



Edited minutes of the meeting of the Nursing and Midwifery Board of Ireland (NMBI) held in 18/20 Carysfort Avenue, Blackrock, Co Dublin, on Tuesday and Wednesday, 19-20 March 2019 and continued on Monday, 25 March 2019.

Day 1: Tuesday, 19 March 2019 starting at 10.00hrs.

Members Present:

Ms E Cassidy, President	Mr P Dolan
Dr L Kavanagh McBride, Vice President	Ms M Gorman
Mr M Blake-Knox	Ms K Canning
Mr L Minihan	Ms L Clarke-Bishop
Ms A Horgan	Ms E Kelly
Ms B Liston	Ms K Lombard
Mr D Manning	Mr K McGrane
Prof C O’Herlihy	Dr L Sahm

In attendance:

Ms D Johnston, Interim CEO and Director of Midwifery
Ms U Byrne, Director of Regulation
Mr E Lyons, Beauchamps Solicitors
Mr S McLoughlin, Beauchamps Solicitors
Ms V O’Rourke, Fitness to Practise Department
Ms O Coady, Governance and Secretariat Manager

Item 1 – Apologies and conflicts of interest

Apologies were received from Ms Elaine Cassidy, Ms Cocoman, Mr L Hamill, Mr M Higgins, Mr D Murphy and Dr D Lawler

Being members of the Preliminary Proceedings Committee, Ms B Liston, Ms M Gorman and Ms A Horgan did not join the meeting at this time.

The President read the conflict of interest policy and reminded Board members of their obligations under its provisions. The President then asked Board members to review the agenda to identify any conflicts of interest.

Fitness to practise matters – items 2-10

The Board considered the following:

- Seventeen no prima facie decisions of the Preliminary Proceedings

Committee.

- One application pursuant to Section 55(1) of the Nurses and Midwives Act 2011.
- One application pursuant to to Section 53(1) or Section 58 of the Nurses and Midwives Act 2011 and/or Section 55 (1).
- One application pursuant to Section 79 of the Nurses and Midwives Act 2011.
- Four reports of the Fitness to Practise Committee under the Nurses and Midwives Act 2011.
- Reports relating to the following:
 - Monitoring of conditions.
 - Section 44 orders/undertakings.
 - Section 58 orders/undertakings.
 - High Court and Court of Appeal Cases.

There being no further matters for consideration the meeting ended at 17.30hrs.

Item 13 – Regulation

13.1 Regulation Directorate report

The Board noted the Regulation Directorate report which had previously been circulated to members. Ms Byrne drew the Board’s attention to the resignation of Ms Lisa Murphy, Case Officer, which was noted in the report, and to the fact that the position of Case Officer was approved at a higher grade in other regulators.

13.2 Procedures for attendance at PPC meetings by telephone or video link

The Board noted the procedures which had previously been circulated to members and which had been approved by the Preliminary Proceedings Committee.

13.3 Mediation pursuant to section 60

The Board noted that the process was still ongoing; a training session had been held for members of the Preliminary Proceedings Committee and staff members who support the work of the committee.

Advice from NMBI’s procurement specialist was awaited regarding the establishment of a panel of mediators.

Action An update on the matter to be brought to the Board at its meeting on 21-22 May 2019.

13.4 Review of Guidance on Sanctions document

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

The deadline for receiving submissions was extended to 31 January 2019 and the representative organisation who had requested the extension was advised of this. No submissions had been received.

Ms Byrne informed the Board that changes would need to be made to the document once the changes to the Nurses and Midwives Act 2011 had been enacted and commenced and that no further action would be taken in respect of the document in the interim.

Item 6 – Governance and Finance

6.9 Appointment/re-appointment of non-Board members to committees

Midwives Committee

Decision The Board agreed to re-appoint Gemma Gannon to the Midwives Committee for a final term of three years until 19 March 2022.

Decision The Board agreed to appoint Loraine Mulligan to the Midwives Committee for an initial term of three years until 19 March 2022. This appointment may be extended to five years by the Board but must not exceed five years in total.

