



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 May 2018.

**Day 1: Tuesday, 22 May 2018 starting at 10.00hrs.**

**Members Present:**

Ms E Cassidy, President	Mr L Minihan
Dr L Kavanagh McBride, Vice President	Mr M Blake-Knox
Mr P Dolan	Ms T King
Ms B Liston	Dr R McElvaney
Mr L Hamill	Ms K Canning
Dr D Lawler	Mr D Murphy
Ms L Clarke-Bishop	Ms K Lombard
Ms C Cocoman	Ms M Gorman
Mr D Manning	Ms E Kelly
Mr K McGrane	

**In attendance:**

Ms M Griffin, Interim Chief Executive Officer  
Ms U Byrne, Director of Regulation  
Mr E Evans, Beauchamps Solicitors  
Ms V O'Rourke, Fitness to Practise Department  
Ms O Coady, Board Secretary

**Apologies and conflicts of interest**

Apologies were received from Mr M Higgins and Ms Elaine Cassidy.

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.

**Item 1 – Board in camera session**

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

On the invitation of the President, Ms Griffin returned to the meeting.

The private session concluded at 11.40hrs. Ms O'Rourke returned to the meeting. Ms Byrne joined the meeting.

## **Fitness to practise matters**

The Board considered the following:

- Twenty one no prima facie decisions of the Preliminary Proceedings Committee.
- One application pursuant to Section 55(6) of the Nurses and Midwives Act 2011.
- One application pursuant to Section 79(1) of the Nurses and Midwives Act 2011.
- One application pursuant to Section 58 of 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 16.20hrs.

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

**Members Present:**

Ms E Cassidy, President  
Dr D Lawler  
Mr D Murphy  
Mr L Minihan  
Ms B Liston  
Mr L Hamill  
Ms T King

Mr K McGrane  
Ms E Kelly  
Mr M Blake-Knox  
Ms Elaine Cassidy  
Dr R McElvaney  
Mr M Higgins  
Mr P Dolan

**In attendance:**

Ms M Griffin, CEO  
Mr M Balfe, Interim Director of Corporate Services and Finance (item 13)  
Ms U Byrne, Director of Regulation (items 12, 13 and 17 )  
Ms L Crimin, Director of Registration (items 12 and 14)  
Ms D Johnston, Director of Midwifery (items 15-16)  
Ms J Foley, Director of Professional Standards (Nursing) (items 15-16)  
Ms A de Búrca, Communications Manager (items 8-14)  
Ms V O'Rourke, Fitness to Practise Department  
Ms O Coady, Board Secretary

**Item 8 – Apologies and conflicts of interest**

- 8.1 Apologies were received from Ms K Canning, Mr D Manning, Ms L Clarke-Bishop, Ms C Cocoman, , Ms K Lombard, Dr L Kavanagh McBride and Ms M Gorman.
- 8.2 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.

The President advised the Board that Dr McElvaney intended to tender her resignation which would become effective from the next Board meeting in accordance with Paragraph 7 of the Schedule of the Nurses and Midwives Act 2011.

**Item 9 – Minutes of Board meeting of 17 April 2018**

**Decision** The Board approved the minutes of 17 April 2018.

## Item 10 – Actions and matters arising from minutes of 17 April 2018

**Decision** 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 action list.

## Item 11 – President’s update

### 11.1 President’s report

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

The President drew the Board’s attention to the following items which were detailed in the report:

#### Governance meeting at the Department of Health (DOH):

The President updated the Board on the quarterly governance meeting which she had attended with the CEO on 26 April 2018. It was agreed that the minutes of these meetings would be made available by the DOH to attendees no later than two weeks after the meeting.

**Action** The agenda and minutes of the governance meetings at the Department of Health would be circulated to Board members at a later date.

### 11.2 Written decision process

The Board considered a draft process for the making of a decision by the Board by written procedure in the interval between scheduled Board meetings.

**Decision** The Board approved the process as set out in the briefing document previously circulated to members.

**Action** The written decision process to be reviewed at the end of 2018

## Item 12 – CEO report

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

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

in the report:

#### *Guidance on Sanctions*

Ms Griffin reminded the Board that the publication *Guidance on Sanctions* had been circulated to members in March and published on NMBI's website. Since publication, a request had been received from a stakeholder group that the Board consider reviewing the document.

**Decision** The Board agreed that a notice should be placed on NMBI's website advising that NMBI is seeking feedback on the document. This feedback would be collected over the following 6 months and a review of the document would be undertaken at the end of the year.

#### *Meeting with Chief Nurse re Monitoring the Maintenance of Professional Competence Scheme (MMPCS)*

Ms Griffin updated the Board on a meeting she attended in the CNO's office with Ms Mary Gobbi, chair of the MMPCS steering group and Ms Terri Rafferty, Project Officer.

