



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, 26-27 September 2017.

**Day 1: Tuesday, 26 September 2017 starting at 9.00hrs.**

**Members Present:**

Ms E Cassidy, President	Mr L Minihan
Mr J Murray, Vice President	Mr M Blake-Knox
Ms M Barrett	Ms T King
Ms B Liston	Mr P Dolan
Mr D Manning	Ms S Cleary
Dr D Lawler (items 1-7)	Ms K Canning
Mr K McGrane	Mr D Murphy
Dr R McElvaney	Ms L Clarke-Bishop (items 1-9)
Dr K O'Carroll	

**In attendance:**

Ms M Griffin, Chief Executive Officer  
Ms U Byrne, Director of Regulation (items 9-10.1)  
Ms J Foley, Acting Director of Education (items 6-7 )  
Ms D Johnston, Director of Midwifery (items 6-7 )  
Ms E Horan, Finance Manager (item 10)  
Ms V O'Rourke, Fitness to Practice Department  
Ms O Coady, Minute taker

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

- 1.1 Apologies were received from Mr Higgins, Dr L Kavanagh McBride and Ms M Monahan.
- 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. No conflicts of interest were declared.

**Item 2 – Board private session**

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

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

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

### **Item 3 – Minutes and matters arising**

#### **3.1**        Minutes of meeting of 11-12 July 2017

**Decision** The Board approved the minutes of 11-12 July 2017 subject to the correction of typographical errors.

#### **3.2**        Minutes of meeting of 31 July 2017

The CEO noted that she had not been in attendance (page 2).

**Decision** The Board approved the minutes of 31 July 2017 subject to the above amendment being made.

#### **3.3**        Minutes of meeting of 16 August 2017

**Decision** The Board approved the minutes of 16 August 2017.

### **Item 4 – President's update**

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

The President reminded members of the Governance Forum breakfast seminars which are held regularly in the Institute of Public Administration (IPA). The President advised that McDowell Purcell would hold a breakfast seminar the following morning on the consideration of sanctions and that PPC members, Mr Murphy, Ms Cleary and Ms Liston, would attend. The President congratulated Mr Blake-Knox, Ms Liston, Mr Manning and Dr Kavanagh McBride who had begun the Professional Certificate in Corporate Governance at the IPA earlier in the month.

The President drew the Board's attention to her report on her attendance at the CLEAR Annual Education Conference, in particular the Advanced Governance Training for Board members course which she undertook. The President stressed the importance of evaluation and accountability of boards and their members.

**Action** The Board agreed that an evaluation of the meeting would be undertaken after each meeting.

**Action** The President and the CEO to bring a proposal to the Board regarding Board evaluation.

The Board discussed decisions made in past fitness to practise cases and noted that not all recommendations of the Fitness to Practise Committee were accepted by the Board.

**Action** The learning outcomes of the fitness to practise learning day for committee members to be agreed with the Director of Regulation and the vice chair of the Fitness to Practise Committee.

**Action** The President, CEO and Director of Regulation to bring a proposal to the Board in early 2018 for evaluation of the FTP process

## Item 5 – CEO report

### 5.1 CEO report

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:

- Board election: the ballot to elect three registrants to the Board would close on Thursday, 28 September. All candidates had been invited in to NMBI for the results which would be issued on the afternoon of 28 September and sent to the Minister for Health that day.

**Decision** The Board agreed that the newly elected members could attend the November Board meeting as observers.

- General data protection regulations (GDPR): a review of NMBI’s data processes was undertaken in line with data protection regulations by data protection specialists Sytorus. There were more than 80 recommendations in the report.

**Action** A plan to implement the recommendations to be brought to the Board at its October meeting.

### 5.3 Feasibility of Developing Legal and Regulatory Mechanisms that Better Support the Mobility of Nurses across INRC Member Jurisdictions

The Board considered a briefing document which had previously been circulated

to members.

**Decision** The Board approved an investment of Aus\$10,000 to go to the cost of identifying and retaining a consultant with other INRC members to prepare a policy document.

#### 5.4 Media monitoring

The Board noted the recent media article which had previously been circulated to members.

#### 5.5 Children First legislation

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

**Decision** The Board agreed that a child protection policy should be developed by NMBI.

#### 5.6 Consultation policy

The Board considered the draft *Guide to Consultation* which had previously been circulated to members.

**Decision** The Board approved the *Guide to Consultation*.

#### 5.7 KPI reporting update

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

The Board discussed the rates of absenteeism in the organisation.

**Action** Rates of absenteeism for 2017 to be monitored and tracked against the rates for 2016.

**Action** The KPIs to be noted in each directorate report.

**Action** A joint meeting of the Audit and Risk Committee and the Governance and Finance Committee to be arranged.

Ms Foley and Ms Johnston joined the meeting.

### **Item 6 - Education**

#### 6.1 Education and Training Committee update

Ms Clarke-Bishop, chair of the Education and Training Committee, advised the Board that the committee had not met since the last Board meeting. The next meeting was scheduled to take place in October 2017.

#### 6.2 Standards and Validation Committee update

Ms Clarke-Bishop advised the Board that the committee had not met since the last Board meeting.

#### 6.3 Ethics Committee update

The Board noted the update report on the development of the draft *Medicines Management Standards for Nurses and Midwives* which had previously been circulated to members. Ms Cleary, chair of the Ethics Committee, updated the Board on the committee meeting which had taken place on 12 September 2017 and at which the committee had expressed concerns about the development of the draft document.

**Decision** Following discussion the Board agreed that the document should be a standards based document which would provide guidance to registrants. The draft document in its existing form needed to be reviewed. This review should take place by the three professional officers in the Education Department and a draft following this review would then be brought to the Education and Training Committee for consideration before being presented to the Board.

The Board noted that it had agreed at its meeting of 11-12 July 2017 that the Ethics Committee would be disbanded.

**Decision** The Board agreed that the President, CEO and chair of the Ethics Committee, Ms Cleary, should meet to discuss how to communicate to committee members the decision of the Board in relation to the draft *Medicines Management Standards for Nurses and Midwives* and the dissolution of the Ethics Committee.

#### 6.4 Education Directorate report

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

Ms Foley drew the Board's attention to the following items which were detailed in the report:

- Professional competence scheme: Meetings with stakeholders were on-going. The consultation documents would be presented to the Board at its

next meeting for approval.

**Action** The draft consultation document to be brought to the Board for approval at its meeting on 24 October 2017.

- Advanced practice rules: The draft rules were being reviewed by NMBI’s legal advisors. This would be placed on the October agenda for Board approval.
- National quality clinical learning environment audit tool for undergraduate nurse and midwifery pre-registration students for use in healthcare institutions and guidelines on the key points that may be considered when developing a national quality clinical learning environment. Following a competitive tender process Prof Marie Carney has commenced a project to review this document.

## **Item 7 – Midwifery**

### **7.1** Advanced practitioner (midwifery) standards and requirements

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

**Action** ‘Staff organisations’ to be added as a heading in the stakeholder list.

**Decision** The Board approved the draft document.

### **7.2** 100 years of midwifery regulation

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

The CEO advised the Board that the cost of the project to celebrate this event would be taken from the 2018 budget. The Board agreed that a budget for the project needed to be determined and suggested that events to celebrate 100 years of midwifery regulation could be combined with events to celebrate 100 years of nursing regulation in 2019.

**Action** The CEO to bring a proposal to the Board at its November meeting.

### **7.3** Midwifery Directorate report

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

Ms Foley and Ms Johnston left the meeting.

## Item 8 - Registration

### 8.1 Registration Committee update

Dr O’Carroll, chair of the Registration Committee, updated the Board on the meeting of the Registration Committee which had taken place on 19 September 2017.

Dr Lawler left the meeting.

### 8.2 Registration Directorate report

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

### 8.3 English language testing proposal

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

**Decision** The Board agreed to extend the requirement for English language competency testing to all applicants for registration who do not have English as their first language and to define what constitutes English as a first language with the model currently in use in Australia as set out in the briefing document.

**Decision** The Board agreed that the OET English language test could be used as an alternative to the IELTS test for all applicants required to fulfil the English language competency requirement.

**Action** The Acting Director of Regulation to provide clarification at the October meeting regarding the roll-out of implementing the new requirements.

Ms U Byrne joined the meeting.

## Item 9 – Regulation

### 9.1 Fitness to Practise Committee (1985) update

The Board considered the committee report which had previously been circulated to members. Ms U Byrne updated the Board on the work of the committee to date.

### 9.2 Fitness to Practise Committee (2011) update

The Board considered the committee report which had previously been circulated to members. Ms Barrett, vice chair of the Fitness to Practise Committee, updated the Board on the work of the committee to date.

### 9.3 Preliminary Proceedings Committee update

The Board considered the committee report which had previously been circulated to members. Ms Cleary, chair of the Preliminary Proceedings Committee, updated the Board on the meetings of the committee held on 26 July and 6 September.

**Action** The chair of the PPC to present a report to the Board at its meeting in November on the work of the PPC before eight members go out of office in December 2017.

### 9.4 Guidance on sanctions

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

**Action** The following amendments to be made:

- Place quotation marks around the High Court judgment extract in section 3.8.
- Note that an advise, admonishment and censure are not defined in law but are generally considered to be in ascending order.

**Decision** The Board agreed that the document should be published once the above amendments had been made and the document proof-read.

### 9.5 Relevant medical disability

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

The Board discussed the establishment of a Health Committee. Ms Cleary advised the Board that the PPC had requested that they are kept updated on the establishment of a Health Committee.

**Action** Ms Byrne to prepare a briefing paper for the PPC for its next meeting.

### 9.6 Professional Standards Authority (PSA) report

The Board considered the documents which had previously been circulated to



members. Ms Byrne advised the Board that most of the recommendations of the PSA Report had been implemented and work was in progress in relation to the recommendation regarding KPIs.

The Board discussed the creation of a forum to oversee governance of the fitness to practise committees.

**Action** Update on progress against the recommendations in the PSA report to be brought to the Board at its November meeting. The template to be updated.

**Action** Ms Byrne to meet with the chairs of the Fitness to Practise Committee and the PPC to prepare a recommendation regarding governance of fitness to practise processes for presentation to the Board at its November meeting.

**Decision** The Board agreed that governance of fitness to practise would be a standing agenda item on general Board business days.

#### 9.7 Fitness to Practise Directorate report

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

Ms Clarke-Bishop left the meeting.

### **Item 10 – Audit and Risk**

#### 10.1 FTP internal audit report

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

**Decision** The Board agreed to accept the report.

Ms Byrne left the meeting.

Ms Horan joined the meeting.

#### 10.2 New financial reporting format

Ms Horan gave a presentation to the committee on the new financial reporting format for the Department of Health.

The presentation was following by a question and answer session. The Board

suggested the following amendments to the reporting format.

- Add a subtotal for cash flow items
- Separate income and expenditure for project funding from Department of Health from other income and expenditure items
- Use brackets to denote minus figures
- Round up/down figures to nearest thousand.

**Decision** The Board agreed to accept the proposed amendments.

**Consideration of the item 10.3 - Risk Register - was deferred until after item 12.**

## **Item 11 – Governance and Finance**

### 10.1 Governance and Finance Committee update

The chair of the Governance and Finance Committee, Mr McGrane, updated the Board on the meetings of the Governance and Finance Committee which took place on 16 August 2017 and 18 September 2017.

### 10.2 Management accounts

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

### 10.3 Procurement report

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

#### *PR and communication services*

The Board noted that Q4PR had been identified as the preferred supplier following completion of the tender evaluation. The Board was advised that a service level agreement had been included in the contract to ensure that a quality service was delivered. The CEO and Mr McGrane would meet with Jackie Gallagher, Q4PR, to identify a plan for the organisation.

#### *Legal services contract extensions*

**Decision** The Board agreed to extend the contracts of McDowell Purcell Solicitors and Mason Hayes and Curran Solicitors until 31 December 2017.

#### *Internal audit services contract extension*

**Decision** The Board agreed to extend BDO's contract for six months from 20 October 2017.

**Decision** The Board agreed that the following contracts would be awarded:

- IT managed services – Unity
- Supply of agency staff – Lex Consultancy, CPL Healthcare, Servisource

#### 10.4 Committees

The Board noted the document detailing the terms of office of committee members which had previously been circulated.

**Action** The terms of office of all committee members to be reviewed by the SMT. The CEO, committee chairs and relevant SMT member to contact committees members regarding their terms of office and invite them to submit expressions of interest if they wished to continue. The new term of office would be for three years.

The draft revised terms of reference of all committees, which had been circulated to committee chairs, would be reviewed by the SMT taking into account the comments of committee members.

#### 10.5 Gifts and hospitality policy

The Board considered the draft policy which had previously been circulated to members.

**Decision** The Board approved the policy.

#### 10.6 Policy for drafting Board/committee minutes

The Board considered the draft policy which had previously been circulated to members and suggested the following amendments:

- The start and finish time of meetings to be noted in the minutes.
- Record when people join and leave a meeting.

**Decision** The Board approved the policy subject to the above amendments being included.

### **Item 11 – Any other business**

#### 11.1 Fraudulent cheques

The CEO informed the Board that in 2010 a number of fraudulent cheques modelled on cheques from An Bord Altranais and with the false signatures of the then CEO and Deputy CEO had been tendered for payment of services from various countries to the Bank of Ireland. The bank account recorded on the cheques was closed in March 2017. In August 2017 another fraudulent cheque was returned to NMBI.

The CEO reassured the Board that there was no risk to NMBI but wished to make the Board aware of the situation.

#### 11.2 Audit of personnel files

The audit of personnel files would be undertaken by the HR consultants and would not form part of BDO's internal audit plan as originally scheduled.

#### 11.3 Comptroller and Auditor General audit

The CEO advised that the auditors had been dissatisfied with the level of response in June and a number of their queries had been unanswered. They returned in August to complete the audit and were very appreciative of the response this time around.

Procurement remained an area of concern however the auditors acknowledged that the problems were legacy issues and agreed to note the current position.

**Action** The CEO hoped to bring the audited accounts to the Board at its meeting on 21 November 2017.

### **Item 10 – Audit and Risk continued**

#### 10.3 Risk Register

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

The Board discussed the risk to the organisation of unknown costs and how provision could be made for these. The Board agreed that there were two options:

- Action**
1. Create a reserve fund which would require the agreement of the Comptroller and Auditor General.
  2. Agree with the Department of Health that payment of such costs should be covered in the performance delivery agreement entered into with the Department.

**Action** The SMT to review the risk rating of risk number 9.

Before the conclusion of the meeting the President summarised the actions agreed during the meeting.



There being no further matters for consideration the meeting concluded at 17.15hrs.

**Day 2: Wednesday, 27 September 2017 starting at 9.00hrs.**

**Members Present:**

Ms E Cassidy, President	Dr R McElvaney
Mr J Murray, Vice President	Mr K McGrane
Mr L Minihan (from Item 1.3)	Ms B Liston (from item 3)
Ms T King (from item 1.3)	Mr D Manning
Ms S Cleary (from item 3)	Mr M Blake-Knox
Ms M Barrett	Mr D Murphy (from item 3)
Dr D Lawler	Ms K Canning
Ms L Clarke-Bishop	

**In attendance:**

Ms M Griffin, CEO  
Ms U Byrne, Director of Regulation  
Ms V O'Rourke, Fitness to Practice Department  
Ms O Coady, Minute taker  
Mr E Evans, Beauchamps Solicitors  
Ms R Donnellan, Beauchamps Solicitors

Apologies were received from Mr P Dolan, Mr M Higgins, Dr L Kavanagh McBride, Kevin O'Carroll and Ms M Monahan.

**Fitness to Practise matters**

The Board considered the following:

- Five no prima facie decisions of the Preliminary Proceedings Committee.
- One matter pursuant to Section 57(11) of the Nurses and Midwives Act 2011.
- Three applications pursuant to Section 55(6) of the Nurses and Midwives Act 2011.
- Four reports of the Fitness to Practise Committee under the Nurses and Midwives Act 2011.
- One application pursuant to Section 58 of 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 Supreme Court Cases.



There being no other matters for consideration the meeting ended at 20.30hrs.

**Signed:** \_\_\_\_\_  
**Essene Cassidy**  
**President**

**Date:** \_\_\_\_\_