Fitness to Practise Committee

Decision The Board agreed to appoint the following non-Board members to the committee for three years until 18 March 2022:

- Dermot Jewell
- Valerie Beatty
- Triona Cowman
- Brian Horgan

These appointments may be renewed for up to three years by the Board and to no more than a maximum of two terms of office.

Ms Byrne advised that the terms of office of Michelle Rose (midwife) and Orla Mongan (midwife) were due to expire on 24 April 2019. Ms Mongan had advised that she did not wish for her term of office to be extended. Ms Rose had not yet communicated with Ms Byrne regarding her term of office.

Decision The Board agreed to approve in principal the renewal of Ms Rose's term of office

from 24 April 2019 until 23 April 2022 if she expressed an interest in remaining on the committee.

Action Expressions of interest to be sought through the normal processes from registered midwives (non-Board members) to participate in the work of the Fitness to Practise Committee.

Further consideration of this matter took place on 25 March 2019.

6.10 Board members on committees

The Board noted the briefing document which had previously been circulated to members. The Board noted that there were vacancies for Board members on the following committees:

- Registration Committee x1
- Education, Training and Standards Committee x1
- Fitness to Practise Committee x2

Action Board members were requested to give consideration to membership of the above committees and to self-nominate for appointment at the Board meeting on 21-22 May 2019.

6.11 Management accounts January 2019

Mr Balfe joined the meeting.

The Board noted the management accounts for January 2019 which had previously been circulated to members.

6.12 Electronic assets policy

The Board noted the policy which had previously been circulated to members. The Board noted that the policy was currently included in the Staff Handbook for NMBI staff members.

Action Ms Coady to circulate a copy of the policy to all Board and committee members. The policy to be signed and returned to Ms Coady.

Action Mr Balfe advised that a comprehensive review of the policy was scheduled for Q4 2019.

6.13 Procurement report

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

6.14 Note on financial reserve

The Board noted the briefing document which had previously been circulated to members. The Board noted that this document had been considered by both the Governance and Finance Committee and the Audit and Risk Committee.

Action Mr Balfe to seek the advice of Crowleys DFK regarding developing a treasury management policy, as recommended by the Audit and Risk Committee, with the Department of Health.

Item 10 – Any other business

There being no other matters for consideration, the meeting ended at 17.30hrs.

Day 2: Wednesday, 20 March 2019 starting at 9.00hrs.

Members Present:

Ms Essene Cassidy, President	Mr D Manning
Dr L Kavanagh McBride, Vice President	Ms K Lombard
Ms M Gorman	Ms K Canning
Mr L Minihan	Mr P Dolan
Ms B Liston	Ms L Clarke-Bishop
Dr L Sahn	Dr D Lawler
Mr M Blake-Knox	Mr K McGrane

In attendance:

Ms D Johnston, Interim CEO and Director of Midwifery
Ms L Crimin, Director of Registration (items 8 and 9)
Dr AM Ryan, Director of Operations – Registration (item 9)
Ms V O'Rourke, Fitness to Practise Department
Ms O Coady, Governance and Secretariat Manager

Item 1 – Apologies and conflicts of interest

- 1.1 Apologies were received from Prof C O'Herlihy, Ms C Cocoman, Ms Elaine Cassidy, Ms E Kelly, Mr D Murphy, Mr L Hamill, Ms A Horgan and Mr M Higgins.
- 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.

As the Board wished to continue its discussion in private Ms O'Rourke left the meeting.

The in camera session concluded at 13.50hrs.

Dr Ryan and Ms Crimin joined the meeting.

Item 9 – Registration

- 9.1 *Removal of registration for failure to pay the annual retention fee (ARF)*

The Board considered a list of registrants who had failed to pay the annual retention fee. Dr Ryan advised the Board that NMBI had fulfilled its legal obligations pursuant to the Nurses and Midwives Act 2011 in relation to this matter. Dr Ryan further advised that a reminder had been sent to all registrants

who had failed to pay the ARF.

Decision The Board approved the removal from the Register of Nurses and Midwives of all of the names on the list in accordance with Section 77 of the Nurses and Midwives Act 2011. The registrants, the Minister and any known employers would be informed of the removal from the Register of Nurses and Midwives.