The Board discussed a pilot scheme for the MMPCS and considered a full evaluation of the MMPCS could be undertaken after the first cycle.

#### *International Nurse Regulators Collaborative (INRC)*

Ms Griffin and the President met with regulator CEOs and chairs from New Zealand, Australia, Ontario, British Columbia, USA and Singapore where emerging trends and issues in the regulation of nurses worldwide was discussed. The President had invited the group to Dublin to join NMBI in celebrating 100 years of nursing regulation in 2019. The group agreed that they would coordinate their meeting schedule to coincide with NMBI's 100 years celebration conference. They also agreed that they would come to speak to the Board at the time.

Ms Griffin urged the Board to maintain and build on the relationship developed with the INRC as, not only would this provide an opportunity for learning for NMBI, but it would also enhance NMBI's relationship internationally.

#### *NMBI nominee to serve on the Council of the Medical Council*

A briefing document setting out a proposed process and criteria for selecting a nominee to represent NMBI on the Medical Council was circulated to members.

**Decision** The Board approved the proposed process and agreed that expressions of interest should be sought from former Board members and current committee members who were registered nurses and/or midwives. Once expressions of interest had been received, these would be considered and shortlisted by the President and Ms Coady and three names brought to the Board for consideration

at its meeting on 24-25 July 2018.

*NMC consultation on FTP process*

Ms Griffin advised the Board that the Nursing and Midwifery Council (NMC) in the United Kingdom had launched a public consultation in relation to its plans to overhaul its approach to dealing with complaints about nurses and midwives.

*Values conference*

Ms Griffin advised that she had attended the annual values conference that had taken place on 9 May 2018 in Dublin Castle. Several Board members had also been in attendance. Dr Lawler wished it noted that there had been a lack of midwifery topics in the presentations on the day.

**Action** Ms Griffin agreed to feed this back to the organisers of the conference.

12.2 Data protection policies

Ms de Búrca circulated the following documents to members:

- Cookies Policy
- Privacy Policy

The Board also considered the Data Protection Policy and Subject Access Request Policy which had previously been circulated to members.

**Decision** The Board approved the following policies:

- Cookies Policy
- Privacy Policy
- Data Protection Policy
- Subject Access Request Policy.

12.3 GDPR project plan, mapping, inventories and risk assessment and breach notifications

Ms de Búrca presented the GDPR project plan, mapping, inventories, risk assessment and breach notifications which had previously been circulated to members.

The Board noted the above and thanked Ms de Búrca for all her hard work.

**Action** A training workshop in GDPR to be scheduled for Board members in Q3 2018.

12.4 Evaluation of HR contract

The Board noted that this had been discussed in detail during the in camera session on 22 May 2018.

**Decision** The Board agreed to continue with Talbot Pierce’s contract until 31 December 2018.

Ms Byrne and Ms Crimin joined the meeting.

#### 12.5 Delegated functions: fitness to practise

A copy of a draft schedule of delegated functions (fitness to practise matters) was circulated to members. Ms Byrne presented the draft schedule to members.

**Decision** The Board approved the schedule of delegated functions (fitness to practise matters).

#### 12.6 Delegated functions: registration

A copy of a draft schedule of delegated functions (registration) was circulated to members. Ms Crimin presented the draft schedule to members.

**Decision** The Board approved the schedule of delegated functions (registration).

Mr Hamill left the meeting.

#### 12.7 Delegated functions: miscellaneous

A copy of a draft schedule of delegated functions (miscellaneous) was circulated to members. Ms Byrne presented the draft schedule to members.

Dr Lawler requested clarification regarding the recommendation for Sections 103-104. Ms Byrne agreed to seek clarification from the Board’s legal advisors before the end of the meeting.

**Decision** Following confirmation from the Board’s legal advisors that it was their recommendation that these sections be delegated to the CEO, the Board approved the schedule of delegated functions (miscellaneous).

**Action** The approved schedules for all sections, including those previously approved by the Board in March, to be consolidated into one document using the exact wording of the Nurses and Midwives Act 2011 and brought to the Board for final review at its meeting on 24-25 July 2018.

Ms Byrne and Ms Crimin left the meeting.

The President left the meeting to meet with the senior management team. In the absence of the President, the Vice President assumed the chair.

As the Board wished to consider its discussion in private, Ms O'Rourke and Ms de Búrca left the meeting.

Ms O'Rourke and Ms de Búrca returned to the meeting.

### **Item 13 – Governance and Finance**

Mr Balfe joined the meeting.

The President returned to the meeting and resumed the chair.

#### **13.2 Three year financial plan**

The Board discussed the three year financial plan and a proposed response to the Department of Health.

Mr McGrane left the meeting.

#### **13.1 Management accounts**

The Board noted the management accounts for March and April 2018 which had previously been circulated to members.

Mr Balfe drew the Board's attention to the reduction in overseas income to date in May.

#### **13.3 Procurement plan**

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

Mr Balfe advised the Board that the tender for internal audit services had been formally collapsed as agreed at the Board meeting on 28 March 2018.

Ms Byrne joined the meeting.

#### **13.4 Tender approval**

The Board considered the briefing document, including the evaluation of tenders' report which had previously been circulated to members.



**Decision** The Board agreed to award the legal assessors services to the panel as set out in the report for a period of two years with the option to extend by two further periods of two years (i.e. to a maximum period of six years).

Ms Byrne left the meeting.

Mr Balfe reminded the Board that the tender for the registration system was being progressed in two lots and that Clarion had been approved as the successful tenderer for the first lot at the Board meeting on 28 March 2018.

**Decision** The Board approved the award of the contract to Clarion Consulting for Lot 2: ICT tender and implementation project management in accordance with the tender specification and response.

### 13.5 Re-appointment to the Governance and Finance Committee

**Decision** The Board agreed to re-appoint Ms Essene Cassidy to the Governance and Finance Committee.

### 13.6 Governance Framework

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

Dr Lawler noted that a section on the role and responsibilities of vice chairs of committees should be included.

**Decision** The Board approved the Governance Framework subject to the above inclusion.

### 13.7 Expenses

Mr Balfe drew the Board's attention to a Department of Public Expenditure and Reform circular which states that where staff of one public body incurs expenses while undertaking work on behalf of another public body, all expenses should be claimed from the staff member's employer and recouped where necessary by the employer from the other body. NMBI had not been following this procedure to date.

**Action** Mr Balfe would bring a proposal on how to address this matter to the Governance and Finance Committee for consideration on 18 June 2018. A recommendation would then be brought to the Board at its meeting on 24-25 July 2018.

Mr Balfe left the meeting.

## Item 14 - Registration

Ms Crimin joined the meeting.

### 14.1 Disbandment of the Inactive File

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

The Board noted that, on 24 October 2017, it had agreed that the Inactive File should be disbanded and had approved the approach proposed at the time. Following a process analysis, cost analysis and risk analysis, details of which were set out in the briefing document, the Board considered an alternative approach to disbanding the Inactive File.

**Decision** Following consideration of the matter, the Board agreed the following alternative approach:

- Commence communication with the profession via NMBI website, eZine, communication with stakeholders before 30 June 2018 advising that the Inactive File will be disbanded in 2018 and that NMBI is placing all persons currently on the Inactive File on the active Register with immediate effect.
- These persons will be invited to pay their Annual Retention Fee (ARF) in Q4 2018 should they wish to remain on the register in 2019 as part of the bulk mailing process for ARF 2019.
- Affected persons will have time to consider their registration in the context of impending requirements for maintenance of professional competence and criteria for restoration as fully registered nurses and midwives currently under review by NMBI; persons on the Inactive File do not receive any communication from NMBI in relation to mailshots or the ezine (unless they have subscribed to the ezine of their own accord).
- Economies of scale will be available during the ARF process (approximately 100,000 ARF notice letters in the first instance – approximately €0.60 per letter) in relation to the cost of postage and the cost of administering the administration of the disbandment of the inactive file. A dedicated project resource to disband the Inactive File will not be required as it will be subsumed in the ARF process.
- In light of the feedback from the consultation exercise and considering the NMBI's strategic priorities under the current Statement of Strategy to strengthen its reputation with registrants, the public and key stakeholders, consider a mechanism by which former registered nurses and midwives could continue to engage with the NMBI and the professions in a manner which is compliant with the General Data Protection Regulation.

#### 14.2 *Registration Directorate report*

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

Ms Crimin and Ms de Búrca left the meeting.

### **Item 15 – Professional Standards and Education (Nursing)**

Ms Foley joined the meeting.

#### 15.1 National quality clinical learning environment audit tools

The Board considered the following documents which had previously been circulated to members:

- Guidelines on the key points that may be considered when developing a national quality clinical learning environment audit tool.
- Student national quality clinical learning environment audit tool.
- Clinical placement national quality clinical learning environment audit tool.
- Preceptor national quality clinical learning environment audit tool.

Dr Lawler asked whether these documents had been considered by the Education, Training and Standards Committee and advised that she had some comments to make on the documents. Ms Foley confirmed that the documents had been presented to the committee.

The Board agreed that Dr Lawler, Ms Foley, Ms Johnston and Ms Clarke-Bishop, as chair of the Education, Training and Standards Committee should meet to further discuss the documents and take any further comments into account.

**Decision** The Board agreed to approve the documents in principle subject to no material changes being made to the document following the above meeting.

