



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, 27-28 March 2018.

**Day 1: Tuesday, 27 March 2018 starting at 10.00hrs.**

**Members Present:**

Ms E Cassidy, President	Mr L Minihan
Dr L Kavanagh McBride, Vice President	Mr M Blake-Knox
Mr P Dolan	Ms T King
Ms B Liston	Dr R McElvaney
Mr L Hamill	Ms K Canning
Dr D Lawler	Mr D Murphy
Ms L Clarke-Bishop	Ms K Lombard
Ms C Cocoman	
Mr D Manning	

**In attendance:**

Ms M Griffin, Interim Chief Executive Officer  
Ms U Byrne, Director of Regulation  
Mr E Evans, Beauchamps Solicitors  
Ms V O'Rourke, Fitness to Practise Department  
Ms O Coady, Board Secretary

**Apologies and conflicts of interest**

Apologies were received from Mr M Higgins, Ms M Gorman, Ms E Kelly, Mr K McGrane and Ms Elaine Cassidy.

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.

**Fitness to practise matters**

The Board considered the following:

- Fourteen no prima facie decisions of the Preliminary Proceedings Committee.
- One application pursuant to Section 58 of the Nurses and Midwives Act 2011.
- Three applications pursuant to Section 57(11) of the Nurses and Midwives Act 2011.

- One application pursuant to Section 58 of the Nurses and Midwives Act 2011.
- Three reports of the Fitness to Practise Committee under the Nurses and Midwives Act 2011.
- One application pursuant to Section 79 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 Court of Appeal Cases.

### **Item 9.2 – Appointment of non-Board members to the Registration Committee**

The Board agreed to appoint the following non-Board members to the Registration Committee for a term of office of three years:

- Karen Clarke
- Catrina Heffernan
- Janet Wynne.

There being no further matters for consideration, the meeting ended at 14.00hrs.



## **Day 2: Wednesday, 28 March starting at 9.00hrs.**

### **Members Present:**

Ms E Cassidy, President	Ms K Lombard
Dr L Kavanagh McBride, Vice President	Ms C Cocoman
Dr D Lawler	Ms L Clarke-Bishop
Mr D Murphy	Mr D Manning
Mr L Minihan	Mr M Blake-Knox
Ms B Liston	Ms K Canning
Mr L Hamill	Dr R McElvaney
Mr P Dolan	Mr M Higgins
Ms T King	

### **In attendance:**

Ms M Griffin, CEO  
Mr M Balfe, Interim Director of Corporate Services and Finance (items 7 and 8)  
Ms E Horan, Finance Manager (items 7 and 8)  
Mr V Teo, Crowleys DFK (item 7)  
Mr D Chawke, Crowleys DFK (item 7)  
Ms U Byrne, Director of Regulation (items 8 and 12)  
Ms L Crimin, Director of Registration (item 9)  
Ms D Johnston, Director of Midwifery (items 5 and 11)  
Ms T Raftery, Project Manager (item 12)  
Ms A de Burca, Communications Manager  
Ms V O'Rourke, Fitness to Practise Department  
Ms O Coady, Board Secretary

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

- 1.1 Apologies were received from Mr K McGrane, Ms Elaine Cassidy, Ms E Kelly and Ms M Gorman.
- 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.

### **Item 2 – Board private session**

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

Ms Griffin and Ms de Burca returned to the meeting during the private session on the invitation of the President. Ms de Burca left the meeting.

The private session concluded at 9.55hrs. Ms O'Rourke and Ms de Burca returned to the meeting.

### **Item 3 – Minutes and action list**

#### 3.1 Minutes of 13 February 2018

**Decision** The Board approved the minutes of 13 February 2018.

#### 3.2 Action list

The action list was reviewed and updated.

### **Item 4 – Matters arising from the minutes of 13 February 2018**

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

### **Item 5 – President's update**

#### 4.1 President's report

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

The President advised the Board that the ICGP conference dinner, which had been deferred due to Storm Emma, had taken place on 23 March 2018 and that the President and the CEO had attended.

#### 4.2 IPA governance course

The President drew the Board's attention to the learning contract and application form for Board members which had previously been circulated to members.

**Action** Ms Coady to email the learning contract and application form to Board members and those interested to complete and return the forms before a date to be specified in the email.

#### 4.3 Designated title

Ms Johnston joined the meeting.

The Board considered correspondence received which had previously been circulated to members.

The Board discussed the matter at length.

**Decision** Following this discussion, the Board agreed that Dr Lawler and Ms Johnston should meet with Communications Manager, Ms de Burca, to develop a statement on the use of titles to be released once approved by the President. A copy of the statement to be circulated to the Board for noting when approved.

Ms Johnston and the President would respond directly to those correspondents who had communicated with them personally.

Ms Johnston left the meeting.

#### 4.4 Appointment to NMBI Board

The President welcomed Ms K Lombard to the meeting. Ms Lombard had been appointed to the Board to by the Health Information and Quality Authority under Section 22(1)(h) of the Nurses and Midwives Act to replace Dr Kevin O’Carroll.

The President advised the Board that Ms Elaine Cassidy, who was not in attendance, had been appointed as a public interest representative under Section 22(1)(j) to replace Ms Colette Finn.

#### 4.5 Correspondence

##### *Request for nominee to serve on the Medical Council*

The Board noted the above request which had been received from the Medical Council. The President advised that the nominee did not have to be a Board member but must be a registered nurse or a registered midwife.

**Decision** Nomination criteria to be developed.

##### *Letter from the Chief Nurse*

The Board noted Dr O’Halloran’s letter of acknowledgment of NMBI’s letter of 25 January 2018 which had requested a review of NMBI’s governing legislation in light of the recommendations of the organisation review undertaken by Crowe Horwath.

#### 4.6 Board members speaking at conferences

The Board noted the request received by Mr Hamill to give a presentation at the Centre of Nurse Education, Mercy University, Cork.

The Board discussed developing guidelines for Board members who are asked to speak at external events in their role as Board members of NMBI.

**Action** Ms Griffin agreed that guidelines would be developed and that, together with Ms de Burca, she would create a standardised presentation to be used by Board members when invited to present on behalf of the Board.

#### **Item 6 – CEO report**

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

#### 6.2 *Nursing and Midwifery Leadership Network (NMLA) request for funding*

The Board considered a letter from Ms Suzanne Dempsey, Chair of NMLN requesting funding to resource the network in 2018. Ms Griffin outlined the purpose of the network and the work it plans on undertaking.

Ms Liston raised concerns about spending registrants' money on a project which would not benefit them directly but other Board members felt it was important for NMBI to be part of this initiative.

Mr Murphy joined the meeting,

**Decision** The Board agreed to commit €10,000 a year for three years to funding the initiative.

#### 6.3 *Data breach policy and notification form*

The Board considered documents which had previously been circulated to members.

**Decision** The Board approved the data breach policy and notification form. These documents would be circulated to staff and included in the staff handbook.

#### 6.4 *Communication plan*

The Board considered the NMBI Communications Strategy and Plan 2018-2019 which had previously been circulated to members.

**Decision** The Board approved the Communications Strategy and Plan 2018-2019.

Dr Lawler left the meeting.

## **Item 7 – Audit and Risk**

Mr Balfe, Ms Horan, Mr Teo and Mr Chawke joined the meeting.

### **7.1** *Annual financial statements 2017*

Mr Teo presented the draft annual financial statements 2017 which had previously been circulated to the Board which included the following:

1. Governance Statement and Board Members Report
2. Statement on Internal Control
3. Financial Statements

The draft annual financial statements 2017 had been submitted to the Department of Health on 28 February 2018 as per the requirements of the Code of Practice for the Governance of State Bodies 2016. The Department of Health had acknowledged receipt of the draft statements.

The draft statements 2017 had then been considered by the Audit and Risk Committee at its meeting on 15 March 2018.

The chair of the Audit and Risk Committee advised the Board that the committee recommended approval of the draft statements.

**Decision** The Board approved the draft annual financial statements 2017 including the statement on internal control and the governance statement. Following approval by the Board, the draft annual financial statements would be submitted to the Comptroller and Auditor General on or before 31 March 2018 pursuant to Section 34(3) of the Nurses and Midwives Act 2011.

The Board discussed the funding received for the Nursing Careers Centre.

Ms Griffin advised the Board that she had contacted the Office of the Nursing and Midwifery Services Director to request clarification on the role of NMBI with regard to the Nursing Careers Centre.

### **7.2** *Internal audit report on internal controls*

Mr Higgins, chair of the Audit and Risk Committee, presented the internal audit report on internal controls prepared by the NMBI's internal auditors, BDO, and which had previously been circulated to members. The Board noted that the internal auditors were reasonably assured that the controls were effective.

**Decision** The Board approved the internal audit report on internal controls.

**Action** Mr Teo and Mr Chawke left the meeting.

### 7.3 *Annual Report 2017*

The Board considered the draft Annual Report 2017 which had previously been circulated to members. The Board noted that the President's and CEO's addresses together with the audited accounts would be included at a later date.

**Decision** The Board agreed that the draft Annual Report 2017 with the inclusion of the President's and CEO's addresses should be submitted to the Minister pursuant to Section 21(1) of the Nurses and Midwives Act 2011.

### 7.4 *Audit and Risk Committee annual report*

The Code of Practice for the Governance of State Bodies 2016 requires that the Audit and Risk Committee submits an annual report to the Board presenting its opinion on the adequacy of risk management and internal control systems, and the adequacy of sources of assurance to the Board.

The Board considered the draft Audit and Risk Committee annual report which had previously been circulated to members.

**Decision** The Board approved the Audit and Risk Committee annual report.

### 7.5 *Audit and Risk Committee charter*

The Code of Practice for the Governance of State Bodies 2016 requires that the roles and responsibilities of the Audit and Risk Committee are set out in a written charter, including terms of reference, which should be communicated to all members of the committee.

The Board considered the draft Audit and Risk Committee charter which had previously been circulated to members.

**Decision** The Board approved the Audit and Risk Committee charter.



#### 7.6 *Audit and Risk Committee secretariat responsibilities*

The Board considered the draft list of Audit and Risk Committee secretariat responsibilities which had previously been circulated to members.

**Decision** The Board approved the Audit and Risk Committee secretariat responsibilities.

#### 7.7 *C&AG management letter and report on the 2016 audit*

The Board noted the letter dated 7 February 2018 received from the C&AG and the C&AG report on the 2016 audit.

Mr Higgins advised the Board that Mr Brian Murphy of the C&AG attended the meeting of the Audit and Risk Committee on 15 March 2018 and discussed the letter and report with members.

#### 7.8 *Risk Register*

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

Ms Griffin advised that the business case for a Director of Corporate Services had been approved. It was anticipated that the Department of Health would support the seeking of expressions of interest for a Director of Corporate Service through the Department. In addition, Crowleys DFK would support the finance team until a replacement had been recruited to fill the position left by Ms Horan.

#### 7.9 *Code of Practice 2016 gap analysis*

Mr Higgins updated the Board on the contents of the report which included:

- Develop a schedule of matters for Board decision
- Issue a statement of internal control
- Develop procedures for post-registration/retirement of Board members
- Develop Board secretariat terms of reference
- Update Code of Conduct for Board members

**Action** The Code of Practice 2016 gap analysis report to be uploaded to the Board members' iPads under Board Reference Material.

### **Item 8 – Governance and Finance**

#### **Finance**

#### 8.1 *Management accounts*

The Board noted the January 2018 management accounts which had previously been circulated to members.

The Board thanked Ms Horan for her work with NMBI and wished her well in the future career.

Ms Byrne joined the meeting.

### **Procurement**

#### 8.2 *Procurement report*

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

#### 8.3 *Tender award – FTP legal services*

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

The report on the evaluation of tenders received was circulated to members.

**Decision** The Board agreed to award the OGP framework tender for FTP legal services to Mason Hayes and Curran for a period of three years.

Ms Byrne left the meeting.

### **Governance**

#### 8.4 *Delegated functions: corporate matters and education*

The Board considered the draft schedule of delegated functions (corporate matters and education) which had previously been circulated to members.

Ms Griffin drew the Board's attention to the Section 28(1) of the Nurses and Midwives Act 2011 which states that:

*...the Board shall appoint a person recruited in accordance with the Public Service Management (Recruitment and Appointments) Act 2004 to be the chief executive officer to—*

- a) carry on and manage and control generally the administration of the Board and the business of the Board, and*
- b) perform any other functions that may be delegated by the Board.*

The Board agreed that this was a reserved function of the Board.

Ms Griffin then drew the Board's attention to Section 29(1) of the Nurses and

Midwives Act 2011 which states that:

*...the Board shall appoint such and so many persons recruited in accordance with the Public Service Management (Recruitment and Appointments) Act 2004 to be employees of the Board as the Board from time to time thinks proper with the approval of the Minister given with the consent of the Minister for Public Expenditure and Reform.*

The Board agreed that this function should be delegated to the CEO.

**Decision** The Board approved the schedule of delegated functions (corporate matters).

**Decision** The Board approved the schedule of delegated functions (education).

#### 8.6 *Board training schedule 2018*

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

#### 8.7 *Code of Conduct for Board and Committee Members*

The Board considered the Code of Conduct for Board and Committee Members which had previously been circulated to members. The Board noted that the Code had been updated to meet the requirements of the Code of Practice for the Governance of State Bodies 2016.

**Decision** The Board approved the Code of Conduct for Board and Committee Members.

#### 8.8 *Board secretariat terms of reference*

The Board considered the Board secretariat terms of reference which had previously been circulated to members.

**Decision** The Board approved the Board secretariat terms of reference.

#### 8.9 *Public access to meetings*

The Board considered a draft policy on public access to meetings which had previously been circulated to members.

**Decision** The Board approved the policy on public access to meetings and agreed that the Board should continue to work towards opening some meetings of the Board to members of the public.

#### 8.10 *Governance and Finance Committee annual report*

The Board considered the Governance and Finance Committee annual report which had previously been circulated to members.

**Decision** The Board approved the Governance and Finance Committee annual report.

Mr Balfe, Ms Horan and Ms Clarke-Bishop left the meeting.

#### **Item 9 - Registration**

Ms Crimin joined the meeting.

#### 9.1 *Removal of registration for failure to pay the annual retention fee (ARF)*

The Board considered a list of registrants who had failed to pay the annual retention fee. Ms Crimin advised the Board that NMBI had fulfilled its legal obligations pursuant to the Nurses and Midwives Act 2011 in relation to this matter. Ms Crimin further advised that a reminder had been sent to all registrants had failed to pay the ARF and that stakeholders had also been advised.

**Decision** The Board approved the removal from the Register of all of the names on the list in accordance with Section 77 of the Nurses and Midwives Act 2011 with the exception of a named registrant as the Board was informed during the meeting by Ms King that this registrant was deceased.

The registrants, the Minister and any known employers would be informed of the removal from the Register of Nurses and Midwives.

The Board noted that item 9.2 had been considered the previous day.

#### 9.3 *Registration Directorate report*

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

Ms Crimin drew the Board's attention to the update on the draft rules which would be presented to the Board at its meeting on 17 April 2018 following consideration by the Registration Committee on 6 April 2018.

Ms Crimin left the meeting.

## Item 10 – Professional Standards and Education (Nursing)

### 10.1 *Appointment of member to the MMPC steering group*

**Decision** The Board approved the appointment of Marie Kilduff as the nominee from the Irish Association of Directors of Nursing and Midwifery (IADNAM).

### 10.2 *Appointment of chair of the MMPC steering group*

**Decision** The Board approved the appointment of Mary Gobbi as chair of the MMPC steering group.

### 10.3 *Principles of MMPC scheme*

The Board considered a briefing document, which had previously been circulated to members, outlining the key principles of the MMPC scheme.

**Decision** The Board approved the principles of the MMPC scheme.

### 10.4 *Public consultation and timelines*

The Board further considered the draft consultation document and the briefing document which set out the timelines for public consultation, which had previously been circulated to members.

**Decision** The Board agreed to proceed to public consultation and approved the timelines.

### 10.5 *Steering group to approve final document*

The Board further considered the draft consultation document. The Board noted that the document required further editing.

**Decision** The Board agreed that MMPC steering group could approve the final document for consultation once further editing had taken place, however, any material changes to the principles of the scheme must be brought back to the Board for approval.

The Board noted that the next meeting of the steering group would take place on 11 April 2018.

### 10.6 *Professional Standards and Education (Nursing) report*

The Board noted the Professional Standards and Education (Nursing) report

which had previously been circulated to members.

#### 10.7 *Professional Certificate of Nurse/Midwife Prescribing of Medicinal Products*

The Board considered details of the above programme which had previously been circulated to members.

**Decision** The Board approved the curriculum for the Professional Certificate of Nurse/Midwife Prescribing of Medicinal Products.

#### **Item 11 – Professional Standards and Education (Midwifery)**

Ms Johnston and Ms Byrne joined the meeting.

##### *National Student Midwife Competency Tool*

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

**Decision** The Board approved the National Student Midwife Competency Tool.

Ms Rafferty joined the meeting.

#### **Item 12 – Regulation**

##### 12.1 *Fitness to Practise Directorate report*

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

The Board noted that a new reporting format was being considered for the directorates and that Fitness to Practise (Regulation) Directorate report had been presented in this format. Ms Byrne asked Board members to contact her directly with any comments on the new reporting approach.

##### 12.2 *Appointment of non-Board member to the Fitness to Practise Committee*

**Decision** The Board agreed to appoint former Board member, Michele Monahan, to the Fitness to Practise Committee as a non-Board member for a final term of office of three years.

Ms Byrne advised the Board that Conor Doran, a Case Officer in the Fitness to Practise Department, was leaving the organisation to take up a solicitor training contract. The Board asked Ms Byrne to extend their thanks to Mr Doran and to

wish him well in his new role.

12.3 *Sample cost of Section 55 case*

The Board noted the document setting out the sample cost of a Section 55 case which had previously been circulated to the Board for noting.

12.4 *Sample cost of Section 58 case*

The Board noted the document setting out the sample cost of a Section 58 case which had previously been circulated to the Board for noting.

The Board acknowledged receipt of the NMBI publication *Guidance on Sanctions* which had been circulated to members.

**Item 13 – Any other business**

There being no further matters for consideration, the meeting ended at 14.50hrs.

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

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