Dr Ryan left the meeting.

Item 8 – Project Nightingale

8.1 Nightingale payment methods

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

8.2 Project Nightingale report

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

Ms Crimin drew the Board’s attention to the workstreams which had been identified as part of Project Nightingale and which were set out on page 1 of the report. Ms Crimin also drew the Board’s attention to Appendix 1 of the report which set out in detail a summary of the steps for the three core registration processes.

The Board noted that two milestones were overdue (page 3) but Ms Crimin assured the Board that OpenSky had confirmed that these would not impact the overall timeline.

Ms Crimin left the meeting.

Item 14 – Any other business

14.1 Resignation of Board member

The President advised the Board that Ms Elaine Cassidy had tendered her resignation from the Board. Ms Cassidy’s resignation would be effective from the meeting of the Board next held after the receipt of the notice of resignation as per the Schedule of the Nurses and Midwives Act 2011.

The Board reviewed the agenda and agreed that a meeting of the Board would be convened on Monday, 25 March 2019 to consider items 3-5, 6.1-6.8, 6.15, 7, 9.2, 9.3, 10-12 and 14.



There being no further matters for consideration, the meeting concluded at 15.00hrs.

Members present:

Ms Essene Cassidy, President
Mr D Murphy
Ms A Horgan
Mr L Hamill
Mr P Dolan
Mr D Manning
Mr M Blake-Knox

Members participating by phone:

Dr L Kavanagh McBride, Vice President
Ms K Canning
Ms L Clarke-Bishop
Ms M Gorman
Ms B Liston
Ms K Lombard
Mr K McGrane

In attendance:

Ms D Johnston, Interim CEO and Director of Professional Standards (Midwifery)
Mr M Balfe, Interim Director of Corporate Services and Finance
Dr A de Búrca, Communications Manager
Ms L Crimin, Director of Registration
Dr AM Ryan, Director of Operations – Registration
Ms N Daghsh, Project Officer
Ms T Raftery, Project Officer
Ms J Foley, Director of Professional Standards (Nursing)
Ms V O'Rourke, Fitness to Practise Department
Ms O Coady, Governance and Secretariat Manager

Day 2's agenda continued: Monday, 25 March 2019**Item 1 – Apologies and conflicts of interest**

- 1.1 Apologies were received from Prof C O'Herlihy, Ms C Cocoman, Ms Elaine Cassidy, Ms E Kelly, Mr M Higgins, Dr L Sahn, Mr L Minihan and Dr D Lawler.
- 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.

Item 3 – Minutes of previous Board meetings**3.1 Minutes of 22-23 January 2019**

The Board considered the minutes of 22-23 January 2019 which had previously been circulated to members.

Decision The Board approved the minutes of 22-23 January 2019.

3.2 Minutes of 28 January 2019

The Board considered the minutes of 28 January 2019 which had previously been circulated to members.

Decision The Board approved the minutes of 28 January 2019.

3.3 Actions and matters arising from minutes of previous Board meetings

Decision The Board approved the updated action list for 22-23 January 2019 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 action list.

Item 4 – CEO’s update

Dr de Búrca joined the meeting.

4.1 CEO report

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

Ms Johnston drew the Board’s attention to the following which was detailed in the report:

Regulated Professions (Health and Social Care) (Amendment) Bill 2019

The amendments deal mainly with registration and fitness to practise. The Bill proposes a removal of the requirement for one nurse and one midwife to sit on the Preliminary Proceedings Committee and the Fitness to Practise Committee.

4.2 Data breach notifications

The Board noted the nine data breach notifications which had previously been circulated to members.

4.3 Comms six month update

The Board noted the report which had previously been circulated to members. Any feedback on the report could be emailed directly to Dr de Búrca.

Dr de Búrca left the meeting.

Item 5 – President’s update

The President updated the Board on the following meetings and events she had attended representing NMBI:

- RCSI 38th Annual International Nursing and Midwifery Research Conference – invited to participate in a panel discussion with keynote speakers.
- Quarterly governance meeting at the Department of Health with the chair of the Governance and Finance Committee and the chair of the Audit and Risk Committee.

Item 6 – Governance and Finance

Mr Balfe joined the meeting.

6.1 Governance and Finance Committee annual report

The Board considered the Governance and Finance Committee annual report which had previously been circulated to members.

Mr Murphy suggested that the total number of meetings for 2018 was incorrect.

Decision The Board approved the Governance and Finance Committee annual report subject to the number of meetings being verified and corrected.

6.2 ICT security policy

The Board considered the ICT security policy which had previously been circulated to members. The Board noted that the policy had been considered by the Governance and Finance Committee and the Audit and Risk Committee.

Decision Following consideration of the matter, the Board approved the ICT security policy.

6.3 Project plan to revise the Code of Professional Conduct and Ethics

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

The Board noted that the timeline for the project as set out in the plan were no longer correct as it indicated a start time of January 2019.

Decision The Board approved the project plan subject to the timeline being revised.

6.4 Project plan to revise the Practice Standards for Midwives

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

Decision The Board agreed to accept the recommendation of the Governance and Finance Committee that both of the above projects should be combined under one request for tender when a project manager was sought.

6.5 Membership of the EU network of nurse regulators and other organisations

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

Ms Johnston advised the Board that NMBI had no formal process in place in respect of membership and association of networks and organisations. Ms Johnston proposed that there should be a formal process to agreeing to membership of networks and organisations and advised that the Governance and Finance Committee was recommending approval of the proposal.

Decision Following consideration of the matter, the Board agreed that:

- A proposal to join a network/organisation should set out:
 - The purpose of the network/organisation and benefit of membership to NMBI.
 - The time commitment required from the relevant NMBI staff member.
- The proposal should be brought to the SMT for consideration and approved by the CEO and a memorandum of understanding (MOU) signed between the CEO and the organisation.
- An update provided to the Board in the CEO's report.
- An annual review by the Board of the membership of all networks/organisations.

6.6 Revised travel and conference schedule 2019

The Board considered the proposed updated travel schedule for 2019 which had previously been circulated to members.

The Board noted that the International Council of Nurses (ICN)'s international congress would take place at the same time as the CLEAR international congress – 27 June 2019.

Decision The Board agreed with the recommendation of the Governance and Finance

Committee that it would be preferable to have representation at CLEAR rather than at the ICN congress. The Board also agreed that NMBI should be represented internationally by the President and CEO unless otherwise delegated to another member of the Board or the SMT.

If a Board member and/or member of the SMT wished to attend the ICN congress in June, a proposal should be submitted to the CEO before 1 April 2019 setting out how attendance would address the strategic objectives of NMBI. The proposal should also set out the indicative cost to the organisation (flight, hotel, registration fee, subsistence). The CEO would then submit the proposal to the Governance and Finance Committee for consideration using the written decision process.

The Board noted that as the events on the schedule from January-March had not been attended there was a budget surplus which would allow for a second Board member to attend the CLEAR annual education conference in September.

Action This would be considered by the Board at its meeting on 21-22 May 2019 and a decision regarding this would be made at that time.

Action An explanation of each organisation and event to be added to the travel schedule.

6.8 Revised travel and expenses policy

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

Mr Balfe advised that the policy needed to be amended to make reference to circular 15/2015. Mr Balfe further advised that the policy currently stated that expenses must be claimed within 30 days of the expenditure being incurred. The Board noted that the Governance and Finance Committee had recommended extending this timeline.

Decision The Board agreed that the policy's introductory paragraph should be amended to specify that the policy did not apply to Board and/or committee members subject to circular 15/2015. The Board also agreed that the policy should be amended to state that claims for reimbursement of expenses should normally be made in a timely manner but no later than three months after the date incurred.

6.9 Appointment of non-Board members to committees

Fitness to Practise Committee

Decision Following the communication from Brian Horgan stating that he was withdrawing his expression of interest in membership of the Fitness to Practise Committee,

the Board agreed to appoint Ms Ada Bradbury to the committee for three years until 24 March 2022. This appointment may be renewed for up to three years by the Board and to no more than a maximum of two terms of office.

Action A short bio of non-Board member applicants for appointment to committees to be included in the Board brief in future.

6.15 Statement of Strategy 2020-2022

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

The Board noted that essential and recommended reading matter had been uploaded to their iPads. Board members were requested to read these in preparation for the strategy working sessions on 16 April 2019. The NMBI Statement of Strategy PESTLE analysis and a proposed approach to development of the strategy had also been uploaded.

Item 7 – Audit and Risk

7.1 Audit and Risk Committee annual report for the Board

The Code of Practice for the Governance of State Bodies 2016 requires that the Audit and Risk Committee submit an annual report to the Board presenting its opinion on the adequacy of risk management and internal control systems, and the adequacy of sources of assurance to the Board.

The Board noted that the draft Audit and Risk Committee annual report, which had previously been circulated to members, had been considered by the Audit and Risk Committee at its meeting on 12 February 2019, and was recommended by the committee to the Board for approval.

It was noted that the risk management policy had been approved by the Audit and Risk Committee, and that this had been recorded in the report, but had not yet been approved by the Board as required. It was further noted that this policy was under review.

Action Revise the wording in the report to incorporate the above into the report.

Decision The Board agreed to approve the Audit and Risk Committee annual report subject to the above amendment.

7.6 Review of the risk management policy

Mr Balfe advised the Board that NMBI's risk management policy and framework needed to be revised to ensure that the organisation was compliant with the requirements of the Code of Practice for the Governance of State Bodies 2016. Furthermore, the SMT had agreed that risk management and the identification of risk needed to be embedded at all levels of the organisation.

With that in mind, NMBI's insurers, IPB Insurance, had given a presentation to the SMT on the identification of risk. A representative from the IPA (Irish Public Administration) had also given a presentation to the SMT on 4 March 2019. Following these presentations, quotes were being sought from three relevant bodies to revise of NMBI's risk management policy and framework and to provide training workshops to staff.

Action Mr Balfe would bring an update on progress of the above to the Board at its meeting on 21-22 May 2019.

Ms Lombard left the meeting.

7.2 Annual financial statements 2018

The draft annual financial statements 2018 had been submitted to the Department of Health on 28 February 2019 as per the requirements of the Code of Practice for the Governance of State Bodies 2016. The Department of Health had acknowledged receipt of the draft statements.

The Board noted that the draft financial statements 2018 had then been considered by the Audit and Risk Committee at its meeting on 12 March 2019 and that the Audit and Risk Committee recommended their approval.

Decision The Board approved the draft financial statements 2018.

7.3 Internal audit plan

The Board noted that an audit of NMBI's compliance with the Crowe Horwath organisation review and a gap analysis of the policies and procedures in relation the functions of the Board and its committees was due to start shortly.

The Board noted the internal audit plan for 2019-2021.

7.4 System of internal control (SIC)

Mr Balfe advised the Board that the internal auditor's report on the SIC would be presented to the Audit and Risk Committee at its meeting the following morning. The President had agreed that the recommendation of the Audit and Risk

Committee would be circulated to the Board using the written decision process after the committee meeting. A decision of the Board would be required by Thursday, 28 March 2019.

Ms Clarke-Bishop left the meeting.

7.5 ICT update

Action An update on the implementation of the recommendations of the Grant Thornton report would be presented to the Board at its meeting on 21-22 May 2019.

Mr Balfe and Dr Kavanagh McBride left the meeting.

Item 9 – Registration

Ms Crimin, Dr Ryan and Dr de Búrca joined the meeting.

9.2 Recommendation of UK qualifications post-Brexit

Ms Crimin presented a briefing document which was circulated to the Board.

Ms Crimin advised that the circulated document amended the document previously circulated to Board members through their iPads.

Decision The Board approved the NMBI approach to UK qualification recognition and transfer of personal data to the UK after the withdrawal date (Brexit) as set out in the amended document.

Dr de Búrca advised that she had agreed the wording of a statement for NMBI's website with the President and Ms Johnston regarding the above. If the statement was approved by the Department of Health, it would be published on the website as soon as possible.

9.3 Registration Directorate report

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

The Board noted that the inactive file was now officially closed.

