



Edited minutes of the meeting of the Nursing and Midwifery Board of Ireland (NMBI) held by video conference on Wednesday, 22 July 2020 starting at 9.00hrs.

Members present:

Ms E Cassidy, President of NMBI	Mr D Murphy
Dr L Kavanagh McBride, Vice President of NMBI	Mr M Higgins
Dr L Sahn	Mr J Horan
Ms E Kelly	Ms B Liston
Mr P Dolan	Mr L Minihan
Ms K Canning	Dr D Lawler
Ms A Horgan	Prof C O’Herlihy
Ms C Cocoman	

In attendance:

Ms S McClelland, CEO
Mr M Balfe, Interim Director of Corporate Services and Finance
Mr C O’Leary, Director of Registration
Dr AM Ryan, Director of Professional Standards and Education
Ms N Lyons, Interim Communications Manager
Ms O Coady, Governance and Secretariat Manager
Ms S Nolan, Communications and Governance Officer
Mr C Lawlor, Data Protection Officer
Mr B Lenihan, Navigo Consulting
Ms A Maguire, Persuasion Limited
Ms K Finnegan, Persuasion Limited
Mr S McLoughlin, Beauchamps Solicitors

Item 1 – Apologies

- 1.1 Apologies were received from Mr M Blake-Knox, Ms M Gorman, Ms L Clarke-Bishop, Ms K Lombard, Mr D Manning, Ms K Greene and Mr L Hamill.

Item 2 – Workshop with Navigo

The President welcomed the Board’s trainer, Mr Lenihan, to the Board meeting. Mr Lenihan was joined by Ms Maguire and Ms Finnegan, Persuasion Limited, who conducted an MBTI workshop with Board members from 9.00hrs to 10.30hrs.

On conclusion of the workshop Mr Lenihan, Ms Maguire and Ms Finnegan left the meeting. Mr Higgins and Prof O’Herlihy joined the meeting.



Item 1 – Conflicts of interest

- 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.

Item 3 – Board *in camera* session

As the Board wished to continue its discussions in private, members of the senior management team left the meeting. At the invitation of the President, the CEO returned to the meeting.

On the conclusion of the *in camera* session Dr Ryan, Ms Byrne, Ms Johnston and Mr O’Leary joined the meeting.

Item 4 – Minutes and actions of previous meetings

4.1.1 Minutes of 20 May 2020

The Board considered the minutes of 20 May 2020 which had previously been circulated to members.

Decision The Board approved the minutes of 20 May 2020.

4.1.2 Minutes of 16 June 2020

The Board considered the minutes of 16 June 2020 which had previously been circulated to members.

Decision The Board approved the minutes of 16 June 2020.

4.1.3 Minutes of 15 July 2020

The Board considered the minutes of 15 July 2020 which had previously been circulated to members.

Decision The Board approved the minutes of 15 July 2020.

4.2 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.

Ms Byrne, Ms Johnston and Mr O’Leary left the meeting.

Items 5-10 were considered after item 11.

Item 11 – Professional Standards (Nursing)

11.1 Hibernia College and partnered health care institutes site visit reports

The Board considered the briefing document and details of the first time registration degree programme in nursing which had previously been circulated to members.

Mr McLoughlin joined the meeting to advise the Board.

The Board noted that, pursuant to section 85(2)(a) of the Nurses and Midwives Act 2011, the Minister for Education and Skills had been consulted in relation to the programme and that this consultation had been positive.

Decision Having considered the matter the Board agreed to provide approval, subject to conditions attached to the approval ("the Conditions"), of a three years and four month pre first time registration degree programme in nursing for Hibernia College and associated health care partners, pursuant to section 85(2)(a)(i) of the Nurses and Midwives Act 2011. A copy of the Conditions is attached to this minute.

Mr McLoughlin and Dr Ryan left the meeting.

