



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, 21-22 November 2017.

**Day 1: Tuesday, 21 November 2017 starting at 10.30hrs.**

**Members Present:**

Ms E Cassidy, President	Mr L Minihan
Mr J Murray, Vice President	Mr M Blake-Knox
Ms M Barrett	Ms T King
Ms B Liston	Mr P Dolan
Mr D Manning	Ms S Cleary
Dr D Lawler	Ms K Canning
Mr K McGrane	Mr D Murphy
Dr R McElvaney	Ms L Clarke-Bishop
Dr L Kavanagh McBride	Mr Higgins
Ms M Monahan	

**In attendance:**

Ms M Griffin, Chief Executive Officer  
Ms U Byrne, Director of Regulation  
Ms J Foley, Acting Director of Education  
Ms D Johnston, Director of Midwifery  
Ms M Balfe, Acting Director of Corporate Services  
Ms V O'Rourke, Fitness to Practice Department  
Ms O Coady, Board Secretary

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

- 1.1 Apologies were received from Dr K O'Carroll.
- 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 of interest were declared.

The President welcomed Mr L Hamill and Ms C Cocoman who had been elected to the Board in October and who were joining the meeting as observers.

**Item 2 – Board private session**

As the Board wished to continue its discussion in private Ms O'Rourke, Mr Hamill

and Ms Cocoman left the meeting.

On conclusion of the private session Ms O'Rourke, Mr Hamill and Ms Cocoman returned to the meeting.

### **Item 3 – Minutes and matters arising**

#### **3.1 Minutes of meeting of 24 October 2017**

Dr McElvaney noted that her apologies had not been recorded.

**Decision** The Board approved the minutes of 24 October 2017 subject to the inclusion of Dr McElvaney's apologies.

Arising from item 3.2, the President confirmed that the meeting of 1 December 2017 would start at 10.00hrs and would be followed by a dinner in Rage in Blackrock at 18.00hrs.

The President asked Ms Cleary and Ms Barrett to organise the annual collection from Board members for gifts for NMBI staff.

#### **3.2 Minutes of meeting of 2 November 2017**

**Decision** The Board approved the minutes of 2 November 2017.

### **Item 4 – President's update**

4.1 The Board noted the President's update report which had previously been circulated to members.

Following a query from Dr McElvaney regarding the term of office for the position of CEO, the President advised that she had written to the Chief Nurse in September 2017 asking for approval to begin the recruitment process. This had been granted and the President had submitted the job description to the Chief Nurse for final approval. Once received, the recruitment process would begin and the successful candidate would be appointed for five years from date of appointment.

The President invited Ms Cleary, chair of the Ethics Committee, to update the Board on the meeting between members of the Ethics Committee, the President, CEO and Ms Cleary held on 14 November 2017. The meeting had been convened to explain to members the changes that the Board had agreed to the committee structures including disbandment of the Ethics and Standard and Validation Committees; the functions of these committees were being merged into the

Education and Training Committee. Ms Cleary updated the Board on the following areas of discussion:

- Members requested that their work on medication management be submitted to NMBI for future use.
- The breach of confidentiality following a recent committee meeting was raised with members. It was agreed that all committee members should be reminded of the importance of declaring conflicts of interests and maintaining confidentiality at each meeting.
- The committee members raised concerns that the voice of ethics would be lost once the committee had been disbanded.
- The committee members felt that the channels of communication between the Board and the committee were poor.

**Action** The President, CEO and committee chairs to schedule regular meetings with non-Board members of committees to ensure two way communication between the Board and its committees.

**Action** A letter to be sent to committees advising them of any relevant Board decisions.

The Vice President advised the Board that he had been requested to present certificates to clinical nurse managers (CNMs) at St Ita's Hospital in Portrane.

## Item 5 – CEO report

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

The CEO drew the Board's attention to the following items which were detailed in the report:

### Human Resources:

Ms Lucia Cremin would join the organisation as Director of Registration on 27 November 2017. The CEO acknowledged the work of the Acting Director of Registration, Ms G Byrne, and wished to formally record her thanks to Ms Byrne for providing leadership and steady management during the interim period. The CEO advised the Board that Ms G Byrne would take charge of the non-EU section of the Registration Department from 27 November 2017.

The Board noted the HR update reports included in the CEO report. The CEO advised that the audit of payroll was ongoing.

### General Data Protection Regulations (GDPR)

The CEO advised the Board that it would be necessary to appoint a data protection officer on contract in the short term.

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

**Decision** The Board agreed that the CEO should proceed with the plan as set out in the document.

#### Department of Health (DOH) minutes

The Board considered the minutes of the operational meeting with the DOH of 29 September 2017. The Board noted the minutes stated that the go-live date for the professional competence scheme (PCS) was recorded as 1 January 2019. The CEO pointed out that NMBI had not agreed to this date but that this was not recorded in the minutes. The CEO further advised that she had provided clarification on NMBI's headcount which was not recorded in the minutes.

**Action** The CEO to ensure that clarification on NMBI's position regarding the PCS starting date and the organisation's headcount be included in the DOH minutes.

Ms Foley and Ms Johnston joined the meeting.

### **Item 6 - Education**

#### 6.1 Education Directorate report

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

Ms Foley drew the Board's attention to the following items which were detailed in the report:

- Medication management draft – public consultation would begin in February 2018 following review by the Education Committee.
- Accreditation of category 1 and category 2 courses – the Board might consider at a later stage whether NMBI should continue to be involved in their accreditation.
- Audit report forms which are being updated and standardised.
- Student competency assessment documents – draft documents for nursing had been available on NMBI's website for consultation until 17 November 2017. The consultation report would be brought to the Education and Training Committee for consideration.

Dr Lawler noted that there was no reference to midwifery in these documents. Ms Foley advised that the Director of Midwifery, Ms Johnston, was managing the draft documents for midwifery, however she agreed that there should be joint

updates on both nursing and midwifery student competency assessment documents.

**Action** A midwifery section to be added to the Education Directorate report.

The Board considered the proposal to establish a steering group for the development of the professional competence scheme.

Ms Canning noted that the Irish Practice Nurses Association was not included in the list of suggested members.

**Decision** The Board agreed that a steering group should be established and that two Board members should form part of the membership of the group.

### **Item 7 – 100 years of regulation**

The Board considered the document which had previously been circulated to members and which outlined a proposed branding and a schedule of events to mark 100 years of midwifery regulation in Ireland.

**Decision** The Board approved the document in principle but stated that it must be resubmitted to the Midwifery Committee for consideration including costing for the proposed conference.

Ms Foley and Ms Johnston left the meeting.

### **Item 8 - Registration**

#### **8.1 Registration Directorate report**

The CEO advised the Board that Ms G Byrne was not available to present the report as she was on annual leave.

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

The CEO advised the Board that stakeholders were being advised of the Board's decision to disband the Inactive File.

The Board discussed possible changes to the adaptation programme offered as a compensation measure to applicants for registrants who had trained outside of Ireland. The CEO advised that, in order to conform to EU Directive 2005/36/EC, the content of the letters sent by NMBI to these applicants would have to change to specify clearly the areas in which the applicant had been shown to be

deficient.

The meeting broke for lunch from 13.00hrs to 14.00hrs.

Prof Breatnach, Mr Higgins and Ms King left the meeting.

Ms U Byrne joined the meeting.

## **Item 9 – Regulation**

### **9.1 Fitness to Practise Committee (1985) update**

The Board considered the committee report which had previously been circulated to members. Ms U Byrne updated the Board on the work of the committee to date.

### **9.2 Fitness to Practise Committee (2011) update**

The Board considered the committee report which had previously been circulated to members. Ms U Byrne circulated the KPI update report to the Board which set out the average legal cost of an inquiry completed in the past twelve months, excluding committee, Board and staff costs.

Ms U Byrne advised that this did not include the cost of consideration of an application pursuant to Section 58 of the Nurses and Midwives Act 2011.

**Action** Ms U Byrne to prepare the average cost of consideration of a Section 58 application and present to the Board at its meeting on 23-24 January 2018.

Prof Breatnach returned to the meeting.

Ms Barrett updated the Board on the meeting of the Fitness to Practise Committee which took place earlier in the month. Ms Barrett advised the Board that the issue of payment for members who attend inquiries and call overs had been raised.

**Action** Ms U Byrne to undertake a cost analysis and to prepare a briefing note on payment to committee members for consideration by the Board at its meeting on 23-24 January 2018.

### **9.3 Preliminary Proceedings Committee update**

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

**Action** Ms Cleary to present a report to the Board at its meeting on 1 December 2017 on the work of the committee in 2017.

9.4 Fitness to practise governance oversight

The Board considered the briefing document outlining a proposal for a fitness to practise governance oversight structure which had previously been circulated to members.

**Decision** The Board agreed that regular meetings of the Director of Regulation and the chairs and vice chairs of the Fitness to Practise Committee and the Preliminary Proceedings Committee should take place every quarter to discuss the FTPC/PPC process and to address quality improvement and any issues that might arise. The Board stated that this process should be reviewed after six months and a report brought back to the Board at its meeting in June 2018.

9.5 Relevant medical disability

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

Ms U Byrne updated the Board on the meeting of the Health Committee Working Group which took place on 20 November 2017.

**Action** Ms Lisa Manselli to produce a discussion document for the group's next meeting in January 2018.

9.6 Professional Standards Authority (PSA) report

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

Ms U Byrne advised that, following from recommendation 3.6.25, the Preliminary Proceedings Committee was reviewing the development of a template complaints form which could be downloaded from the NMBI website.

Dr McElvaney noted that calls for expressions of interest in membership of the Fitness to Practice Committee and the Preliminary Proceedings Committee had been published that morning on NMBI's website and asked whether a competency based interview would form part of the selection process (recommendation 3.6.24). Ms U Byrne advised that following shortlisting an interview which focussed on the knowledge and skills of the applicant would take place and that the process was moving towards a competency based interview.

**Action** Update on progress against the recommendations in the PSA report to be brought to the Board at its meeting on 23-24 January 2018.

9.7 Fitness to Practise Directorate report

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

Ms U Byrne left the meeting.

Mr M Balfe joined the meeting.

**Item 10 – Presentation**

10.1 Mr Ronan Foley, Clarion Consulting, joined the meeting and gave a presentation to the Board on the ICT strategy and related projects included the registration system. The presentation was followed by a question and answer session with the Board.

Mr Foley left the meeting.

**Item 11 – Audit and Risk**

11.1 Risk Register

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

The Board noted that risk ref 1 (reduced staff numbers, high turnover and low morale impacting on NMBI to meet its legislative mandate) had been closed and would be removed from the Register.

11.2 2016 audited accounts

Mr Balfe presented the annual audited accounts for 2016 which had previously been circulated to members.

**Decision** The Board approved the annual audited accounts for 2016.

The draft letter of representation to the C&AG was circulated to the Board.

**Decision** The Board approved the draft letter and agreed that it should be signed by the President and the CEO and submitted to the C&AG.



## Item 12 – Governance and Finance

### Finance

#### 12.1 Management accounts

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

The CEO advised that the October accounts would be presented to the Board at its meeting on 1 December 2017.

**Action** The Finance Department to present a revised forecast to the Board showing the variance between the current budget and the revised figures presented in June 2017. The treatment of fitness to practise liabilities to be factored in to that projection.

#### 12.2 Three year financial plan update

The Department of Health had considered NMBI's three year financial plan and, having noted the projected deficit, had advised that NMBI must not project a deficit and must come in on budget. The Governance and Finance Committee had met before the Board meeting that morning to discuss the matter.

**Decision** The executive to prepare a proposal for presentation to the Board at its meeting on 1 December 2017.

### Procurement

#### 12.3 Procurement report

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

#### 12.4 Award of finance tender

**Decision** Crowleys DFK had been identified as the preferred supplier following completion of the tender evaluation.

### Governance

#### 12.5 Standing orders

The Board considered the revised standing orders which had previously been

circulated to members.

The Board noted that the revised standing orders stated that documents must be circulated at least three days in advance of the meeting and not seven as in the previous version. The CEO advised that this change was in line with the wording of the Schedule of the Nurses and Midwives Act 2011 but confirmed that the executive would endeavour to ensure that all documents continued to be uploaded seven days in advance of the meeting.

**Action** The CEO to speak to the Director of Regulation to ensure that all no prima facie reports are uploaded seven days in advance of the meeting with no exceptions.

**Decision** The Board approved the revised standing orders.

Mr Dolan left the meeting.

#### 12.6 Board induction and training plan

The Board considered the induction and training plan which had previously been circulated to members.

**Decision** The Board approved the proposed induction and training plan, dates to be confirmed.

#### 12.7 Outline of revised Governance Framework

**Decision** The Board agreed that a Governance Framework should be produced and approved the revisions to appendices 1-6 and appendix 8.

Prof Breatnach and Dr Kavanagh McBride left the meeting.

#### 12.8 Procedures for the election of President and Vice President

The Board considered the revised procedures for the election of the President and Vice President which had previously been circulated to members.

**Decision** The Board approved the revised procedures and agreed that the term of office for the President should be the current term of office for the Board member who is appointed or for a maximum period of four years.

**Decision** The Board approved the revised procedures and agreed that the term for Vice President should be the current term of office for the Board member who is appointed or for a period of no more than three years.

Items 12.9 and 12.10 were considered on day 2 of the Board meeting.

### **Item 13 – Any other business**

#### **13.1 Election of President and Vice President**

The Board discussed whether the next election for President and Vice President should take place on the last Board meeting of the year, 1 December 2017, when all the current members of the Board were still in office, or whether the election should be deferred until all new members had been appointed. The Board noted that the terms of office of both the current President and Vice President would expire on 5 December 2017.

The Board agreed that if the four newly elected members were in agreement, then the Board would consider holding the election on 1 December 2017.

The newly elected members who were present as observers agreed that they would have no objection if the election took place on 1 December 2017.

**Action** The executive to contact the other two newly elected members and to advise the Board of the outcome of the conversations the following day.

#### **13.2 Succession planning**

As the terms of office of both the chair and vice chair of the Fitness to Practise Committee would end on 5 December 2017 before replacements had been appointed, the Board requested the CEO to clarify with the Director of Regulation whether a member of the Fitness to Practise Committee could be nominated by the committee to sign production orders.

There being no further matters for consideration the meeting concluded at 18.15hrs.

**Day 2: Wednesday, 22 November 2017 starting at 9.00hrs.**

**Members Present:**

Ms E Cassidy, President	Dr R McElvaney
Mr J Murray, Vice President	Mr K McGrane
Mr L Minihan	Ms B Liston
Ms T King	Mr D Manning
Ms S Cleary	Mr M Blake-Knox
Ms M Barrett	Mr D Murphy
Mr M Higgins	Ms K Canning
Ms L Clarke-Bishop	Dr K O'Carroll
Dr L Kavanagh McBride	Prof E Breatnach

**In attendance:**

Ms M Griffin, CEO  
Ms U Byrne, Director of Regulation  
Ms V O'Rourke, Fitness to Practice Department  
Ms O Coady, Board Secretary  
Mr E Evans, Beauchamps Solicitors  
Ms E Burke, McDowell Purcell Solicitors

Apologies were received from Mr P Dolan, Dr D Lawler and Ms M Monahan.

**Fitness to practise matters**

The Board considered the following:

- Eight no prima facie decisions of the Preliminary Proceedings Committee.
- Two matters pursuant to Section 58 of the Nurses and Midwives Act 2011.
- One application pursuant to Section 79(2)(d) of the Nurses and Midwives Act 2011.
- Three 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 Supreme Court Cases.

### **Board members' committee membership**

The Board noted the spread sheet outlining Board members' committee membership and preference. Dr Kavanagh McBride advised that she would like to join the Fitness to Practise Committee.

Mr Murphy noted that a midwife who is a member of the Board would be required to join the Preliminary Proceedings Committee as Ms Cleary's term of office was coming to an end.

### **Election of President and Vice President**

Following the previous day's meeting, Ms Coady advised that she had spoken to the two newly elected Board members who had not been in attendance as observers at the meeting and that they had no objection to the elections of the President and Vice President being held on 1 December 2017.

**Decision** The Board agreed that the elections of President and Vice President should take place on 1 December 2017.

**Action** An email to be sent requesting registered nurses and registered midwives on the Board to submit their nominations for the roles by Friday, 24 November 2017.

### **Terms of reference**

The Board members noted the revised terms of reference for the following committees which had previously been circulated to members:

- Audit and Risk Committee
- Governance and Finance Committee
- Registration Committee
- Education, Training and Standards Committee
- Midwives Committee

The Board noted that the chairs of the Audit and Risk Committee and the Governance and Finance Committee recommended the revised terms of reference for approval.

**Decision** The Board approved the revised terms of reference for the Audit and Risk Committee and the Governance and Finance Committee.

**Action** The draft terms of reference of Registration Committee, Midwives Committee and Education, Training and Standards Committee to be brought back to the



respective committees for consideration and final versions to be brought to the Board for approval at its meeting on 23-24 January 2017.

Dr Kavanagh McBride and Ms Clarke-Bishop left the meeting.

There being no other matters for consideration the meeting ended at 17.15hrs.

**Signed:** \_\_\_\_\_

**Essene Cassidy**  
**President**

**Date:** \_\_\_\_\_