



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, 22-23 January 2019.

**Day 1: Tuesday, 22 January 2019 starting at 10.00hrs.**

**Members Present:**

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

**In attendance:**

Ms D Johnston, Interim CEO and Director of Midwifery  
Ms U Byrne, Director of Regulation  
Mr E Evans, Beauchamps Solicitors  
Mr S McLoughlin, Beauchamps Solicitors  
Mr E Lyons, 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, Dr D Lawler, Mr D Murphy, Ms K Lombard, Ms Cocoman and Mr K McGrane.

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.

The Board agreed that a brief in camera session would take place at 14.00hrs and the agenda would be adjusted accordingly.

## **Fitness to practise matters – items 2-7**

The Board considered the following:

- Six no prima facie decisions of the Preliminary Proceedings Committee.
- Four undertakings pursuant to Section 65 of the Nurses and Midwives Act 2011.
- Two applications pursuant to Section 58 of the Nurses and Midwives Act 2011.
- Five 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 19.30hrs.

**Day 2: Wednesday, 23 January starting at 9.00hrs.**

**Members Present:**

Ms Essene Cassidy, President	Ms Elaine Cassidy
Dr L Kavanagh McBride, Vice President	Mr M Higgins
Ms M Gorman	Ms E Kelly
Mr L Minihan	Mr P Dolan
Ms B Liston	Mr D Manning
Mr L Hamill	Mr D Murphy
Dr L Sahm	Mr P Dolan
Mr M Blake-Knox	

**In attendance:**

Ms D Johnston, Interim CEO and Director of Midwifery  
Mr M Balfe, Interim Director of Corporate Services and Finance (item 5)  
D A de Búrca, Communications Manager (item 7)  
Ms U Byrne, Director of Regulation (items 6.4, 4 and 11)  
Mr E Lyons, Beauchamps Solicitors (item 6.4)  
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 A Horgan, Dr D Lawler, Ms K Lombard, Ms K Canning and Mr K McGrane.

Members of the Preliminary Proceedings Committee, Ms Liston, Mr Murphy and Ms Gorman, did not join the meeting at this time.

The President did not join the meeting at this time.

In the absence of the President, the Vice President assumed the chair.

1.2 The Vice President reminded Board members of the provisions of the conflict of interest policy. The Vice President then asked Board members to review the agenda to identify any conflicts of interest.

**Fitness to practise matters – item 6**

The Board considered the following:

- An application pursuant to Section 58 of the Nurses and Midwives Act

2011.

## **Item 2 – Minutes of previous Board meetings**

### **2.1 Minutes of 27-28 November 2018**

The Board considered the minutes of 27-28 November 2018 which had previously been circulated to members.

Ms Johnston noted that she had declared a conflict of interest for item 5 on day 1. The Board agreed to changed references in the minutes for item 5 from “the CEO” to “the Director of Regulation acting on behalf of the CEO”.

Mr Murphy noted that he had sent his apologies for the meeting of 27 November 2018. Ms Gorman had sent her apologies for both days, 27- 28 November 2018.

**Decision** The Board approved the minutes of 27-28 November 2018 subject to the above amendments.

### **2.2 Minutes of 17 December 2018**

The Board considered the minutes of 17 December 2018 which had previously been circulated to members.

Mr Murphy noted that he had sent his apologies for the meeting of 17 December 2018.

**Decision** The Board approved the minutes of 17 December 2018 subject to the above amendment.

### **2.3 Actions and matters arising from minutes of previous Board meetings**

**Decision** The Board approved the updated action list for 27-28 November and 17 December 2018 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**

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

Ms Johnston drew the Board’s attention to the following items which were

detailed in the report:

*Department of Health meetings*

Minutes of the operational meeting held on 29 November 2019 had been uploaded to Board members' iPads.

*Project Nightingale*

A communications plan had been developed and was on the agenda for approval later in the meeting.

*Brexit*

Informal discussions had taken place with the Nursing and Midwifery Council (NMC) in the United Kingdom and further conversations were scheduled.

*Fitness to practise inquiry plan for 2019*

Ms Byrne joined the meeting for discussion of this matter.

The Board agreed to consider item 11 at this time. Consideration of item 4 continued after item 11.

## **Item 11 – Regulation**

### **11.1**      Increase in membership of the Fitness to Practise Committee

**Decision** Following consideration of the matter, the Board agreed to increase the overall size of the Fitness to Practise Committee as this would assist in scheduling and reduce pressure on the committee members.

The Board noted that, in accordance with Section 24 (10) of the Nurses and Midwives Act 2011, for each additional Board member who was appointed to the committee, two non-Board members could be appointed.

**Decision** The Board agreed to appoint the following Board members to the Fitness to Practise Committee:

- Dr L Kavanagh McBride
- Ms Elaine Cassidy
- Ms L Sahn
- Mr M Higgins

### **11.2**      Data breach report

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

Ms Byrne left the meeting.

#### **Item 4 – CEO’s update (continued)**

##### **4.1 CEO report (continued)**

###### *Human Resources*

Interviews would shortly take place for the Director of Corporate Services and Finance post. Approval had been received from the Department of Health to create a Data Protection Officer post and recruitment would begin following the finalisation of the 2019 budget.

The Board congratulated Ms Johnston on her appointment to the role of Director of Midwifery on a permanent basis.

Following the procurement process, HR Locker had been awarded the contract for the introduction of a new HRIS system.

###### *Policy development and version control*

An update of policies and development of a robust system of version control is being undertaken by the senior management team.

###### *Review of the Code of Professional Conduct and Ethics*

A detailed plan would be presented to the Board at a later date to scope out a review of the Code.

##### **4.2 Data breach notifications**

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

#### **Item 5 – Governance and Finance**

Mr Balfe joined the meeting.

##### **5.1 Appointment of non-Board members to committees**

###### *Education Training and Standards Committee*

**Decision** The Board agreed to appoint Mr Steve Pitman to the Education, Training and Standards Committee for a period of three years.

##### **5.2 Tender for Organisational Reform Programme Manager Services**

A briefing document was circulated to the Board.

**Decision** The Board agreed to accept the recommendation of the Governance and Finance Committee and to award the tender to Crafting Vistas for a period of two years with an option to extend for two further periods of twelve months.

### 5.3 Tender for HR Services

A briefing document was circulated to members.

**Decision** The Board agreed to accept the recommendation of the Governance and Finance Committee and to award the tender to Talbot Pierce for a period of two years with an option to extend for two further periods of twelve months.

### 5.4 Budget and business plan

Mr Balfe presented the revised budget, which had previously been circulated to members.

**Decision** Following consideration of the matter, the Board agreed to approve the budget as presented.

Dr Sahm left the meeting.

Mr Blake-Knox left the meeting.

### 5.5 DPER circular re expenses

The Board noted the briefing documents which had previously been circulated to members. Mr Balfe drew the Board's attention to the document setting out the procedure. The date for implementation had been set at 1 March 2019.

Some members expressed concerns regarding the process. It was pointed out that all employers may not have procedures in place locally to reimburse expenses which could result in members experiencing delays or difficulties in receiving payment. Mr Balfe noted members' concerns but advised that he had been instructed by the Department of Health to implement the circular as soon as possible. However, Mr Balfe agreed that if difficulties were experienced and the process proved unworkable, he would bring these back to the Department of Health and request that implementation of the circular was reconsidered.

**Action**

- The process to be implemented from 1 March 2019.
- Mr Balfe agreed to speak directly with any employer who wished to receive clarification on the process.
- If it became clear that the process was unworkable, Mr Balfe would raise

concerns with the Department of Health.

The Vice President left the meeting.

In the absence of the Vice President, Ms Clarke-Bishop assumed the chair.

### **Item – Project Nightingale**

#### Comms plan for Project Nightingale

Dr de Búrca joined the meeting.

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

**Decision** The Board agreed to accept the recommendation of the Governance and Finance Committee and to approve the communications plan as presented.

Dr de Búrca left the meeting.

There being no further matters for consideration, the meeting ended at 13.45hrs.

**Signed:**

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**Essene Cassidy**  
**President**

**Date:**

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