Item 4 – President’s update

A governance meeting with the Department of Health had taken place on 2 July 2020 attended by the President, CEO and chair of the Audit and Risk Committee. The minutes from the meeting would be uploaded to members’ iPads when finalised.

The President advised that she had recently completed the Advanced Diploma in Quasi-Judicial Decision-Making in King’s Inns. Board members congratulated the President on this achievement.

Item 5 – CEO’s update



5.1 CEO report

The Board noted the CEO report, incorporating the directorate reports, which had previously been circulated to members.

5.2 Committee chairs' update

The chairs of the following committees updated the Board on the work of the committees:

- Preliminary Proceedings Committee.
- Fitness to Practise Committee.

The Board noted the written reports submitted from the chair of the Midwives Committee and the chair of the Registration Committee which had previously been circulated to members.

The Board noted that the any relevant items from the meetings of the Business, Strategy and Finance Committee and Audit and Risk Committee were on the Board meeting agenda.

The chair of the Education, Training and Standards Committee was not present to update the Board. A written report had been submitted too late for uploading and would be circulated to members for the Board meeting in September.

The chairs agreed that there should be an agreed process to any proposed changes to committee membership or terms of reference. At the moment any changes were first considered by the Business, Strategy and Finance Committee before being brought to the Board for approval. The Board agreed that this process should continue and should apply to all proposed changes. The Board noted that the external review of committees would take place in the coming months.

5.3 Amendments to rules – consultation report

The Board considered the report on the public consultation on the proposed amendments to the Nurses and Midwives Rules 2018 (SI No 218/2018, SI No 219/2018, and SI No 220/2018).

Decision The Board approved the consultation report.

5.4 Draft annual report 2019

Ms Nolan joined the meeting.



The Board considered the draft annual report for 2019 which had previously been circulated to members. The CEO advised the Board that, with the agreement of the Department of Health, the annual report could be published without the financial statements, which had not yet been audited. An overview of the financial statements would be included at this time to be replaced by the audited financial statements when available.

Decision The Board approved the draft annual report 2019 for submission to the Minister for Health pursuant to section 21(1) of the Nurses and Midwives Act 2011.

Ms Nolan left the meeting.

5.5 Communications plan

The Board noted the updated communications plan for 2020 which had previously been circulated to members.

5.6 Data protection

Mr Lawlor joined the meeting.

5.6.1 *Data breach reports to Data Protection Commissioner (DPC)*

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

Decision The Board agreed that the risk level threshold for reporting a data breach to the DPC should be increased from the current threshold of low risk to the level of medium risk. The risk level would be determined in the analysis of the breach by the Data Protection Officer.

5.6.2 *Data protection policies for approval*

As part of the response to the data governance audit, a suite of data protection policies was developed to address the issues highlighted. The Board considered these policies which had previously been circulated to the members.

Decision The Board approved the following policies:

- Data breach management for staff
- Data management principle
- Data protection impact assessments (DPIA)
- Policy for disposal of manual records
- Policy for secure storage of hard disk drive



- Policy for transfer of corporate information
- Policy re contacts from political figures
- Data retention policy.

In addition, two existing policies had been amended.

Decision The Board approved the following amended policies:

- Privacy notice – The section on international transfers has been updated to describe how CCPS (Certificate of Current Professional Status) are sent to third party countries only if requested.
- Subject access request policy – The Data Protection Commission now includes an online complaint form. Details of this are included in the amended policy.

5.6.3 *Data protection policies for noting*

The Board noted the existing data protection policies which had not been amended:

- Cookie policy
- Data protection policy.

5.6.4 *Data breach notification*

The Board noted the four data breaches which had occurred between mid-January and mid-March 2020 and the one data breach which had occurred in May/June 2020 and which had previously been circulated to members.

Mr Lawlor, Dr Lawler and Ms Cocoman left the meeting.

Item 7 – Registration

7.1 Removal of registration for failure to pay annual retention fee

Mr O’Leary joined the meeting.