#### 15.1 Waterford Institute of Technology

The Board considered the briefing document, which had previously been circulated to members, and which set out information on the following programmes:

- BSc (Hons) General Nursing
- BSc (Hons) Psychiatric Nursing
- BSc (Hons) Intellectual Disability Nursing.

**Decision** In accordance with Section 85(2) of the Nurses and Midwives Act 2011 the Board approved the following courses for five years or until the next site visit whichever is the earliest:

- BSc (Hons) General Nursing
- BSc (Hons) Psychiatric Nursing
- BSc (Hons) Intellectual Disability Nursing.

#### 15.2 Athlone Institute of Technology

The Board considered the briefing document, which had previously been circulated to members, and which set out information on the following programmes:

- BSc (Hons) General Nursing
- BSc (Hons) Psychiatric Nursing.

**Decision** In accordance with Section 85(2) of the Nurses and Midwives Act 2011 the Board approved the following courses for five years or until the next site visit whichever is the earlier:

- BSc (Hons) General Nursing
- BSc (Hons) Psychiatric Nursing

#### 15.3 Education, Training and Standards Committee update

In the absence of the chair and vice chair, Ms Foley updated the Board on the recent meeting of the committee.

Ms King commented on the delay in receiving the site visit reports following NMBI's visit to UCD and queried when the report of would be made available.

Ms Foley apologised for the delay, which was due to the resignation of the person who had undertaken the visit and who had not submitted the reports before leaving the organisation. Ms Foley advised that once the reports had been received they would be issued to the higher education institutes and associated clinical sites to review for accuracy.

Ms King suggested that, should such a delay occur in future, the Board and the relevant higher education institute should be kept informed.

#### 15.4 Professional Standards and Education (Nursing) report

The Board noted the Professional Standards and Education (Nursing) report which had previously been circulated to members.

#### 15.5 Correspondence from the Chief Nurse

A letter from the Chief Nurse, Dr Siobhan O’Halloran, dated 12 February 2018, was circulated to members. In this letter Dr O’Halloran requested the Board to consider developing standards and requirements for general and intellectual disability post-graduation education/registration programmes.

**Action** The Board noted the contents of the letter and agreed that it should be brought to the Education, Training and Standards Committee for consideration at its next meeting. The committee would scope how this would be achieved and bring an update to the Board at its meeting on 24-25 July 2018.

Ms Foley left the meeting.

#### **Item 16 – Professional Standards and Education (Midwifery)**

Ms Johnston joined the meeting.

#### 16.1 Professional Standards and Education (Midwifery) report

The Board noted the Professional Standards and Education (Midwifery) report which had previously been circulated to members.

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

- The national conference would take place on 22 November 2018 to celebrate 100 years of midwifery regulation. A call for abstracts to present at the conference had been sent out to midwives in practice, education and academia with a closing date of 30 June 2018.

#### 16.2 Midwives Committee update

Dr Lawler updated the Board on the meeting of the Midwives Committee which took place on 30 April 2018. Dr Lawler advised that Ms Lisa Manselli would attend the next meeting of the committee to assist with drawing up the committee’s work plan for the next three to five years.

Ms Johnston and Dr Lawler left the meeting.

Ms Elaine Cassidy left the meeting.

## Item 17 – Regulation

Ms Byrne joined the meeting.

### 17.1 Fitness to Practise Directorate report

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

### 17.2 Fitness to Practise Committee update

Ms Byrne advised that Ms Geraldine Keohane (registered midwife) had resigned from the Fitness to Practise Committee.

**Action** Expressions of interest to be sought from registered midwives to apply to become members of the Fitness to Practise Committee with a view to bringing a name to the Board for approval at its meeting on 24-25 July 2018.

### 17.3 Data breach reports

The Board noted the data breach reports which had previously been circulated to members. Ms Byrne assured the Board that all appropriate steps had been taken.

The President left the meeting. In the absence of the President, Ms King assumed the chair.

### 17.4 Mediation pursuant to Section 60 of the Nurses and Midwives Act 2011

Mr John Sadlier, Head of the Preliminary Proceedings Division, joined the meeting.

The Board considered a proposal which had previously been circulated to members.

**Decision** The Board agreed that the proposal as presented should be brought to the Preliminary Proceedings Committee for further discussion. A summary of the document should be placed on NMBI's website and comments invited from key stakeholders. These comments and submissions would inform the development of the policy which would be brought to the Board for approval.

Mr Sadlier left the meeting.

The President returned to the meeting and resumed the chair.

## **Item 18 – Any other business**

### **18.1 Schedule of delegated functions (miscellaneous)**

Ms Byrne updated the Board on the legal advice received in relation to the schedule of delegated functions (miscellaneous). See item 12.7.

Ms Byrne left the meeting.

There being no further matters for consideration, the meeting ended at 14.10hrs.

**Signed:** \_\_\_\_\_  
**Essene Cassidy**  
**President**

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