Mr McGrane, Ms Crimin, Dr Ryan and Dr de Búrca left the meeting.

Item 10 – Monitoring the maintenance of professional competence (MMPC)

Ms Foley and Ms Raftery joined the meeting.

Ms Raftery presented the final report of the baseline survey undertaken to ascertain registrants' current behaviours and experiences with respect to the maintenance of their professional competence. A copy of the report had previously been circulated to members.

Decision The Board approved the MMPC baseline survey report.

The Board discussed possible next steps.

Action The report to be presented to the Department of Health at its next operational meeting with NMBI on Thursday, 28 March 2019. The DOH should be advised that the Board was of a mind to publish the report on NMBI's website and the DOH's opinion on this should be sought. The DOH should also be advised that NMBI was considered inviting key stakeholders to information sessions based on the findings of the survey. The question of whether work on preparing a costing model should begin should also be raised.

Action The steering group to review the consultation documents at its meeting the following week.

Action The Board would consider the next steps at its meeting on 21-22 May 2019.

Ms Raftery and Ms Lombard left the meeting.

Item 11 – Professional Standards (Nursing)

11.1 Letterkenny Institute of Technology and associated healthcare agencies – site visit reports

The Board considered the site visit reports which had previously been circulated to members.

Decision In accordance with section 85(2) of the Nurses and Midwives Act 2011, the Board agreed that Letterkenny Institute of Technology and associated healthcare agencies be approved to provide general, psychiatric and intellectual disability nurse registration education programmes for a period of five years or until the next site visit as an associated healthcare agency of Letterkenny Institute of Technology.

11.2 Education Directorate report

The Board noted the report which had previously been circulated to members. Ms Foley drew the Board's attention to the number of applications for nursing and midwifery programmes in 2018 which were the highest in 10 years (except for intellectual disability nursing).

11.3 Consultation project for removal of Collaborative Practice Agreement (CPA)

Ms Foley advised the Board that the person who had been overseeing the project had only returned from several months' sick leave. The project was therefore two months' behind schedule and the timelines would be adjusted accordingly.

Action An update to be provided to the Board at its meeting on 21-22 May 2019.

Ms Foley left the meeting.

Item 12 – Professional Standards (Midwifery)

12.1 Review of the Midwifery Committee's terms of reference

The Board considered the briefing paper which had previously been circulated to members, however, the Board agreed that any consideration of changes to terms of reference should first be considered by the Governance and Finance Committee who would make a recommendation to the Board.

The Board noted that the review of committees had taken place in 2017 and agreed that a further review was timely.

Action The proposal to review the Midwives Committee's terms of reference to be brought to the Governance and Finance Committee for consideration before being presented to the Board at its meeting on 21-22 May 2019.

Action A review of all committees' terms of reference to be undertaken.

12.2 Midwifery Directorate report

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

Professional indemnity for midwives – draft Rules

Section 40(1) of the Nurses and Midwives Act 2011 (the Act) provides 'No person shall, for reward, attend a woman in childbirth unless the person is:

- (a) a registered midwife who maintains adequate clinical indemnity insurance in accordance with the rules.

On commencement of this section of the Act by the Minister for Health, NMBI will be obliged to seek confirmation from midwives that they have an adequate level of professional indemnity cover in place.

Draft Rules had been considered by the Midwives Committee and legal opinion in relation to the draft Rules had been sought. The President agreed that the draft Rules, as recommended by the Midwives Committee, would be circulated to the Board using the written decision process on Friday, 29 March 2019.

Item 14 – Any other business

14.1 100 years of nursing regulation

A steering group would be formed comprising the President, Vice President, Ms Foley and nominees from each committee of the Board.

Action Ms Coady to contact the chairs of each committee and ask them to nominate a Board member from each committee, or self-nominate, to sit on the steering group.

14.2 Special Board meeting

A special Board meeting would be required to consider one, and possibly three, applications pursuant to Section 58 of the Nurses and Midwives Act 2011.

Action Special Board meeting 2 April 2019 to be scheduled.

There being no further matters for consideration the meeting concluded at 18.45hrs.

Signed:

Essene Cassidy
President

Date:
