



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, 23-24 January 2018.

Day 1: Tuesday, 23 January 2018 starting at 10.00hrs.

Members Present:

Ms E Cassidy, President	Mr L Minihan
Dr L Kavanagh McBride, Vice President (from item 1.4	Mr M Blake-Knox
Ms M Gorman	Ms E Kelly
Ms B Liston	Mr K McGrane
Mr L Hamill	Dr R McElvaney
Dr D Lawler	Ms K Canning
Ms L Clarke-Bishop	Mr D Murphy
Dr K O'Carroll	

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 P Dolan, Ms C Cocoman, Mr M Higgins, Ms T King and Mr D Manning.

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

The Board considered the following:

- Ten no prima facie decisions of the Preliminary Proceedings Committee.
- Two applications pursuant to Section 57(11) of the Nurses and Midwives Act 2011.
- Two considerations of a complaint pursuant to Section 55 of the Nurses and

Midwives Act 2011.

- One application pursuant to Section 79(1) 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 16.20hrs.

Day 2: Wednesday, 24 January starting at 9.00hrs.

Members Present:

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

In attendance:

Ms M Griffin, CEO
Mr M Balfe, Interim Director of Corporate Services and Finance (item 6)
Ms E Horan, Finance Manager (item 6)
Ms U Byrne, Director of Regulation (item 9)
Ms L Crimin, Director of Registration (item 8)
Ms J Foley, Director of Professional Standards (Nursing) (item 7)
Ms D Johnston, Director of Midwifery (item 7)
Ms T Raftery, Project Manager (item 7)
Ms A de Burca, Communications Manager
Ms V O'Rourke, Fitness to Practise 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.

The President advised the Board of two adjustments to the agenda: Under *Procurements: for approval* in the Governance and Finance section, the Board

would be asked to approve an extension to the HR services contract under item 6. This was not on the agenda and a hard copy of the proposal would be tabled.

The document for item 11 had not been uploaded due to an administrative error. A hard copy was circulated and the Board would be asked to decide whether to consider it on the day or to defer until the February meeting.

Item 2 – Board private session

As the Board wished to continue its discussion in private Ms Griffin, Ms O’Rourke, and Ms de Burca left the meeting.

Ms King and Mr Hamill joined the meeting during the private session.

Ms Griffin returned to the meeting during the private session on the invitation of the President.

The private session concluded at 9.55hrs. Ms O’Rourke and Ms de Burca returned to the meeting.

Item 3 – Minutes and matters arising

3.1 Minutes of meeting of 21-22 November 2017

Decision The Board approved the minutes of 21-22 November 2017.

Arising from item 9.2, the President advised that the Director of Regulation would bring a report to the Board at its March meeting in relation to payment for committee members who attend fitness to practise inquiries.

3.2 Minutes of meeting of 1 December 2017

Decision The Board approved the minutes of 1 December 2017.

There were no matters arising.

3.3 Minutes of meeting of 12 December 2017

Decision The Board approved the minutes of 12 December 2017.

There were no matters arising.

Item 4 – President’s update

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

4.2 Representation on committees

The President advised the Board that Ms Canning would replace former Board member, Ms S Cleary, as the NMBI Board representative on the Clinical Advisory Group (CAG) for the National Sexual Health Programme (HSE Sexual Health and Crisis Pregnancy Programme, SHCPP). Ms Canning advised that the next meeting of the committee would take place on 31 January 2018.

The President further advised that Mr Murphy had submitted an expression of interest for the role of member of CORU’s Professional Practice Advisory Committee (PPAC) representing the Board of NMBI.

4.3 Training for Board members

The President reminded the Board of the training programmes available to Board members:

- Introduction to regulatory governance webinar series – CLEAR online training
- Professional Certificate in Corporate Governance – IPA

Action Ms Coady to send a reminder to Board members about the webinar series which is due to start in February. Information on the IPA course commencing next September would be sent to members in the coming weeks and would be open to three members.

4.4 CLEAR

The President advised that she had been selected to join the Board Member Training Committee as part of the CLEAR executive. The meeting of this committee took place in January in Arizona. The President and CEO attended the meeting. The President gave the Governance and Finance Committee a written undertaking to refund the costs of the trip if the Board decided that this should not be funded by the organisation.

The chair of the Governance and Finance Committee recommended that the Board cover the President’s travel costs to CLEAR but stated that a policy on foreign travel for Board members should be brought to the Board for approval at its next meeting to avoid a recurrence of this situation.

Decision The Board agreed to cover the President’s travel costs.

Action A policy on foreign travel for Board and committee members to be brought to the Board for consideration at the March Board meeting.

4.5 Correspondence

The President advised the Board that she had received legal advice in relation to a letter addressed to the Board. The President advised the Board that the Director of Registration would update the Board on correspondence relating to registration and ANP removal under agenda item 8.

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:

Media articles

The Irish Times had published an article on 10 January 2018 on emigrant nurses and midwives returning to Ireland to work.

Registration ICT system: Project Nightingale

Approval has been received from the Department of Public Expenditure and Reform (DPER) to proceed to tender at an estimated cost of €1.71m subject to a number of conditions.

HR update

Midwifery Project Officer

The Department of Health had been advised that the Midwifery Project Officer position had been suppressed. A registered midwife, employed in the CEO office, would be reassigned and would take up the position of Midwifery Project Officer. Dr Lawler pointed out that as the position of Midwifery Project Officer was being filled it had not been suppressed and that the wording of this section should be amended to reflect that it was the employee’s position in the CEO Office that had been suppressed.

Director of Professional Standards (Nursing)

Ms J Foley successfully interviewed for the position of Interim Director of Professional Standards (Nursing) formerly called Chief Education Officer.

5.2 Communications overview: audit and planning

Ms de Burca presented details of the audit conducted regarding media relations, public affairs, communication with registrants and corporate communications for 2016-2017. The presentation also included a planning section for corporate communications for 2018-2019.

The presentation was followed by a question and answer session with the Board.

Decision The Board approved the communications audit and planning document.

5.3 Relevant medical disability

The Board noted a briefing paper from the working group which had previously been circulated to members. The paper set out the group's observations and a high level draft proposal on how NMBI could meet its legislative requirements with regard to relevant medical disabilities.

Decision The Board agreed that the working group should seek a meeting with the Department of Health to discuss the observations of the working group and to explore the way forward.

Item 6 – Governance and Finance

Mr Balfe and Ms Horan joined the meeting.

6.1 **Finance**

Management accounts

The Board noted the November 2017 management accounts which had previously been circulated to members.

Ms Horan advised the Board that the end of year accounts for 2017 would be presented to the Board at its meeting in March once they had been considered by the Audit and Risk Committee at its meeting on 15 March 2018. They would then be submitted to the Comptroller and Auditor General for 31 March 2018.

6.2 **Strategy update report**

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

Decision The Board agreed that the report should be published on NMBI's website.

6.3 **Procurement**

Procurement report

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

Board training services contract

Decision The Board agreed that the contract with LaTouche Training be extended until a new procurement process is complete or until 1 September 2018, whichever is the earliest.

Stenography services

Decision The Board agreed that the contract with Gwen Malone Stenography be extended until a new procurement process is complete or until 27 November 2018, whichever is the earliest.

Tender for provision of servers

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

Decision The Board agreed that the contract for provision of servers, associated equipment and services be awarded to Fujitsu Services (Ireland) Limited for five years in total.

HR services extension

Decision The Board agreed that the contract with Talbot Pierce be extended for a period of twelve months until 9 January 2019.

Action An evaluation of the HR contract to be carried out mid-year. A report to be presented on deliverables and outcomes achieved to date by the service providers. The report should also outline the HR strategy and priorities for NMBI for the year and be presented to the Board at its meeting in March 2018.

6.4 **Governance**

Compliance report – Code of Practice for the Governance of State Bodies 2016

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

Crowleys DFK had conducted a gap analysis of current NMBI policies and practices against the Code of Practice for the Governance of State Bodies 2016. The report once received would form part of NMBI's statement of compliance.

Action The compliance report to be reformatted to make it easier to read on members' iPads.

Public access to Board meetings

Action A policy on opening Board meetings to members of the public would be brought to the Board for consideration at its meeting in March 2018.

Seal of the Board

The Board considered the policy for use of the seal which had previously been circulated to members.

Decision The Board approved the policy and agreed that the persons in the roles of Vice President and Board Secretary could authenticate the seal in the absence of the President and/or the CEO.

Item 7 – Professional Standards and Education

Ms Johnston, Ms Foley and Ms Raftery joined the meeting.

7.1 Education and Midwifery Directorate report

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

7.2 Revised terms of reference – Education, Training and Standards Committee

Decision The Board approved the revised terms of reference of the Education, Training and Standards Committee.

7.3 Revised terms of reference – Midwives Committee

Decision The Board approved the revised terms of reference of the Midwives Committee.

Action All terms of reference would be proof read for consistency of language.

7.4 Monitoring of the maintenance of professional competence

The CEO noted that NMBI was not providing a competence assurance scheme; as a regulator NMBI could not assure competence. Furthermore, the monitoring of the maintenance of professional competence did not involve providing a CPD scheme.

The CEO advised the Board that since the documents had been uploaded to the Board brief, she had received legal advice in relation to the role of NMBI in the monitoring of the maintenance of professional competence. As the CEO had not had the opportunity to consider this advice in detail, she suggested that approval of this item be deferred until the March Board meeting.

Decision In the interim, the Board agreed that NMBI engage with the Department of Health and further consider the details of the draft scheme and to proceed to consultation. The Board further agreed that NMBI should begin limited consultation with key stakeholder groups.

Mr McGrane left the meeting.

The President briefly left the meeting. In the absence of the President, the Vice President assumed the chair. The President returned to the meeting.

7.3 Monitoring the maintenance of professional competence – steering group

Decision The Board approved the document detailing the criteria for selection of representatives from the Irish Association of Directors of Nurses and Midwives (IADNAM) and the Mental Health Nurse Managers Ireland (MHNMI) and a midwifery representative. The Board agreed that the Midwives Committee would seek a nominee to represent midwives and Ms Foley would seek representatives from IADNAM and MHNMI. Once representatives had been found, the names would be brought to the Board for approval.

Ms Foley advised that Dr Pauline Joyce, who the Board had approved as a member of the steering group at its meeting in November 2017, would no longer be able to participate in the work of the group.

Decision The Board approved the appointment of Dr Mary Gobbi to the steering group to replace Dr Joyce.

Dr McElvaney left the meeting.

The President congratulated Ms Foley on her re-appointment to the role of Director of Professional Standards (Nursing).

Ms Foley, Ms Johnston and Ms Raftery left the meeting.

Item 8 - Registration

Ms Crimin joined the meeting.

8.1 Registration Directorate report

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

Ms Cocoman joined the meeting.

8.2 Revised terms of reference – Registration Committee

Decision The Board approved the revised terms of reference of the Registration Committee.

8.3 Post qualification experience

Ms Crimin presented the briefing document which had previously been circulated to members. The Board noted that this item had been approved by the Registration Committee on 19 September 2017.

Decision Following consideration of the matter, the Board agreed that NMBI would assess an applicant's post qualification experience as well as their education and training. The criteria for relevant post qualification experience:

- The person had been effectively and lawfully engaged in a role or roles where they had full responsibility for the planning, organisation and administration of nursing or midwifery care delivered to the patient in a clinical environment in the field of practice they qualified in;
- This experience should be certified by the employer.

The Board noted that the Registration Committee had approved a limit on post qualification experience to be considered by NMBI i.e. three out of the last five years, however, the Board agreed that this limit should be removed so as to afford applicants every opportunity to demonstrate how they could meet NMBI's standards and requirements for registration

8.4 ANP correspondence

The Board noted correspondence from a registrant in relation to the Register of Advanced Nurse Practitioners.

Ms Crimin left the meeting.

Item 9 – Regulation

Ms Byrne joined the meeting.

9.1 Revised terms of reference – Preliminary Proceedings Committee

Decision The Board approved the revised terms of reference of the Preliminary Proceedings Committee.

9.2 Revised terms of reference – Fitness to Practise Committee

Decision The Board approved the revised terms of reference of the Fitness to Practise Committee.

9.3 Appointments to the Preliminary Proceedings Committee – Board and non-Board

Board members

Decision The Board agreed to re-appoint Mr Murphy to the Preliminary Proceedings Committee from 16 February 2018 to 5 December 2022.

Decision The Board agreed to increase the membership of the Preliminary Proceedings Committee to eleven members.

Decision The Board agreed to appoint Ms King (registered nurse) to the Preliminary Proceedings Committee.

Decision The Board agreed to appoint Ms Gorman (registered midwife) to the Preliminary Proceedings Committee to fill the midwives.

The Board noted that there remained a vacancy for one lay representative (Board member) on the committee.

Decision The Board agreed not to fill this vacancy at the present time but to wait until the remaining new Board members had been appointed.

Non-Board members

Decision The Board agreed to appoint the following non-Board members to the Preliminary Proceedings Committee for a term of office of three years:

- Deirdre Naughton (registered midwife)
- Treasa Kelly (lay representative)

Decision The Board agreed to re-appoint the following non-Board members to the Preliminary Proceedings Committee for a final term of office of three years:

- Timothy Frawley (registered nurse)
- Geraldine Feeney (lay representative)
- Eamann Breatnach (lay representative)
- Ann Sheehan (lay representative)

9.4 Appointments to the Fitness to Practise Committee – Board and non-Board

Board members

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

- Mr Blake-Knox (lay representative)
- Dr Lawler (registered midwife).

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

- Mr Hamill (registered nurse)
- Ms Kelly (registered nurse)
- Ms Clarke-Bishop (registered nurse).

The Board noted that there remained a vacancy for one lay representative (Board member) on the committee.

Decision The Board agreed not to fill this vacancy at the present time but to wait until the remaining new Board members had been appointed.

Non-Board members

Decision The Board agreed to appoint the following non-Board members to the Fitness to Practise Committee for a term of office of three years:

- Geraldine Keohane (registered midwife)
- James Buckley (lay representative).

Decision The Board agreed to re-appoint the following non-Board members to the Fitness to Practise Committee for a final term of office of three years:

- Mary Barrett (registered nurse)
- Amanda Phelan (registered nurse)
- Shane McCarthy (lay representative)

- Stephen Kealey (lay representative)
- Cathriona Molloy (lay representative)
- Mark Kane (lay representative)

The Board noted that there remained a vacancy for one lay representative (non-Board member) on the committee.

Decision The Board agreed that this vacancy would be filled at a later stage.

9.5 Appointment of chair and vice chair of the Preliminary Proceedings Committee

Decision The Board agreed to appoint Mr Murphy as chair of the Preliminary Proceedings Committee for a period of three years.

Decision The Board agreed to appoint Ms King as vice chair of the Preliminary Proceedings Committee for a period of three years.

9.6 Appointment of chair and vice chair of the Fitness to Practise Committee

Decision The Board agreed to appoint Dr Lawler as chair of the Fitness to Practise Committee for a period of three years.

Decision The Board agreed to appoint Ms Canning as vice chair to the Fitness to Practise Committee for a period of three years.

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.

Item 10 – Committees

10.1 Appointment of Board members to committees

Audit and Risk Committee

Decision The Board agreed to re-appoint Mr Blake-Knox to the Audit and Risk Committee.

The Board noted that Mr Manning had resigned from the Audit and Risk Committee.

Governance and Finance Committee

Decision The Board agreed to re-appoint Mr Murphy to the Governance and Finance

Committee from 16 February 2018.

Decision The Board agreed to appoint Dr Kavanagh McBride to the Governance and Finance Committee.

The Board noted that there remained a vacancy for one Board member on the committee.

Decision The Board agreed not to fill this vacancy at the present time but to wait until the remaining new Board members had been appointed.

Education, Training and Standards Committee

Decision The Board agreed to re-appoint Dr Lawler to the Education, Training and Standards Committee.

Decision The Board agreed to appoint the following Board members to the Education, Training and Standards Committee:

- Mr Manning
- Ms Cocoman

Midwives Committee

Decision The Board agreed to re-appoint Dr Lawler to the Midwives Committee.

Decision The Board agreed to appoint the following Board members to the Midwives Committee:

- Ms Gorman (registered midwife)
- Ms Liston (registered nurse)

Registration Committee

Decision The Board agreed to appoint the following Board members to the Registration Committee:

- Mr McGrane
- Mr Higgins
- Mr Hamill

The Board noted that Ms Clarke-Bishop had resigned from the Registration Committee.

Midwives Committee

Decision The Board agreed to re-appoint Cathriona Molloy to the Midwives Committee for a final term of office of three years.

Education, Training and Standards Committee

Decision The Board agreed to re-appoint the following non-Board members to the Education, Training and Standards Committee for a final term of office of three years:

- Barbara Kelly
- Mary McDonnell Naughton

10.3 Appointment of committee chairs

Registration Committee

Decision The Board agreed to appoint Mr Manning as the chair of the Registration Committee for a period of three years.

Midwives Committee

Decision The Board agreed to appoint Dr Lawler as the chair of the Midwives Committee for a period of three years.

The Board agreed to defer item 11.

Item 12 – Any other business

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

Signed: _____

Essene Cassidy
President

Date: _____

