

Information Statement
Public Authority: Bermuda Nursing and Midwifery Council
Professions Complaints Committee

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Introduction to Your Rights under Public Access to Information

This document is the Information statement for the Nursing and Midwifery Professions Complaints Committee (NMPCC) In accordance with the Public Access To Information (PATI) Act 2010, every public authority has a legal duty to maintain an Information Statement.

The purpose of the PATI Act and this document is to make information readily available to the public without the need for specific written requests, to encourage authorities to proactively publish information and to develop a culture of openness. Every person who is a Bermudian, or resident of Bermuda, has a right to access any record held by a public authority, and a right to amend their personal information held by a public authority if it is incorrect or misleading. However, several classes of information are exempt, including: Personal information (unless it relates to the requestor); Sensitive commercial, information received in confidence; Operations and deliberations of Public Authorities; Cabinet, Ministerial and Governors documents; and Legal documents. All exemptions are subject to the public interest test, except those that would be in contempt of Court, infringe Parliamentary privilege or are prohibited by other legislation [for more information see sections 21 to 40, PATI Act].

How to make a request

Requests for information, or to amend your personal information, must be made using the application form, and submitted in person to the Ministry Information Officer. See Section G for how to make a request including the documents needed, record specificity, contact information and process timelines.

Key, including definitions

- Act means Nursing and Midwifery Act 1997
- Committee- Nursing and Midwifery Profession Complaints Committee (NMPCC)
- Ministry means the Ministry of Health and Seniors
- PATI means Public Access To Information
- Association means Bermuda Nurses Association

- [] Square brackets, refer to sections of the PATI Act, unless another Act is indicated

Section A: Structure, Organization and Governing Legislation

Insert structure of Authority (text, and figure if latter useful):

The Committee consists of three members appointed by the Minister [Second Schedule; section 6C, the Act]; alternate to a member appointed in accordance with similar requirements to a member.

- i) Two from a list that consists of a registered nurse, a registered nursing associate and a registered midwife in good standing who are nominated by the council; and
- ii) a barrister and attorney who is admitted and enrolled in Bermuda.

The chair is appointed (by the Minister of Health , acting chair is appointed by the committee from among the Committee members in the absence of the chair at a meeting [Second Schedule para I, para 8, the Act]

Please see the Government website for the list of current members at <https://www.gov.bm/government-boards-and-committees>; then select current Boards and Committees and then search for the Bermuda Nursing Council.

Insert Governing Legislation:

Nursing and Midwifery Act, 1997 (amended 2010) and Nursing and Midwifery Rules 2010

Section B1: Legislated Functions, powers, duties of the Authority [s5(1)b]

Insert power, duties and function of the authority (cite Act or Policy):

Legislated functions, powers, duties of the Council under the Nursing Act

The functions of the Professions Complaints Committee are [section 4, 6Cthe Act] –

(a) to receive and investigate, or cause to be investigated, complaints against any registered person including any allegation that

- i. the person's registration was improperly obtained,
- ii. the person is guilty of professional misconduct,
- iii. the person is unfit to practice by reason of conviction of an indictable offence or adverse physical or mental health or
- iv. the person is otherwise unfit to practice or to be registered; and

(b) to perform such other functions as may be prescribed.

(2) The committee may investigate any complaint based on matters alleged to have occurred-

- a) inside or outside Bermuda; or
- b) at any time, whether or not at a time when the person was a registered person.

Section B2: Obligations under PATI Act [s5(1)b]

(same for all public authorities)

Obligations of the Authority under the PATI Act

1. To provide an **information statement** for the public and promulgate it [s5],
2. To provide **other information** to the public so that the public needs only to have minimum resort to the use of the Act to obtain information [s6]. This includes:
 - a. General information, e.g. activities of the Authority
 - b. Log of all information requests and their outcome
 - c. Quarterly expenditure (upon request) [s6(5)]
 - d. Contracts valued at \$50,000 or more.
3. To **respond to information requests** in a timely manner [s12-16]
4. To **track information requests**, and provide this data to the Info Commissioner [s5(8)3]
5. To respond to requests from the Information Commissioner [s9]
6. To **amend personal information** held by the Authority that it is wrong or misleading following a written request by the person to whom the information relates [s19]
7. To conduct an **internal review** if formally requested [part 5]
8. To give evidence for **review by the Information Commissioner** [part 6, 47(4)], or for **judicial review** [s49], if required
9. To provide an **annual written report** to the Information Commissioner of the status of information requests [s58(3)].
10. To **do anything else as prescribed** under the PATI Act and Regulations [s59, 60], including:
 - a. **Managing Fees** for Requests for information
 - b. Management and maintenance of **records**
 - c. **Following procedures** for administering the Act
11. To **train staff and make arrangements** so as to facilitate compliance with the Act [s61]
12. To **designate an officer** to be the person to whom requests are directed [s62]

Section C: Services and Programmes provided

Insert a summary of services and programmes provided by the authority:

The Professions Complaints Committee receive and Investigate or cause to be investigated any complaint or allegation against any registered person alleged to have occurred inside or outside Bermuda.

Services

1. Investigate complaints, and decides in its opinion whether the complaint ought to be referred to the council or ought not to be referred to the council for decision.

Programmes

1. *Nursing scholarship*. Provides a scholarship for nurses. See the BNC website for more information.

Section D: Decision-making documents (all public access) [s5(1)f]

Insert list and description of all policies and guidelines for decision making in respect to any person. Note "person" includes any company or association or body of persons, whether corporate or unincorporate; [Interpretation Act, 1951]

1. Nursing and Midwifery Act, 1997 and Nursing and Midwifery Rules 2010. Government of Bermuda. (Public access). The legislation governs the powers, functions and procedures of the Council. These documents are available online: www.bermudalaws.bm

2. *Standards of Practice for Nurses* (Dec, 2014). Bermuda Nursing Council. (Public Access). Guidance that describes what is expected of all nurses according to good nursing practice values and principles.
 3. *Nursing Associate Standard and Scope of practice* (July 2016). Bermuda Nursing Council. (Public Access). Describes the standards and scope of practice for Nursing Associates. Enrolled Nurse Scope of Practice (closed category only enrolled Nurses registered prior to 1997 maintained on register).
 4. *Prescribing Restrictions and Requirements for Advanced Practice Nurses*. (Revised 2019). Bermuda Nursing Council. (Public Access). Describes the restrictions on AP nurses, and the requirements of medical practitioners, required to allow AP nurses to prescribe under the authority of a medical practitioner.
 5. Regulatory Criteria Policy for Registration of Advance Practice Nurse (April 2018). Describes registration eligibility of Advanced Practice Nurse.
 6. *Code of Conduct*. (2018) BNMC adapted from International Council of Nursing. (Public Access). Describes what is expected of all nursing and midwifery professionals according to good nursing and midwifery practice values and principles
- Regulatory documents that have been updated and replaced***

Section E: Administration (all public access) manuals [s5(1)e]

Insert list and description of all administrative manuals/ guidelines used by employees for administering or carrying-out activities:

The following guidelines are used by the Professions Complaints committee for administering Its scope within the Act:

1. Terms of Reference for the Nursing and Midwifery Professions Complaints Committee, Describes the mandate and procedures of the NMPCC.

Section F: Records held [s5(1)d]

List and describe the classes of records held by the authority:

The following records in respect of this public authority are held:

Registration Records

Activities of the Council (public access)

1. *Meeting minutes of the Committee*. (Public Access, with personal identifiers redacted). Records the business addressed and attendance.
2. *Annual Report of the Committee*. (Public Access). Summarizes the activities of the committee for the preceding year including attendance.

Section G: How to Contact the Information officer and Make a Request [s5(1)g and (h)]

Insert name and contact information:

How to make a request for information, or to amend your personal information

Requests must be made using the application form and submitted in person to the Information Officer. You must also provide Government-issued identification to prove that you are a Bermudian or a resident of Bermuda, such as a passport or Bermuda driver's license. The process and application form are located at: <https://www.gov.bm/online-services/make-pati-request>

A request must identify the record, the subject and time period. Requests should specify the manner in which access is preferred, for example by inspection or by copy. There is a fee charged for reproducing materials (see list of fees on the PATI website at: <https://www.gov.bm/pati-service-fees>).

Your request will be acknowledged within 5 days. The Public Authority has 6 weeks to make a decision regarding the request. Access to the record may be provided in full, in part or denied. If you are not satisfied with the outcome you may appeal the decision via several mechanisms: an Internal Review by the head of the Authority, an External Review by the Information Commissioner, and a Judicial Review in the Supreme Court. These processes are described on the PATI website (<https://www.gov.bm/public-access-information-pati>).

Contact	PATI Information Officer, Gaynell Hayward-Caesar <i>Re: Bermuda Nursing Council</i>
Hand-deliver to	Continental Building, 25 Church Street, Hamilton
Mail to	P.O. Box 1195 Hamilton HM CX, Bermuda
Email*	bermudanursingcouncil@gov.bm
	<i>2Add subject line: PATI request re BNC</i>
Tel	292-0774 or 278 4910

* Note requests for information will only be accepted for submissions made in-person so as to verify the requestor's identity.

Section H: Further Information

Insert any other information that you think might be useful for the public to know, so as to decrease requests for information [s6]:

Further information

- **About us** is available on the Council's website at: www.bnc.bm
- The **legislation** listed in this document may be found at Bermuda Laws Online www.bermudalaws.bm.

Financial Information

- The fees for services and the remuneration of board members for service is governed by the following legislation, respectively:
 - Government Fees Act, 1965; and the Government Fees Regulations, 1976. The Act governs the charging of fees to applicants for services. The Regulations lists the fees for the services.

- Government Authorities (Fees) Act, 1971. The Act governs the remuneration of body members for services. In brief: the Chair receives \$100, and other members receive \$50, per meeting. Public Officers receive no monies.

Section I: Other Information As Prescribed? [s5(1)i]

At Aug 2016 the Regulations do not specify additional requirements for the Information Statement. But note, that the following shall be provided in accordance with s6 of the PATI Act:

1. **Log of PATI** information access requests: To be provided upon request and with personal identifiers deleted.
2. **Contracts:** Any contracts entered into, with a value greater than or equal to \$50,000 [s6(6)]. Note for this authority, there is no power to enter into any contracts.
3. **Expenditure:** Quarterly expenditure will be provided upon request. Other than remuneration to members for attending meetings, as described in section H (3) above, the Authority has no expenses
4. **Salaries:** The Minister responsible for PATI shall publish a list of title and salary range of every post of public officers [s6(6)].

Section J: Information Statement: Copies and Updates [s5(2,3,4,5)]

Every public authority shall update its information statement at least once a year, and make it available for inspection by the public at reasonable times at [s5(2-5), PATI Act]:

Locations of Information Statement (*Confirm copies of Information Statement are available at:*)

- Office: 25 Church Street Y
- The Bermuda National Library Y
- The Bermuda Archives Y
- Available electronically at:
 - PATI website <https://www.gov.bm/public-access-information-pati> Y
 - Council website www.bnc.bm Y
- With the Information Commissioner. Y

Have you published a notice in the Gazette indicating the places where the information statement is available for the public? N

Date Information Statement was updated: *Date:* December 31, 2019

Sign: 

Name: Gaynell Hayward-Caesar,
Post: Ex-officio, Bermuda Nursing Council

Ends