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

The Board noted that it had considered the removals issue at its meeting on 20 May 2020 and had agreed to align its decision with the emergency period as defined under the Emergency Measures in the Public Interest (Covid-19) Act 2020. NMBI had been advised that the emergency provisions, as they pertained to nursing and midwifery, would fall on 31 July 2020. Therefore, it was proposed



that that the Board should consider the removal of the registrants due to non-payment of 2020 annual retention fees on 31 July 2020.

Decision Following consideration of the matter, the Board agreed to progress with removals on or around 31 July 2020 based on the emergency provisions under the Emergency Measures in the Public Interest (Covid-19) Act 2020 ceasing on 31 July 2020.

Mr Minihan left the meeting.

Item 8 – Project Nightingale

8.1 Update report

The Board noted the update report which had previously been circulated to members. The President advised the Board that a meeting of the Nightingale Steering Group had taken place on 20 July 2020 and had been fully briefed by the CEO, Mr O’Leary, Dr Ryan and Mr Balfe.

8.2 Nightingale Education project progress update

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

Mr O’Leary left the meeting.

Item 9 – Business, Strategy and Finance

Mr Balfe joined the meeting.

9.1 Payment to members of FTPC and PPC

Mr Balfe advised that NMBI had written to the Department of Public Expenditure and Reform and had requested a formal response in writing to the question of whether Board members could receive payment for committee work. A response had not been received to date.

9.2 Consideration of a request for research approval by Denis Murphy

Mr Murphy declared a conflict of interest and left the meeting.

The Board considered a request from Mr Murphy for confirmation of support for the action research project from the Board of NMBI which he was undertaking as part of a doctoral research programme.



Decision The Board agreed to support this project.

Mr Murphy returned to the meeting.

9.3 Revised anti-fraud policy

The Board considered the revised anti-fraud policy which had previously been circulated to members.

Decision The Board approved the revised anti-fraud policy.

9.4 Procurement report

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

9.5 Tender requirements – project management services

The Board considered the briefing document which had previously been circulated to members and which set out the tender for further project support for the Nightingale programme.

Decision The Board agreed that that NMBI tender for additional project support (LOT 2 scope support) as set out in the briefing document.

9.6 Management accounts – May 2020

The Board noted the management accounts for May 2020 which had previously been circulated to members.

Item 10 – Audit and Risk

10.1 Update on the implementation of Crowe Horwath recommendations

The Board noted that in August 2015 Crowe Horwath had been commissioned to undertake an organisational review of NMBI. On the foot of this review, 18 recommendations were made to the Board and were accepted by the Board. A review on progress against these recommendations had been undertaken by NMBI's internal auditors and noted by the Board at its meeting on 24 July 2019.

The Board now considered the update report which had previously been circulated to members and which reviewed progress against the terms of reference of the review as set out in the Crowe Horwath report

Decision The Board approved the update report.



10.2 Risk register

The Board noted the risk register which had previously been circulated to members. The Board noted that the Audit and Risk Committee had met frequently in recent months to consider the Covid-19 risk register and memos of these meetings had been circulated to the Board. Following these meetings the risk register, incorporating the Covid-19 risk register, had been comprehensively updated.

10.3 2018 C&AG management letter with draft findings

The Board noted the C&AG management letter which had previously been circulated to members.

10.4 Implementation of recommendations of previous audit reports

The Board noted the implementation of recommendations for the following audit reports which had previously been circulated to members:

- System of internal control (SIC)
- 2017 C&AG management letter
- Cyber security audit
- Compliance with standards and requirements of nursing and midwifery programmes.

10.5 Implementation of business continuity plan

The Board noted the report on the implementation of the business continuity plan which had previously been circulated to members.

Item 12 – Any other business

There being no further matters for consideration the meeting ended at 14.55hrs.

Signed:

Essene Cassidy
President

Date:
