



Edited minutes of the meeting of the Nursing and Midwifery Board of Ireland (NMBI) held by video conference on Wednesday, 30 September 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
Mr M Blake-Knox	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	Ms M Gorman
Ms L Clarke-Bishop	Mr D Manning

In attendance:

Ms S McClelland, CEO
Mr M Balfe, Interim Director of Corporate Services and Finance
Ms U Byrne, Director of Regulation
Mr C O'Leary, Director of Registration
Dr AM Ryan, Director of Professional Standards and Education
Ms D Johnston, Director of Midwifery
Ms L Manselli, Crafting Vistas
Ms E Cole, Board Excellence
Mr P McGrath, Board Excellence
Ms O Coady, Governance and Secretariat Manager

Item 1 – Apologies and conflicts of interest

- 1.1 Apologies were received from Ms E Kelly, Ms K Lombard, Ms K Greene and Mr L Hamill.
- 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.

With the agreement of the Board, the President noted that the committee review (item 9) would be considered under item 4 and that an additional item would be considered under item 9 (approval of project management services).



Item 2 – Minutes and actions of previous meetings

2.1.1 Minutes of the meeting of 21 July 2020

The Board considered the minutes of the meeting of 21 July 2020 which had previously been circulated to members.

Decision The Board approved the minutes of the meeting of 21 July 2020.

2.1.2 Minutes of the meeting of 22 July 2020

The Board considered the minutes of the meeting of 22 July 2020 which had previously been circulated to members.

Decision The Board approved the minutes of the meeting of 22 July 2020.

2.1.3 Minutes of the meeting of 12 August 2020

The Board considered the minutes of the meeting of 12 August 2020 which had previously been circulated to members.

Decision The Board approved the minutes of the meeting of the 12 August 2020.

2.1.4 Minutes of the meeting of 23 September 2020

The Board considered the minutes of the meeting of 23 September 2020 which had previously been circulated to members.

Decision The Board approved the minutes of the meeting of the 23 September 2020.

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.

Item 3 – President’s update

3.1 Conference

NMBI, in partnership with the Office of the Nursing and Midwifery Services Director (ONMSD), the Irish Association of Directors of Nursing and Midwifery



(IADNAM) and the Office of the Chief Nursing Officer (CNO) of the Department of Health would be hosting a virtual event on 1 October 2020 to celebrate *2020 The International Year of the Nurse and the Midwife*. The Vice President would represent the Board and the CEO would take part in the panel discussion.

3.2 Board membership

Board member, Karen Greene, had taken up a new position in the Office of the CNO and had advised the President that she would shortly tender her resignation from the Board. Once this resignation had been received in writing, it would become effective from the next scheduled Board meeting. On behalf of the Board, the President extended her congratulations to Ms Greene on her new role and wished her the best for the future.

3.3 Professional Certificate in Governance

On behalf of the Board, the President extended her congratulations to Board members Anne Horgan and Denise Lawler who had successfully completed the Professional Certificate in Governance with the Institute of Public Administration (IPA).

3.4 Board training

The Board training programme, which had begun in 2020 with Navigo, would be paused until early 2021, when the new Board members had been appointed and had taken up office.

3.5 Meetings with the Department of Health

The next governance meeting with the Department of Health would take place on 8 October 2020. Agendas and minutes of governance and operational meetings with the Department of Health were uploaded to Board members' iPads as they became available.

3.6 Change to standing orders and FTP procedures – remote meetings and hearings

The Board considered the briefing document and draft revised procedures which had previously been circulated to members. The proposed changes would provide for all fitness to practise matters and other matters to be dealt with remotely by the Board.

Decision The Board approved the following change to section 2.3 of the Board's standing orders which would replace the existing section in its entirety:



The Board may hold a meeting, including a meeting involving the Board's consideration of any matter relating to Parts 7, 8 or 9 of the NMA, at a specified location or, where the President considers it appropriate having regard to all of the circumstances, such hearing may be held remotely. A remote meeting, for the purposes of these Standing Orders, is a meeting where the participants are not all in the one place and where one or more of the participants participate in the hearing by means of electronic communications technology.

Decision The Board also approved the amendments to the Board procedures in relation to parts 8 and 9, section 55(6), section 58 and section 79 of the Nurses and Midwives Act 2011, and part 5 of the Nurses Act 1985 as highlighted in the documents circulated to the Board.

The Board noted that, in addition to the above agreed amendments to standing orders and procedures, a submission had been made to the Minister for Health requesting that NMBI be designated as a 'State body' pursuant to section 29 of the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 and as a 'designated body' pursuant to section 31 of the 2020 Act as soon as possible. These designations would give a statutory basis to NMBI to conduct meetings of the Board and hearings remotely.

Item 4 – CEO's update

4.1 CEO report

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

The CEO drew the Board's attention to the following which were set out in the report:

HR update: The current Director of Registration & Digitisation would transition into the Director, FTP role following MyNMBI go-live. Agreement had been received from the Department of Health and a full update would be provided to the Board at its meeting in November 2020.

Dr Kavanagh McBride and Mr Higgins joined the meeting.

Members of the senior management team left the meeting.

Consideration of item 4.2 took place after item 9.8.

9.8 External review of committees

Ms E Cole and Mr P McGrath joined the meeting.



Ms Cole gave a presentation to the Board setting out the scope of the review, focus areas, process, deliverables and suggested timeline. A copy of the presentation was uploaded to the *Reference Material* folder on the iPads.

A further update would be provided to the Board at its meeting in November 2020.

Ms Cole and Mr McGrath left the meeting.

4.2 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
- Midwives Committee

Preliminary Proceedings Committee

The committee's work continued with 22 cases being considered at the last meeting. The committee noted that it continued to receive complaints against mandated persons who were legally obliged to report issues of concern. This matter had also been raised by the Board at its meetings on 12 August and 23 September. For the moment, the committee had no other option but to consider the complaint. A *no prima facie* decision was the only outcome where there were no other issues and the process was frustrating for both the complainant and registrant. Changes to the Nurses and Midwives Act 2011 following commencement of the Regulated Professions (Health and Social Care) (Amendment) Bill 2019 should expedite the process.

Fitness to Practise Committee

Inquiries had resumed on 8 July 2020 and a full schedule of inquiries had taken place in July and August. A full schedule had been planned for September and October but had been paused again due to public health restrictions.

Midwives Committee

Ms Lawler advised the Board that the Midwives Committee were concerned that the *Intrapartum Foetal Monitoring Guidelines 2019* remained on the Health Service Executive (HSE) website. The committee advised that the guidelines were in breach of NMBI's *Practice Standards for Midwives (2015)* and the committee were of the opinion that the guidelines would leave midwives in a precarious situation. The committee had advised that a letter should be sent to the HSE on behalf of the Board advising that the HSE should be asked to remove the guidelines from the website until an updated version of the guidelines was



available. The committee questioned why this had been an item for noting only by the Board and had not been actioned.

Action As the query from the Midwives Committee related to the absence of a rationale from the Board to note and not action the committee's advice, Ms Lawler suggested that this was a matter for the Board and, following discussion, the President agreed that the topic would be an agenda item at the November Board meeting and time would be dedicated to the matter for Board discussion. The related advice from the Midwives Committee would be recirculated to all Board members prior to the meeting.

Registration Committee

A written report was submitted by the chair of the Registration Committee and was uploaded to members' iPads.

Other committees

The Board noted that the any relevant items from the meetings of the Education, Training and Standards Committee, Business, Strategy and Finance Committee and Audit and Risk Committee were on the Board meeting agenda or in the CEO report.

4.3 Board and committee meeting schedule for 2021

The Board noted that the one-day Board meeting scheduled for every second month would only take place if urgent matters needed the Board's consideration. The general Board meetings scheduled as part of the two-day meeting would always take place every two months.

Action A version of the meeting schedule to be drafted to take into account the possibility of fitness to practise Board meeting days taking place remotely.

An alternative date for the call-over in January to be scheduled as the date on the schedule coincides with the January Board meetings.

The Board discussed the number of committee meetings scheduled and questioned whether Board members were too involved in operational matters which should be dealt with by the executive. Board members requested that this be considered as part of the committee review.

4.4 Data breach notifications

The Board noted the three data breaches which had occurred between June and September 2020 which had previously been circulated to members.



The President and Ms Gorman left the meeting. In the absence of the President, the Vice President assumed the chair.

4.5 Changes to the Nurses and Midwives Act 2011

Ms Byrne joined the meeting.

The Board considered the presentation, which had previously been circulated to members and which set out the changes to the Nurses and Midwives Act 2011 which would occur when the Regulated Professions (Health and Social Care) (Amendment) Bill 2019 was enacted.

Ms Byrne left the meeting.

Item 5 – Registration

Mr O’Leary joined the meeting.

5.1 Fit and proper procedures and criteria

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

The Board noted that the Registration Rules (SI No 221 of 2018) specified (under section 5(c)) that an applicant must satisfy the Board that he/she is a fit and proper person to practise as a nurse or midwife in the State in accordance with Rule 17 where they must complete a declaration that he/she is a fit and proper person to engage in the practise of nursing or midwifery in the State. The Board noted that it was necessary to publish procedures which set out what would happen when an applicant made a disclosure when applying for registration.

Decision Following consideration of the matter, the Board agreed to accept the recommendation of the Registration Committee and to approve the ‘Fit and proper procedures and criteria’ as set out in the briefing document.

5.2 Establishment of a Fit and Proper Panel

The Board considered the briefing document which had previously been circulated to members. A Fit and Proper Panel would consider disclosures made in accordance with Rule 17 of the Registration Rules and would comprise members of the profession and lay members.

Decision Following consideration of the matter, the Board agreed to accept the recommendation of the Registration Committee and to approve the establishment of a Fit and Proper Panel consisting of five persons. The Board



agreed that the quorum for a meeting would of the panel would be three persons. The panel would include a member from both the nursing and midwifery professions as well as one or more lay members. Members of the Registration Committee could not also be members of the Fit and Proper Panel as members of that committee considered appeals. The Board agreed that membership of the Fit and Proper Panel could include Board members but that this was not mandatory.

5.3 Fraud policy for applicants

The Board noted the fraud policy which had been approved by the Registration Committee and which had previously been circulated to members. The Board suggested that the policy should be renamed to make it clear that this was a fraud policy for applicants for registration only.

Item 6 – Project Nightingale

Mr O’Leary updated the Board on the progress of the project so far.

The Board congratulated Mr O’Leary on the management of the project. Mr O’Leary left the meeting.

Item 7 – Facilitated workshop on risk

Ms Manselli and Mr Balfe joined the meeting.

Ms Manselli led a facilitated workshop on risk, the purpose of which was to consider NMBI’s risk appetite statement.

Action Following discussion, Ms Manselli and Mr Balfe to revise the risk appetite statement and to bring this revised document to the Audit and Risk Committee for discussion. Board members to email Ms Manselli with their comments.

Item 8 – Audit and Risk

8.1 Risk register

The Board considered the risk register which had previously been circulated to members.

Decision The Board approved the risk register.

Item 9 – Business, Strategy and Finance

9.1 Business plan and budget 2021



Business plan 2021

The Board considered the draft business plan for 2021 which had previously been circulated to members.

Ms Manselli drew the Board's attention to the projects and associated timelines planned for 2021.

Ms Manselli left the meeting.

Decision The Board approved the draft business plan for 2021. The Board noted that certain items had yet to be finalised and would be updated at a later date.

Budget 2021

The Board considered the draft budget for 2021 which had previously been circulated to members.

Decision The Board agreed that consideration be given to treating the NMBI's new registration system as a separate asset class and that the depreciation policy be amended to a suitable rate to reflect the useful life of the asset.

Decision The Board approved the draft budget for 2021. The Board noted that this was the first draft and that the budget would be further revised.

9.2 FTPC and PPC terms of reference and members' terms of office

The Board considered the briefing document and the draft amended terms of reference of the PPC and FTPC which had previously been circulated to members.

Decision The Board agreed to accept the recommendation of the Business, Strategy and Finance Committee and agreed:

- To amend the terms of office of members of the PPC as set out in the terms of reference to allow those coming to the end of their second term to serve for another year.
- To amend the terms of office of members of the FTPC as set out in the terms of reference to allow those coming to the end of their second term to serve for another year.
- That the proposed amendments to the FTPC terms of reference would allow for remote attendance under certain circumstances and criteria.

9.3 Setting an appropriate level of designated legal reserves



The Board noted the briefing paper and policy which had previously been circulated to members.

Mr Balfe advised that he did not intend to bring a proposal regarding the level of designated legal reserves at present as he wished to first discuss the matter with the Department of Health at the next governance meeting on 8 October 2020. He would update the Board at its next meeting following these discussions.

Dr Lawler left the meeting.

9.4 Award of tender for candidate assessment testing services

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

Decision The Board agreed to accept the recommendation of the Business, Strategy and Finance Committee and to award the tender to Aon Assessment (Ireland).

9.5 Award of tender for ICT managed services

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

Decision The Board agreed to accept the recommendation of the Business, Strategy and Finance Committee and to award the tender to Unity Technology Solutions.

9.6 Award of tender for project management services for the implementation of a registration lifecycle system

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

Decision The Board agreed to accept the recommendation of the Business, Strategy and Finance Committee and to award the tender to Clarion Consulting Ltd.

9.7 Management accounts – July 2020

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

Ms Horgan left the meeting.

9.8 Payment to members of FTPC and PPC



Mr Balfe advised that the formal response requested by NMBI from the Department of Public Expenditure and Reform had been received that morning. The response confirmed that a Board member (non-public servant) who was entitled to receive the annual Board member fee could also receive a fee for sitting on a committee. The Board member fee would not be considered a salary for the purposes of the one person one salary (OPOS) rule. A copy of the letter was shared with the Board. The CEO would update fellow members of the Health Regulators Forum.

Mr Balfe left the meeting.

Item 10 – Professional Standards - Midwifery

Ms Johnston joined the meeting.

10.1 Return to Midwifery Practice Standards and Requirements 4th edition

The Board considered the briefing document and the draft practice standards which had previously been circulated to members.

Decision The Board accepted the recommendation of the Midwives Committee and approved the draft *Return to Midwifery Practice Standards and Requirements 4th edition*.

Ms Johnston left the meeting.

Item 11 – Professional Standards – Nursing

Dr Ryan joined the meeting.

11.1 UCD: Master of Science in Gerontological Nursing, Graduate Diploma in Gerontological Nursing, Graduate Certificate in Gerontological Nursing

The Board considered the briefing document, which had previously been circulated to members, and which set out information in relation to the above post-registration programme.

Decision In accordance with section 85(2) of the Nurses and Midwives Act 2011 the Board approved the above programme for five years or until the next site visit whichever would be earliest.

11.2 NUIG: Master of Health Sciences (Obesity), Postgraduate Diploma in Health Sciences (Obesity)



The Board considered the briefing document, which had previously been circulated to members, and which set out information in relation to the above post-registration programme.

Decision In accordance with section 85(2) of the Nurses and Midwives Act 2011 the Board approved the above programme for five years or until the next site visit whichever would be earliest.

11.3 ITT: Master of Science in Professional Nursing, Postgraduate Diploma in Science in Professional Nursing, Postgraduate Certificate in Science in Professional Nursing, Single-subject Certifications in Professional Nursing

The Board considered the briefing document, which had previously been circulated to members, and which set out information in relation to the above post-registration programme.

Decision In accordance with section 85(2) of the Nurses and Midwives Act 2011 the Board approved the above programme for five years or until the next site visit whichever would be earliest.

11.4 UCC: Masters in Older Person Rehabilitation, Postgraduate Certificate in Older Person Rehabilitation, Continuous Professional Development Modules in Older Person Rehabilitation

The Board considered the briefing document, which had previously been circulated to members, and which set out information in relation to the above post-registration programme.

Decision In accordance with section 85(2) of the Nurses and Midwives Act 2011 the Board approved the above programme for five years or until the next site visit whichever would be earliest.

11.5 RCSI: MSc Advanced Practice Nursing, MSc Advanced Practice Nursing with prescribing, Post-graduate Certificate Advanced Practice Nursing, Post-graduate Diploma Advanced Practice Nursing with prescribing

The Board considered the briefing document, which had previously been circulated to members, and which set out information in relation to the above post-registration programme.

Decision In accordance with section 85(2) of the Nurses and Midwives Act 2011 the Board approved the above programme for five years or until the next site visit whichever would be earliest.

Dr Ryan left the meeting.



Item 12 – Board *in camera* session

The Board agreed to defer the *in camera* session to the next Board meeting until the President was available to attend.

Item 13 – Any other business

There being no further matters for consideration the meeting ended at 14.30hrs.

Signed:

Essene Cassidy
President

Date:
