



Edited minutes of the meeting of the Nursing and Midwifery Board of Ireland (NMBI) held by video conference and in person in NMBI on Friday, 17 December 2021 starting at 9.00hrs.

### **Members present in person**

Ms E Cassidy, President of NMBI  
Mr D Murphy  
Mr L Hamill  
Mr M Blake-Knox

### **Members present by video**

Ms AM Duffy  
Mr J Horan  
Ms A Horgan  
Ms E Kelly  
Ms D Lawler  
Ms A Lynch  
Mr C McKenna  
Prof C O'Herlihy  
Prof M Rigby  
Mr J Shalbin  
Dr C Sullivan  
Ms M Vaughan

### **In attendance**

Ms S McClelland, CEO  
Mr M Balfe, Interim Director of Corporate Services and Finance  
Ms K Barrett, Head of Operations  
Mr C O'Leary, Director of Fitness to Practise  
Ms L Manselli, Strategy and Programme Manager  
Ms O Coady, Governance and Secretariat Manager

### **Board end-of-year self-reflection session**

NMBI staff left the meeting. Ms Manselli facilitated a discussion on the output from the Board self-evaluation questionnaire and the actions for the year to come, including the development of NMBI's statement of strategy for 2023-2025.



On conclusion of this item, members of NMBI staff joined the meeting.

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

1.1 Apologies were received from Dr L Kavanagh McBride, Ms M Gorman and Ms C Cocoman.

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 members that matters discussed during this video conference were to remain confidential to Board members and attendees.

The Board noted that Ms S McArdle had resigned from the Board, resignation effective from today's meeting. Ms McArdle had joined the Board for the end-of-year self-reflective session but had left the meeting following this session and before the Board began its consideration of the agenda items.

### **Item 2 – Minutes and actions of previous meetings**

#### **2.1.1 Minutes of the meeting of 23 November 2021**

The Board considered the minutes of the meeting of 23 November 2021 which had previously been circulated to members.

**Decision** The Board approved the minutes of the meeting of 23 November 2021 subject to an amendment to item 3.2 in relation to Mr Hamill's attendance.

#### **2.1.2 Minutes of the meeting of 24 November 2021**

The Board considered the minutes of the meeting of 24 November 2021 which had previously been circulated to members.

**Decision** The Board approved the minutes of the meeting of the 24 November 2021.

#### **2.2 Actions and matters arising from previous meetings**

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 minutes or action list.



### 2.3 Written decisions of the Board

The Board noted the reports on the following written decisions of the Board which had previously been circulated to members:

1. Appointment of a non-Board member to the Audit and Risk Committee.
2. Appointment of the CEO.

The Board congratulated Ms McClelland on her appointment to the role of CEO.

### **Item 3 – Audit and Risk Committee**

#### 3.1 Annual financial statements 2020

The Board noted that unaudited annual financial statements for 2020 had been approved by the Board on 24 March 2021 and had been submitted to the Comptroller and Auditor General for audit no later than 31 March 2021 pursuant to section 34(3) of the Nurses and Midwives Act 2011. Mr Balfe advised that there were only minor differences between the unaudited and audited financial statements and drew the Board's attention to these.

These had also been brought to the attention of the Audit and Risk Committee at its meeting on 9 December 2021, and the committee was recommending approval of the draft audited financial statement for 2020.

**Decision** The Board approved the audited annual financial statements for 2020 for submission to the Minister for Health with the Annual Report 2020, and authorised the President and CEO to sign the statements.

#### 3.2 Appointment of Chief Risk Officer

Paragraph 7.2 of the Code of Practice for the Governance of State Bodies states that a key element of the Board's oversight of risk management includes that the Board 'appoint a Chief Risk Officer or empower a suitable management alternative, and provide for a direct reporting line to the Board to identify, measure and manage risk and promote a risk management culture in the organisation'.

**Decision** The Board accepted the recommendation of the Audit and Risk Committee and agreed to appoint Head of Operations, Kathyann Barrett, as Chief Risk Officer.

#### 3.3 Risk Register

NMBI had transitioned to a new risk management system to replace the excel spread sheet previously used. More training was required for the senior



management team before the system would be fully populated and detailed reports generated but, for the purposes of this meeting, ten corporate risks had been identified and reports on these risks had been generated and circulated to the committee. These had been to the Audit and Risk Committee for consideration at its meeting on 9 December 2021.

**Decision** The Board agreed to accept the recommendation of the Audit and Risk Committee and to approve the Risk Register.

#### **Item 4 – Governance**

##### **4.1 Form A – Statement of Compliance**

Under the Code of Practice for the Governance of State Bodies, State Bodies are required to confirm to the Minister that they comply with all provisions in the Code. State Bodies are requested to complete a form (Form A) regarding compliance with the Code which must be signed by the Chairperson as well as the CEO/Director/Registrar of the State Body, as the primary responsibility for compliance with the Code rests with the Board.

The Board noted the completed Form A which had been submitted to the Minister for Health for NMBI for 2020.

#### **Item 5 – Fitness to practise - reports**

##### **5.1 Monitoring of conditions and undertakings**

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

##### **5.2 Section 44 orders/undertakings**

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

##### **5.3 Section 58 orders/undertakings**

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

Mr O’Leary advised the Board of a recent decision of the President of the High Court, Justice Mary Irvine, in relation to undertakings given to the High Court by a registrant following an application by NMBI for an order pursuant to section 58 of the Nurses and Midwives Act 2011. In considering this matter, Justice Irvine did not consider it appropriate a flag was placed on the online register – ‘Undertaking to the High Court’ – alerting the public to the matter as, in this case, the registrant was fully cooperative with the process, and with the ongoing Garda investigation, there was not a pattern of recidivism or dishonesty nor was



the registrant a flight risk, and that it would therefore be disproportionate to retain a public flag on the register for several years whilst the matter was progressing to inquiry.

**Action** Mr O’Leary to bring a discussion paper to the Board at its meeting in either January or February 2022 setting out how NMBI would consider applications to the High Court pursuant to section 58 in light of this decision. The Board noted that this decision did not impact undertakings made by the registrant to the Board when a section 58 case was being considered by the Board.

**Action** Mr O’Leary advised the Board that he had sought legal advice from senior counsel in relation to whether undertakings to the Preliminary Proceedings Committee and the Fitness to Practise Committee could be published. He would communicate this advice to the Board at its meeting in January.

### **Item 7 – Any other business**

7.1 The President advised the Board that she had agreed that a decision in relation to procurement could be taken by the Board using the written decision procedure early the following week.

On behalf of the Board, the President thanked NMBI staff for all their hard work in 2021 and wished them a happy Christmas and best wishes for the new year.

### **Item 6 – Board *in camera* session**

As the Board wished to consider its discussion in private, members of the NMBI executive left the meeting.

There being no further matters for consideration the meeting ended at 13.50hrs.

**Signed:**

\_\_\_\_\_  
**Essene Cassidy**  
**President**

**Date:**

\_\_\_\_\_