action list which is attached as an appendix to these minutes.

There were no matters arising which were not dealt with elsewhere on the agenda or in the minutes or action list.

### **2.3 Written decisions of the Board**

The Board noted the reports on the following written decisions of the Board which had previously been circulated to members:

1. Appointment of Board members to committees.
2. Appointment of non-Board members to the Audit and Risk Committee.
3. Award of the contract for a remote inquiry solution.

Members of the senior management team, Ms Harkin and Ms Nolan left the meeting. Dr de Búrca remained in the meeting.

Mr Hamill temporarily left the meeting due to connectivity problems.

Ms Horgan joined the meeting.

## **Item 3 – President’s update**



The President briefly updated the Board on her work as NMBI representative on the National Immunisation Advisory Committee (NIAC).

### 3.1 Appointment of non-Board members to committees

The Board considered the briefing document which had previously been circulated to members.

**Decision** The Board approved the appointment of the following non-Board members for an initial period of three years from 24 March 2021:

- Elaine Finucane (Registered Midwife) – Midwives Committee
- Hope Davidson (Public Interest Representative) – Midwives Committee
- Nicola Maher (Registered Medical Practitioner) – Midwives Committee
- Mark Jordan (Public Interest Representative) – Registration Committee
- Marie Kehoe (Registered Nurse) – Registration Committee

### 3.2 Appointment of committee chairs

The Board noted the Board's procedures for the appointment of committee chairs which had previously been circulated to members.

**Decision** The Board agreed to appoint the following members as committee chairs for a period of three years from 24 March 2021:

- Cyril Sullivan – Audit and Risk Committee
- Conan McKenna – Business, Strategy and Finance
- Louise Kavanagh McBride – Education, Training and Standards Committee
- Liam Hamill – Registration Committee
- Denise Lawler – Midwives Committee
- Lorraine Clarke-Bishop – Fitness to Practise Committee
- Denis Murphy – Preliminary Proceedings Committee.

The President noted that Dr Lawler had not sought reappointment as chair of the Fitness to Practise Committee and, on behalf of the Board, thanked her for her work as chair of this committee.

### 3.3 Appointment of vice chairs to the Fitness to Practise Committee and the Preliminary Proceedings Committee

The Board noted that vice chairs were only appointed to the Fitness to Practise Committee and the Preliminary Proceedings Committee and not to other



committees. The President questioned whether it was necessary to appoint vice chairs to these committees.

**Action** The Director of Fitness to Practise, current chair of the Preliminary Proceedings Committee and current and former chairs of the Fitness to Practise Committee, to meet to discuss the matter and to present their opinion to the Board. The Board agreed to defer consideration of this item until its meeting on 19 May 2021 when it would consider this opinion.

Mr Harkin and Ms Nolan returned to the meeting.

#### **Item 4 – CEO’s update**

##### **4.1 CEO report**

The Board noted the CEO report, incorporating the directorate reports, which had previously been circulated to members.

The CEO drew the Board’s attention to the following which were set out in the report:

##### ***Annual retention fee (ARF) – removal process***

The Board would be asked to consider the removal process of registrants for non-payment of 2021 ARF using its written decision procedure. The matter was on the agenda under item 5 and a separate briefing paper had been uploaded.

##### ***NI Star – cross border nurses***

As part of an all-island agreement, nurses, doctors and other healthcare professionals from Northern Ireland (NI) have, for a number of years, been involved in the cross-border transfer of critically-ill children for life-saving surgery in Dublin. These professionals were not dual registered in the UK and Ireland due to flexibility granted under EU legislation, however, as this was now coming to an end, NMBI had begun to work with NI Department of Health officials, and the Chief Nursing Officers in Ireland and NI to facilitate the registration of these nurses with NMBI.

##### ***Data set***

Work had begun on extracting key statistical information from the registration system that would inform policy decisions around work-force planning. The Board would receive a briefing on the data set at a later date.

##### ***Applications for registration – overseas trained applicants***

As staff in the Registration Department had been deployed to assist with the annual renewal process, this had led to a temporary backlog in processing



overseas applications. Staff had now returned to their roles and the backlog had been addressed.

#### 4.2 Comms report

The Board noted the report which had previously been circulated to members.

Mr Harkin and Ms Nolan left the meeting.

#### 4.3 Report on Monitoring the Maintenance of Professional Competence (MMPC) – Progression to ‘Proof of Concept’ stage

Mr Love and Mr Fahy joined the meeting.

A report to propose a scheme to ‘Manage the Maintenance of Professional Competence’, which had been prepared by Mazars, had previously been circulated to members.

Mr Love and Mr Fahy presented the main points from the report to the Board which included the following:

- Methodology
- Legislative requirements
- Key findings
- Best practice systems
- Proposed features of the scheme
- Estimates of the cost and resource implications of a scheme.

The Board noted that the report had also been presented to the Business, Strategy and Finance Committee at its meeting on 10 March 2021.

**Decision** Following consideration of the matter, the Board agreed to approve progression to a ‘Proof of Concept’ stage.

Mr Love and Mr Fahy left the meeting.

Ms Gorman left the meeting.

### **Item 5 – Registration**

Ms Dagash, Mr Harkin and Ms Nolan joined the meeting.

#### 5.1 Removal for non-payment of annual retention fee (ARF)



The Board considered the briefing document which had previously been circulated to members.

Under section 77 of the Nurses and Midwives Act, the Board of NMBI must approve the removal the registration of nurses or midwives for non-payment of annual retention fee (ARF).

The renewal date had been extended by one month this year and the renewal facility would close on Friday, 16 April at 23.59hrs. At that point, a list of the names of registrants for removal would be compiled.

**Decision** The Board agreed that it would approve the removal of these registrants on 20 April 2021 using the written procedure if there was no scheduled meeting.

Dr Sahm left the meeting.

## 5.2 Review of eligibility criteria

Mr McLoughlin joined the meeting.

The Board considered the briefing document which had previously been circulated to members. The Board also considered the legal advice presented by Mr McLoughlin in relation to the eligibility criteria applied by NMBI in the overseas qualification recognition process.

**Decision** Following consideration of the matter, the Board approved the recommendations 1.1 to 1.10 as set out in the briefing document.

**Decision** Following further consideration of the matter, the Board also approved the recommended medium to long approach, 2.1 to 2.5 as set out in the briefing document.

Mr McLoughlin, Ms Dagash, Mr Harkin and Ms Nolan left the meeting.

**Item 6 was considered after item 7.**

## **Item 7 – Audit and Risk**

**Item 7.1 was considered after item 7.3.**

Mr Balfe and Mr Coombes joined the meeting.

## 7.2 Financial statements 2020



The Board considered the draft annual financial statements for 2020 which had previously been circulated to members and which included the following:

1. General information about Board members' appointments and terms of office.
2. Governance statement and Board members' report.
3. Statement on internal control.
4. Financial statements.

The draft financial statements for 2020 had been submitted to the Department of Health on 28 February 2021 in accordance with the requirements of the *Code of Practice for the Governance of State Bodies 2016*. The Department of Health had acknowledged receipt of the draft financial statements.

Mr Coombes advised that the financial statements gave a true and fair view of the financial performance and the financial position of NMBI on 31 December 2020 except for non-compliance with the requirements of FRS102 in relation to retirement benefit entitlements as directed by the Minister for Health.

Mr Coombes drew the Board's attention to a new section in the financial statements titled *Impact of Covid-19 Pandemic On The Control Environment*. Guidance on this matter had been issued by the Office of the Comptroller and Auditor General (OCAG) and it would form part of the OCAG's 2020 audit.

The Board noted that the draft annual financial statements had been considered by the Audit and Risk Committee at its meeting on 18 March 2021 and were being recommended to the Board for approval.

**Decision** Following consideration of the matter Board agreed to accept the recommendation of the Audit and Risk Committee and to approve the draft annual financial statements for 2020. Following approval by the Board, the draft annual financial statements for 2020 would be submitted to the Comptroller and Auditor General for audit no later than 31 March 2021 pursuant to section 34(3) of the Nurses and Midwives Act 2011.

### 7.3 Write off period

The Board considered the briefing document which had previously been circulated to members.

**Decision** The Board agreed to accept the recommendation of the Audit and Risk Committee that an asset class called MyNMBI Digital System with a write-off period of five years (20%) be established. The Board noted that the matter had been discussed with the OCAG and no objection had been presented to a five-year write-off period.



## 7.1 System of internal controls (SIC) review 2020

Section 1.8 of the Code of Practise for the Governance of State Bodies 2016 states that:

*'The Board has responsibility for ensuring that effective systems of internal control are instituted and implemented. The Board is required to confirm annually to the relevant Minister that the State body has an appropriate system of internal and financial control in place.'*

The Board considered the report which had previously been circulated to members.

The Board noted that, in its statement on the SIC, the Board was required to confirm that there had been a review of the effectiveness of the SIC. This report formed part of the Board's review of the effectiveness of the system of internal control and summarised the results of the review of internal financial controls and internal control questionnaires completed by management for the period January 2020 to December 2020. The report consisted of two parts:

1. Internal financial controls.
2. Internal control questionnaire.

### *Internal financial controls*

NMBI's internal auditors were of the opinion that reasonable assurance could be placed on the adequacy and operating effectiveness of internal controls to mitigate and/or manage those inherent risks to which the activity under review is exposed. The audit did not identify any high priority findings that would require immediate management attention. The audit identified two medium priority findings and five low priority findings.

### *Internal control questionnaire*

The internal auditors did not provide assurance in respect of the internal control questionnaire as the internal auditors were part of the internal control framework.

The Board noted that the report had been considered by the Audit and Risk Committee at its meeting on 18 March 2021 and was recommended for approval by the committee.

**Decision** Following consideration of the matter the Board agreed to accept the recommendation of the Audit and Risk Committee and to approve the report on the review of the SIC.





Mr Coombes left the meeting.

#### 7.4 Audit and Risk Committee chair's annual report to the Board

Section 1.19 of the *Code of Practice for the Governance of State Bodies 2016* guidance for Audit and Risk Committees states that:

*'The Audit and Risk Committee's annual report to the Board should present its opinion on the adequacy of risk management and internal control systems, and the adequacy of sources of assurance to the Board.'*

The Board considered the Audit and Risk Committee chair's annual report which had previously been circulated to members.

**Decision** The Board accepted the recommendation of the Audit and Risk Committee and approved the chair's annual report to the Board.

The Board noted that the report had been prepared with the assistance of the former chair, Martin Higgins, whose term of office had ended on 5 December 2020. The Board acknowledged the work of Mr Higgins during his time as chair of the committee.

#### 7.5 OACG management letter 2019

The Board noted the OACG management letter for 2019 and the Audit Completion Memorandum which had previously been circulated to members.

The OACG's 2020 audit would begin over the summer with a view to concluding by September 2021. There would be a focus on the impact of Covid-19 on the control environment.

#### 7.6 Disaster recovery (DR) and business continuity planning (BCP) internal audit report

Mr Hussey joined the meeting.

The Board considered the internal audit report which had previously been circulated to members.

The Board noted that the audit had identified one medium priority and three low priority findings. Mr Hussey advised the Board that the medium finding had already been addressed.

**Decision** The Board accepted the recommendation of the Audit and Risk Committee and approved the report.



Mr Hussey left the meeting.

#### 7.7 Risk Register

The Board considered the Corporate Risk Register which had previously been circulated to members and which included NMBI's Covid-19 Risk Register and closed/deleted risks.

Dr de Búrca drew the Board's attention to the changes made to Risk Register since it had last been considered by the Board and which were highlighted in red. Dr de Búrca also drew the Board's attention to the principle risks which were set out in the cover sheet to the Risk Register.

**Decision** The Board agreed to accept the recommendation of the Audit and Risk Committee and to approve the Corporate Risk Register, including the Covid-19 Risk Register.

Mr Balfe left the meeting.

Ms Gorman and Dr Sahm returned to the meeting.

#### **Item 6 – Project Nightingale**

Ms Dagash returned to the meeting and presented the status update report which had previously been circulated to members and which included:

- MyNMBI activity
- 2021 annual renewal March update
- Recent changes made
- Future actions
- Risk Register.

Under item 5.1, the Board had noted that the deadline for payment of the ARF had been extended to 28 February 2021 and Ms Dagash advised the Board that there had been a significant slow-down in renewals following the deadline. NMBI continued to engage with registrants through the website and eZine and a final reminder had been sent on 16 March 2021.

The Board noted the report and agreed that updates on Project Nightingale should remain a standing item on the agenda.

Ms Dagash left the meeting.

#### **Item 8 – Business, Strategy and Finance**



Mr Balfe joined to the meeting.

#### 8.1 Project and vendor management

The Board noted the briefing document which had previously been circulated to members.

**Decision** The Board agreed to accept the recommendation of the Business, Strategy and Finance Committee to award the contract to Clarion Consulting.

#### 8.2 FTP legal advisors contract extension

The Board considered the briefing document which had previously been circulated to members.

The Board agreed to accept the recommendation of the Business, Strategy and Finance Committee to extend the contract of Mason, Hayes and Curran for a 12 month period.

#### 8.3 Business, Strategy and Finance Committee chair's annual report to the Board

The Board considered the Business, Strategy and Finance Committee chair's annual report which had previously been circulated to members.

**Decision** The Board accepted the recommendation of the Business, Strategy and Finance Committee and approved the chair's annual report to the Board.

The Board noted that the report had been prepared with the assistance of the former chair, Kathleen Lombard, who had resigned from the Board on 27 January 2021. The Board acknowledged the work of Ms Lombard during her time as chair of the committee.

#### 8.4 Agree the threshold for contracts (reserved functions)

The Board noted that the *Schedule of Matters Reserved for the Board* reserved 'contracts of the organisation not in the ordinary course of business, including major acquisitions and disposals of assets' and that the threshold was to be agreed annually by the Board.

In 2020, the Board set a threshold of €50,000 below which the CEO would not need to seek Board approval.



**Decision** The Board agreed that the threshold for contracts should remain at €50,000 for 2021 and that the Board’s approval need only be sought when this amount was exceeded.

#### 8.5 Management accounts – January 2021

The Board noted the management accounts which had previously been circulated to members.

The Board noted that the accounts had been considered by the Business, Strategy and Finance Committee at its meeting on 10 March 2021.

Mr Balfe and Dr de Búrca left the meeting.

### **Item 9 – Professional Standards (Nursing)**

Dr Ryan joined the meeting.

#### 9.1. Site inspection (5 years) – report of virtual inspection – DCU: RGN, RCN, RPN, RNID

The Board considered the report which had previously been circulated to members.

**Decision** The Board agreed to accept the recommendation of the Education, Training and Standards Committee and, in accordance with section 85(2) of the Nurses and Midwives Act 2011, to provide approval, subject to the conditions attached to that approval, to Dublin City University and associated healthcare agencies to provide the above nurse registration education programmes for a period of five years or until the next site visit as an associated healthcare agency of Dublin City University.

#### 9.2 Selection of site inspectors

The Board considered the report which set out the alternative site inspector selection criteria.

**Decision** The Board accepted the recommendation off the Education, Training and Standards Committee and approved the alternative process, as set out in the report, for the selection of the site inspection team for the approval of higher education institutions and associated health care providers and educational programmes leading to registration and specialist programmes not leading to registration.

#### 9.3 Graduate Diploma in Public Health Nursing - UCD



The Board considered the briefing document which had previously been circulated to members. The Board noted that the programme had been approved by the Board and was now being submitted for re-approval. Approval of the programme was being recommended by the Education, Training and Standards Committee.

**Decision** In accordance with section 85(2) of the Nurses and Midwives Act 2011, the Board approved the re-approval of the Graduate Diploma in Public Health Nursing (UCD) for a period of five years.

#### 9.4 Higher Diploma in Children’s Nursing – TCD

The Board considered the briefing document which had previously been circulated to members. Approval of the programme was being recommended by the Education, Training and Standards Committee.

**Decision** In accordance with section 85(2) of the Nurses and Midwives Act 2011, the Board approved the re-approval of the Higher Diploma in Children’s Nursing (TCD) for a period of five years.

#### 9.5 Report on programme approval and monitoring processes

Ms Manselli and Ms Mulrennan joined the meeting.

The Board considered the draft discussion document which had previously been circulated to members, and which set out an updated approach to programme approval and monitoring.

The Board noted the report and noted that a proposal would be brought before the Board at a later date.

Dr Ryan, Ms Manselli and Ms Mulrennan left the meeting.

### **Item 10 – Fitness to practise**

Mr O’Leary and Ms Conroy joined the meeting.

#### 11.1 Training needs analysis report

In 2020, NMBI identified a need to conduct a training needs analysis (TNA) for members who were involved in the investigation of complaints under Parts 7 to 9 of the Nurses and Midwives Act 2011. This included members of the Board, the Preliminary Proceedings Committee, the Fitness to Practise Committee and the executive.



The findings of this TNA were set out in the draft report, which had previously been circulated to members, and were presented to the Board by Ms Conroy.

**Action** The Board to email Mr O’Leary with their comments on the report by Monday, 5 April 2021.

**Action** The final draft of the report to be brought to the Business, Strategy and Finance Committee for consideration at its meeting on 13 May 2021 before being brought back to the Board for approval.

Ms Conroy left the meeting.

## 10.2 Reports

### 10.2.1 *Monitoring of conditions and undertakings report*

The Board noted that the report which had previously been circulated to members.

### 10.2.2 *Section 44 orders/undertakings*

The Board noted the report titled ‘Nurses subject to section 44 orders/undertakings’ which had been previously circulated to the Board.

### 10.2.3 *Section 58 orders/undertakings*

The Board noted the report titled ‘Nurses/midwives subject to section 58 orders/undertakings’ which had been previously circulated to the Board.

## **Item 11 – Any other business**

### 11.1 Compassion Project

Following a query from Board members, the CEO agreed to circulate the terms of reference for the project to the Board. Progress was underway in engaging an external contractor to undertake the project and a full review would be brought to the Board at its meeting in May.

There being no further matters for consideration the meeting ended at 14.30hrs.



Bord Altranaís agus  
Cnóimhseachais na hÉireann  
Nursing and Midwifery  
Board of Ireland

**Signed:**

\_\_\_\_\_  
**Essene Cassidy**  
**President**

**Date:**

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