



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 July 2019.

Day 1: Tuesday, 23 July 2019 starting at 10.00hrs.

Members Present:

Ms E Cassidy, President	Mr L Hamill
Dr L Kavanagh McBride, Vice President	Mr J Horan
Mr K McGrane	Ms L Clarke-Bishop
Ms C Cocoman	Dr L Sahm
Ms K Lombard	Mr M Blake-Knox
Prof C O’Herlihy	Mr P Dolan
Ms K Canning	Mr M Higgins
Mr D Manning	Ms B Liston
Mr D Murphy	Ms M Gorman
Mr L Minihan	Dr D Lawler

In attendance:

Ms S McClelland, CEO
Mr J Sadlier, Head of PPC Division, Fitness to Practise Department
Ms V O’Rourke, Senior Staff Officer, Fitness to Practise Department
Ms O Coady, Governance and Secretariat Manager
Mr E Lyons, Beauchamps Solicitors
Mr E Evans, Beauchamps Solicitors
Mr M Flynn, Beauchamps Solicitors

Item 1 – Apologies and conflicts of interest

Apologies were received from Ms K Greene, Ms A Horgan and Ms E Kelly.

Being members of the Preliminary Proceedings Committee Ms B Liston, Ms M Gorman and Mr D Murphy 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 President welcomed Ms Cocoman back to the Board following her maternity leave.

Decision The Board agreed that all members of the senior management team (SMT)

should join the Board meeting the following day for item 2 (Minutes and Action List). The President agreed to communicate this decision to the CEO who would advise the SMT.

The President advised the Board that Mr J Sadlier, Head of PPC, and Ms V O'Rourke, Senior Staff Officer, Fitness to Practise Department, would present the fitness to practise agenda items in the absence of the Director of Regulation.

Mr Sadlier joined the meeting.

Fitness to practise matters – items 2-10

The Board considered the following:

- Four no prima facie decisions of the Preliminary Proceedings Committee.
- Three undertakings pursuant to Section 65 of the Nurses and Midwives Act 2011.
- One application pursuant to Section 58 of the Nurses and Midwives Act 2011.
- Two 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 July starting at 9.00hrs.

Members Present:

Ms Essene Cassidy, President	Mr J Horan
Dr L Kavanagh McBride, Vice President	Mr M Higgins
Ms Gorman	Mr K McGrane
Mr L Minihan	Ms C Cocoman
Ms B Liston	Mr P Dolan
Mr L Hamill	Ms A Horgan
Ms K Lombard	Mr M Blake-Knox
Ms K Canning	Ms L Clarke-Bishop
Dr L Sahn	Prof C O'Herlihy

In attendance:

Ms S McClelland, CEO
Ms D Johnston, Professional Standards (Midwifery)
Mr M Balfe, Interim Director of Corporate Services and Finance
Ms J Foley, Director of Professional Standards (Nursing)
Dr AM Ryan, Director of Operations
Mr N Moloney, IT Manager
Mr R Foley, Clarion Consulting
Ms V O'Rourke, Senior Staff Officer, Fitness to Practise Department
Ms O Coady, Governance and Secretariat Manager

Item 1 – Apologies and conflicts of interest

- 1.1 Apologies were received from Ms E Kelly, Dr D Lawler, Ms K Greene, Mr D Manning and Mr D Murphy.
- 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 that she had acceded to a request from the CEO to include an additional item on the agenda. This item would be in relation to the Education and Training Rules and would be included under item 7 (Professional Standards – Nursing). Documents would be tabled during discussion of this item.

The President advised the Board of the death of former staff member, Margot Saunders, who died on 23 July 2019. Ms Saunders had worked in the Registration Department of An Bord Altranais from 1965 until her retirement in 2003. On

behalf of the Board, the President extended sympathy to Ms Saunders' family.

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

The CEO returned to the meeting during the in camera session at the invitation of the President.

On conclusion of the private session at 9.20hrs Ms O'Rourke returned to the meeting.

Members of the senior management team (SMT), Mr Balfe, Ms Johnston, Ms Foley and Dr Ryan, joined the meeting for consideration of item 2.

Item 2 – Board meeting of 18 June 2019

2.1 Minutes of 18 June 2019

The Board considered the minutes of 18 June 2019 which had previously been circulated to members.

Decision The Board approved the minutes of 18 June 2019.

2.2 Actions arising from the meeting of 18 June 2019

Decision The Board approved the updated action list for 18 June 2019 which is attached as an appendix to these minutes.

2.3 Matters arising from the meeting of 18 June 2019

There were no matters arising which were not dealt with elsewhere on the agenda or in the action list.

Members of the SMT left the meeting.

Ms Lombard suggested that a corporate performance report, combining reports of each functional area, should form part of the reports brought to the Board. This would provide an overview of how the organisation as a whole was performing against the business plan and identify and highlight any emerging risks.

The CEO advised that she had begun a review of the reporting arrangements currently in place with a view to providing the Board with more relevant and high level information.

Dr de Búrca joined the meeting.

Item 3 – President’s update

The President updated the Board on her attendance at the CLEAR congress on professional and occupational regulation at which she had represented NMBI. The speakers’ presentations from the congress had been uploaded to Board members’ iPads.

The next governance meeting with the Department of Health would take place on 30 July 2019. The minutes from the meeting would be uploaded to the iPads when available.

The President had accepted invitations to represent NMBI at the Irish Association of Directors of Nursing and Midwifery (IADNAM) conference and at the mindfulness conference jointly organised by the Catherine McAuley School of Nursing and Midwifery, University College Cork and Bon Secours Hospital. Both events would take place in September.

A brief meeting of the committee chairs had taken place the previous day following the Board meeting. Members had agreed to meet again following the Board meeting in September at which time they would consider the draft terms of reference and agree a schedule of meetings for the following year.

Item 4 – CEO’s update

4.1 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:

- Irish Times article of 1 July 2019
- HR update
- Staff turnover
- 100 years of nursing regulation

Action Updates on the organisation of events to celebrate 100 years of nursing regulation to be brought to the September and October Board meetings.

4.2 Data breach notifications

The Board noted the four data breach notifications which had previously been

circulated to members.

A Data Protection Officer had been recruited and would begin with NMBI on 6 August 2019.

The President left the meeting. In the absence of the President the Vice President assumed the chair.

4.3 Six month communications update

Dr de Búrca presented the six months update report which had previously been circulated to members.

The Board noted the report and agreed that members would email any comments on its contents to Dr de Búrca.

Dr de Búrca left the meeting. The President returned to the meeting and resumed the chair.

Item 5 – Governance and Finance

Mr Balfe joined the meeting.

5.1 Appointment of members to the Preliminary Proceedings Committee

Board member appointment

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

Non-Board member appointment

Decision The Board agreed to appoint Mr Brendan O’Dea to the Preliminary Proceedings Committee for a term of office of three years.

5.2 Chairs’ committee terms of reference

The Board noted the draft terms of reference which had been previously circulated to members. The Board was advised that the chairs, who had met the day before, had agreed to further consider the terms of reference at its next meeting in September as not all members had yet had the opportunity to provide comments.

5.3 Updated protected disclosures policy

The Board considered the updated policy which had previously been circulated

to members. The Board noted that amendments to the policy had been made in line with recommendations from NMBI's internal auditors.

Decision The Board accepted the proposed amendments and approved the updated policy.

5.4 Updated guidelines for use of social media for Board

The Board considered the updated guidelines which had previously been circulated to members. The Board noted the amendments which had been made to the document.

Decision The Board accepted the proposed amendments and approved the updated document. The Board agreed with the committee's recommendation to refer to the document as a guidance document for members rather than as a policy.

Action The guidelines to be reviewed in 12 months' time.

5.5 Amendment to bank mandate

Decision The Board agreed to add the CEO to the list of approved signatories for NMBI's KBC and Bank of Ireland accounts.

Banking online

The Board discussed the levels of approval required for the Bank of Ireland Business Online app which was used by NMBI to make electronic transfer of funds.

Action MB to review levels of approval for bank transactions. Crowleys DFK to advise on best practise. An update would be brought to the Board at its meeting on 25 September 2019.

Credit card

Mr Balfe advised that the credit card issued in the name of former Interim CEO, Dawn Johnston, had been cancelled and a new card had been issued in the name of the new CEO, Sheila McClelland.

5.6 Procurement update report

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

MB updated the Board on the following recent and current tenders which were listed in the report:

Review and update the Code of Professional Conduct and Ethics and the Practice Standards for Midwives

The CEO suggested that alternative options should be considered, including undertaking the work in-house.

Decision The Board agreed to accept the recommendation of the Governance and Finance Committee that the tender be collapsed and alternative options investigated.

The Board discussed the upcoming tender for Board and committee members' training. Dr Kavanagh McBride asked whether requesting feedback from clients on such services provided could be written into the contract of the provider of the services. Mr Balfe agreed that this could be built into the contract.

Tender for IT vulnerability testing

The Board agreed that the proposal to award the tender for IT vulnerability testing could be considered by the Governance and Finance Committee using the written procedure for decisions. The recommendation from the committee would then be considered by the Board, also using the written procedure.

Action Mr Balfe to circulate the proposal to the Governance and Finance Committee for consideration within the next few days.

5.7 Outcome of the written decision of the Board in respect of two tenders

The Board noted the report on the written decision of the Board of 1 July 2019.

5.8 Management accounts – May 2019

The Board noted the management accounts for May 2019 which had previously been circulated to members.

Action A joint meeting of the Audit and Risk Committee and Governance and Finance Committee to take place in October, facilitated by Vincent Teo, Crowleys DFK, to discuss financial structures and planning.

5.8 Board and committee meeting schedule for 2020

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

The Board agreed to continue with the current scheduling for two day Board meetings: fitness to practise matters would be considered on the first day from 10.00hrs to 17.00hrs; general business would be considered on the second day from 9.00hrs to 14.00hrs with a working lunch. The scheduled one day Board meetings would only be used if necessary.

The Board noted that the dates for the Midwives Committee had not been included and that the Director of Midwifery and the chair of the committee would agree these dates shortly.

The President said that holding the meetings of the Governance and Finance Committee meeting the evening before the two day Board meeting did not allow Board members sufficient time to consider documents recommended by the committee. It was suggested that the committee meet on evenings before the one day Board meetings (in February, April etc.)

Action Ms Coady to circulate a revised schedule for the Governance and Finance Committee to the committee chair.

Action The committee chairs to confirm the dates for their committees with the relevant senior manager.

Ms Cocoman left the meeting.

Item 6 – Audit and Risk

6.1 The Board considered the internal audit report which had previously been circulated to members

6.2 Internal audit charter

The Code of Practice for the Governance of State Bodies 2016 required that the Board approved the internal audit charter. The Board considered the draft internal audit charter which had previously been circulated to members.

Decision The Board approved the internal audit charter.

4.3 Management letter from the Comptroller and Auditor General (C&AG) with draft findings 2017

The Board considered the draft letter and findings which had previously been circulated to members. The Board noted that the letter and draft findings referred to the 2017 financial year. The letter had only been received by NMBI in July 2019 as the financial statements for 2017 were not signed off until January 2019.

The Board noted the letter and draft findings for 2017. The final letter would be brought to the Audit and Risk Committee at its next meeting for approval.

6.4 Review of risk management framework

Mr Balfe advised that the Institute of Public Administration (IPA) had been engaged to conduct the review and had begun a desk-based review. Work shops with the SMT would take place at the end of August/beginning of September.

Action Update on progress of the review to be brought to the Board at its meeting on 24 September 2019.

6.5 Financial reserve and treasury management policy

Action A joint meeting of the Audit and Risk Committee and Governance and Finance Committee to take place in October 2019, facilitated by Vincent Teo, Crowleys DFK, to include discussion of financial planning and treasury management.

6.6 Implementation of recommendations of IT access audit

Mr Noel Moloney, IT Manager, joined the meeting.

The Board noted the report which had previously been circulated to members. The report provided an update to the Board on the progress of implementing the recommendations made following the IT access audit.

The Board noted that all recommendations had been implemented with the exception of the recommendation in relation to the public drive. Mr Moloney confirmed that this recommendation was 95% complete and that most information contained on the drive had already been deleted or backed up elsewhere, in relevant specific directorate drives. Once all information had been moved from the public drive it would be locked down to all access.

Mr Moloney advised that an approved set of procedures was now in place regarding granting access to network files. It was now possible to run audit logs to track access to specific files. The IT security policy, which had been approved by the Board in March 2019, clearly set out the process for granting approval for access to files. All requests for access must go through the online ticketing system.

Action Mr Moloney to provide a final update to the Board at its meeting on 25 September 2019 once the final recommendation – closure of the public drive – had been fully implemented.

Mr Moloney, Ms Lombard and Dr Sahm left the meeting.

Item 7 – Professional Standards (Nursing)

Ms Foley joined the meeting.

7.1 Post-registration specialist nursing and midwifery education programmes (for consultation)

An updated copy of the document, which had been previously circulated to members, was circulated to the Board. Ms Foley drew the Board's attention to the revisions in the second document.

The Board noted that the document had been emailed to all members of the Education, Training and Standards Committee who had recommended its approval for consultation.

Decision The Board approved the revised document for consultation. The Board noted that the consultation feedback would be presented to the Education, Training and Standards Committee at its meeting on 10 October 2019 before being presented to the Board in November/December 2019.

7.2 Advanced practice registration process review

The Board considered the document, including the recommendations for change, which had previously been circulated to members and were recommended for approval by the Education, Training and Standards Committee.

Decision The Board approved the following recommendations for change in the advanced nursing and midwifery registration process and agreed that a review should be undertaken in twelve months:

1. All applicants who successfully enter and complete the NMBI approved Masters of Science in Nursing (Advanced Practice Nursing) programmes meet the NMBI criteria for registration as an Advanced Nurse Practitioner.
2. All applicants that complete other programmes outside of those that lead directly to registration will go through the same process in registration as all other divisions of the Register. This would mean a change in the criteria for registration (Nurses and Midwives Act 2011 S13 (2) I (iii)) and removal of the current Review Panel process.
3. The Nurses and Midwives Act 2011 section 85(2) requires that the Board must, in relation to post-registration qualification leading to registration, inspect bodies in order to ensure ongoing compliance to NMBI criteria, guidelines and standards at least every five years. As Advanced Nursing and Midwifery Practitioners leads to registration this must be included in the site visit process.

7.3 Practice standards and guidelines for nurses and midwives with prescriptive authority

The Board considered the document which had previously been circulated to members. The Board noted that an amendment to Practice Standard 7 (Prescribing of Off-Label and Exempt Medicinal Products) was proposed in order to implement the new statutory instrument, SI 529 of 2018 (Medicinal Products (Control of Placing on the Market) (Amendment) Regulations 2018). SI 529 provides the authority for the prescribing of exempt medicinal products by nurse or midwife prescribers.

Decision Following consideration of the matter, the Board agreed to accept the recommendation of the Education, Training and Standards Committee and to approve the amendments as suggested. The Board agreed that once the revised document had been typeset it should be brought back to the Board for final approval. A review of the document should be undertaken within two years.

7.4 Education Directorate report

The Board noted the report which had previously been circulated to members. Ms Foley drew the Board's attention to the following which were detailed in the report:

Careers and Professional Guidance

The report set out the main functions of the Careers and Professional Guidance section which included the management of the selection of mature applicants to nursing and midwifery programmes through the Central Applications Officer (CAO) and the Public Appointments Section (PAS). The PAS was engaged by NMBI to run the assessment test for mature applicants. Ms Foley advised that since the report had been written she had been informed by the PAS that from this year they would no longer be involved in running the assessment.

Action Ms Foley to prepare a paper for the Education, Training and Standards Committee with suggestions on how NMBI could manage the assessment process in the future. Following consideration by the committee, a proposal to be brought to the Board. In the meantime, PAS would facilitate the assessment test for another year to allow NMBI time to develop an alternative process.

Site visits

Ms Foley outlined the current status of site visit.

Action The Board discussed the site visit schedule.

Dr Kavanagh McBride suggested aligning the site visit schedule with the schedule

for the programmatic reviews undertaken by Quality and Qualifications Ireland (QQI) in the higher education institutes (HEIs).

Action A meeting would take place with Dr Kavanagh McBride, Ms Foley and QQI to address this and an update would be given to the Board at its meeting on 25 September 2019.

7.5 Briefing document on removal of Collaborative Practice Agreement (CPA)

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

Ms Foley advised the Board that Ms Niamh Rohan, who had prepared the document and who had been working on the project, had left the organisation. Her work would be reassigned within the department. Ms Foley and Mr Arnel Kidpalos, Project Officer, would attend a meeting with members of the Office of the Nursing and Midwifery Services Director (ONMSD) on 8 August 2019 and would advise that the Board had agreed to remove the CPA.

Action Ms Foley to update the Board on the matter at its meeting on 25 September 2019.

7.6 Nurses and Midwives (Education and Training) Rules 2018

A briefing document was circulated to the Board.

NMBI sets down the minimum entry requirements to pre-registration nursing and midwifery programmes in the nurses and midwives rules. The 2010 rules stated that the minimum educational requirements could be accumulated over any number of sittings of the Leaving Certificate. However, on publication of the 2018 rules, this was changed to a maximum of two sittings of the Leaving Certificate – section 4(2).

In order to address concerns raised by significant stakeholders in relation to the above matter, and to ensure that access to the nursing and midwifery professions was retained without unnecessary barriers, the Board was requested to approve an amendment to the 2018 rules which would replace ‘a maximum of two sittings’ with ‘any number of sittings’ as per the 2010 rules.

The Board was also advised further analysis of the 2018 rules might result in some other minor amendments being suggested.

Decision Following consideration of the matter, the Board agreed to indicate its willingness to amend section 4(2) of the Nurses and Midwives (Education and

Training) Rules 2018 as suggested. The Board further agreed that this could be communicated to the CAO and the HEIs.

Action A composite list of amendments to the rules to be presented to the Board for consideration at its meeting on 24 September 2019.

Ms Foley left the meeting.

Item 8 – Professional Standards (Midwifery)

8.1 Midwifery update report

Ms Johnston joined the meeting.

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

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

Royal College of Midwives (RCM) annual conference 2019

Ms Johnston had submitted an abstract to present the student midwife assessment tool to the conference in Manchester in September 2019. This abstract had been accepted and Ms Johnston and Dr Lawler had been invited to speak at the conference. Ms Johnston would submit a business case seeking approval and funding to attend the conference to the Governance and Finance Committee and then to Board if recommended by the committee.

Ms Johnston left the meeting.

Item 9 – Regulation

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

Action An update on payment to non-Board members of the Fitness to Practise and Preliminary Proceedings Committees to be provided to the Board at its meeting on 25 September 2019.

Item 10 – Registration

Dr Ryan joined the meeting.

10.1 Registration Directorate report

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

Dr Ryan drew the Board's attention to the following which was detailed in the report:

Administrative assessment of overseas applications

There was a backlog in processing non-Directive applications at the administrative stage. There was no backlog at the educational assessment stage of the process. Dr Ryan advised that a special measures exercise whereby a cross functional team comprising NMBI staff had been put in place to address the backlog. The work undertaken by this team had already begun to make an impact. A document circulated to the Board provided up-to-date backlog numbers.

Review of policy on English language requirements

The Education and Registration Departments had begun to work on a project plan which would scope out the issues of governance, scores, reliability, validity and providers of tests.

Action A project plan would be presented to the Registration Committee at its meeting on 11 September 2019 before being presented to the Board at its meeting on 25 September 2019.

10.2 Data breach report

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

10.3 Update on inactive project

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

10.4 Temporary and occasional services

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

Mr McGrane left the meeting.

Item 11 – Project Nightingale

Mr Foley joined the meeting.

11.1 Use of identity validation technology and acceptable identity documentation

The Board considered the briefing document and proposal regarding identity validation which had previously been circulated to members.

Decision Following consideration of the proposal the Board agreed:

1. That the following are the only acceptable forms of identity documentation permitted for validation:
 - a. Passport
 - b. Driver's licence
 - c. National identity card.
2. To approve the use of identity document validation technology for validating the authenticity of identity documentation.

A request for tender (RFT) for an appropriate identity document validation technology would be issued.

11.2 Project Nightingale update

Mr Foley advised that most of the design work had been completed and the minimum data set agreed with the Department of Health.

Mr Foley advised the Board that the developers, OpenSky Data, would be on-site and could provide a demonstration of the current build of the application/solution that would be delivered by Project Nightingale for any members who wished to see it.

Mr Foley left the meeting.

Item 12 – Any other business

There being no further matters to consider the meeting ended at 14.50hrs.

Signed:

Essene Cassidy
President

Date:
