

An Bord Altranais agus Cnáimhseachais na hÉireann (the Nursing and Midwifery Board of Ireland) (the “Board”) Publication Policy regarding Part 9 of the Nurses and Midwives Act 2011 for the publication of information on Fitness to Practise Inquiries and Sanctions

The Board is committed to transparency in its work and strives to ensure the confidence of the public. These principles will underpin any decision taken under this policy.

1. Information to be published – Public Inquiry.

Following a Public Inquiry, the findings of the Fitness to Practise Committee will be published in accordance with the Procedures of the Fitness to Practise Committee (20 June 2014).

Where a Public Inquiry is held the Board will, upon receipt of the Fitness to Practise Committee report and where findings have been made against a nurse / midwife, decide on the sanctions to be imposed. Following a decision on sanction the Board will also consider if it is in the public interest to publish a notice of the sanction imposed and to publish some, or all, of the Transcript. The Board is required to consult with the Fitness to Practise Committee in respect of the publication of all or part of the Transcript. Where confirmation of sanction by the High Court is required, publication of sanction will not occur until after confirmation of sanction has occurred.

2. Information to be published – Inquiry held otherwise than in public.

In the event of an Inquiry held otherwise than in public, the Board shall consider if it is in the public interest for the notice of sanction and all or part of the Transcript to be published. The Board is required to consult with the Fitness to Practise Committee in respect of the publication of all or part of the Transcript. The Board may redact some or some parts of the Transcript or choose not to publish part or all of the Transcript of the proceedings of the Inquiry to ensure the rights of any relevant individuals are protected. Where confirmation of sanction by the High Court is required, publication of sanction will not occur until after confirmation of sanction has occurred.

3. Information to be published – Conviction for offences

Section 55(1) (i) provides that if a nurse or midwife is convicted in the State of an offence triable on indictment or is convicted outside the State of an offence consisting of acts or omissions which would constitute an offence triable on indictment if done or made in the State, the Board may decide to cancel the registration of that nurse or midwife pursuant to section 55(6). Cancellation of registration pursuant to Section 55(6) requires confirmation by the High Court. Following such confirmation, the sanction will be published, save in such cases where the rights of others would be infringed by such publication.

4. Manner of Publication

If, pursuant to paragraphs 1, 2 or 3 above, publication of measures (i.e. the sanction imposed) is to be made then they shall be published in the following manner:

- a. The NMBI eZine.
- b. On the Board's website (www.nmbi.ie).

If, pursuant to paragraphs 1, 2 or 3 above, part or all of the transcript is to be published, then it will be published on the Board's website (www.nmbi.ie).

In cases of significant public interest, the Board or Chief Executive Officer (or designate) may also publish the sanctions by means of a Press Statement.

5. Decisions Not to Publish

Where a decision not to publish is taken by the Board, the rationale for this decision will be documented in the minutes of the Board meeting. The Board will consider all of the circumstances of each particular case in deciding whether or not it is in the public interest to publish or not.

6. Notification of Sanctions to Certain Persons

Notification is required in all cases where the sanction imposed has taken effect and that sanction is one of the measures listed at subsection (1) of Section 82.

Notification of the measures taken must be made to the following:

- (a) The Minister for Health.
- (b) The Chief Executive Officer / Director General of the Health Service Executive.
- (c) The employer, if known.
- (d) Regulatory authorities in other jurisdictions - pursuant to section 82(4).

Notification of the findings and the sanction, if any findings were made, will be made to the complainant in all cases.

7. Measures applied by a state other than the State

Schedule 1

Relevant legislation

1. Part 9, Nurses and Midwives Act 2011 (the "Act").

(b) after consultation with the Fitness to Practise Committee, publish a transcript of all or any part of the proceedings of the Committee at an inquiry, whether with or without any information which would enable all, or anyone or more than one, of the parties to the proceedings to be identified.

3. Section 82 of the Act requires the Board to give certain notifications and states as follows:

82. (1) The Board shall give notice in writing to the Minister and the Health Service Executive as soon as is practicable after any of the following measures take effect under this Part:

(a) the cancellation of a nurse's or midwife's registration.

(b) the restoration of a nurse's or midwife's registration.

(c) the removal of a nurse's or midwife's registration.

(d) the suspension of a nurse's or midwife's registration.

(e) the termination of the period during which a nurse's or midwife's registration is suspended.

(f) the transfer of a nurse's or midwife's registration to another division of the register of nurses and midwives

(g) the attachment of conditions to a nurse's or midwife's registration.

(h) the removal of conditions attached under this Part to a nurse's or midwife's registration.

(i) the prohibiting of a nurse or midwife from applying for a specified period for the restoration of the nurse's or midwife's registration.

(j) the censuring and fining of a registered nurse or registered midwife.

(k) the censuring of a registered nurse or registered midwife.

(2) Where it comes to the Board's attention that, under the law of a state other than the State, a measure corresponding to one referred to in any of paragraphs (a) to (k) of subsection (1) has been taken in relation to a registered nurse or registered midwife, the Board shall, as soon as is practicable, give notice in writing to the Minister and the Health Service Executive of the measure.

(3) The Board shall give notice in writing to an employer (other than the Health Service Executive) where:

(a) it comes to the Board's attention that any measure referred to in subsection (1) or (2) has been taken in relation to a registered nurse or registered midwife employed by the employer.

(b) the employer's name is known to the Board.

(4) Where:

(a) it comes to the Board's attention that any measure referred to in subsection (1) or (2) has been taken in relation to a registered nurse or registered midwife.

(b) the Board has reason to believe that:

(i) the nurse or midwife is registered in another jurisdiction.

(ii) those measures may not have come to the attention of the body duly authorised to perform functions in that jurisdiction that correspond to the functions of the Board.

The Board shall give notice in writing to that body of those measures.