

NATIONAL INSTITUTE FOR HEALTH AND CARE EXCELLENCE

Diagnostics Advisory Committee Terms of Reference and Standing Orders

Terms of reference

General

1. The Diagnostics Advisory Committee will operate as a standing advisory committee of the Board of NICE.
2. The Diagnostics Advisory Committee will advise NICE on the formulation of NICE's Guidance on diagnostic technologies and any other matter related to the evaluation of diagnostic technologies, as requested.
3. The Diagnostics Advisory Committee will develop recommendations for the NHS in accordance with the Institute's published methods and processes for developing guidance on diagnostic technologies.
4. The Diagnostics Advisory Committee will submit its recommendations to the NICE Guidance Executive which will act under delegated powers of the Board in considering and approving the recommendations.

Membership

5. The membership will be appointed by NICE and shall reflect both the spread of interests and expertise required for the business of the committee and the Institute's values of equality and diversity.
6. The committee will normally have 25-30 voting members including the chair (depending on the number of co-opted members for the topic under consideration). The total number of standing members will be 22.
7. The membership will be drawn from the diagnostics, clinical and associated communities.
8. The total membership of the Committee will include those with specific expertise in the technology or condition under consideration who will be co-opted onto the Committee for the duration of its consideration of the topic. There will be no maximum number of co-opted members. They will engage with formulating recommendations and have voting rights, and their number will count towards the quorum of the meeting.

Standing Orders

General

9. These standing orders (“the SOs”) describe the procedural rules for managing the committee’s work as agreed by NICE. The committee will operate as an advisory committee to NICE. Nothing of these standing orders shall limit compliance with NICE’s Standing Orders so far as they are applicable to this committee.
10. The appointment of advisory committees is at the sole discretion of NICE’s Board subject to any direction as may be given by the Secretary of State.
11. Members of the committee shall be bound by these standing orders and will be expected to abide by the seven principles for the conduct of public life as recommended by the Nolan Committee which are:
 - selflessness
 - integrity
 - objectivity
 - accountability
 - openness
 - honesty
 - leadership
12. Other members who may be co-opted from time to time at the discretion of the committee shall be subject to the same principles.
13. The chair and members of the committee will be appointed in accordance with NICE’s recruitment and selection to advisory bodies and topic expert groups policy and procedure.
15. The chair and members of the committee will be appointed for a period of 3 years in the first instance. This may be extended by mutual agreement for a further period of up to 3 years and up to a maximum of 10 years.
16. The removal or substitution of members and the general constitution of the advisory body shall be at the discretion of NICE in accordance with its published procedures.
17. All reasonable facilities shall be provided for members to ensure they have the opportunity to participate fully and equitably in the business of the committee.

Interpretation

18. During the course of the meeting, the chair of the committee having taken advice from a senior member of the NICE committee project team shall be the final authority on the interpretation of standing orders.
19. Statements of committee members made at meetings shall be relevant to the matter under discussion at the time and the decision of the chair on questions of order, relevancy, and interpretation (including conflicts of interest) shall be final.

Committee chair and vice chair

20. Meetings will be conducted by the chair or in his/her absence the vice chair.
21. The vice chair will be appointed in accordance with NICE's recruitment and selection to advisory bodies and topic expert groups policy and procedure.
22. The vice chair's appointment will be for a period of 3 years in the first instance, renewable for a further period, of no more than 3 years, to a maximum of 10 years.
23. Where a committee member has been promoted from within the committee to vice chair, the new term will count against the 10 year total. For example, if a member serves one 3-year term and is then promoted to vice chair for another 3-year term, this will be regarded as having served 6 years as a member of the committee
24. The chair, or the vice chair in the chair's absence, may take action on behalf of the committee outside of the scheduled committee cycle when urgent decisions are required and it is impracticable to convene a special meeting of the committee.
25. On the occasion(s) where the chair or the vice chair is absent, another member of the committee can be used as proxy to fulfil the role. The proxy vice chair of the meeting will be appointed by the centre director (or an appointed deputy) and the chair of the meeting.

Quorum

26. The quorum is set at 50% of committee membership in accordance with ToR. The quorum should be rounded up to the next whole number in the event of there being an odd number of members.
27. No business should be transacted unless the meeting is quorate. If a member is excluded due to a conflict of interest and membership falls below the quorum, no business may be transacted. There is no time limit for a quorum to be achieved but the start of the meeting or business transaction should be delayed where the meeting is not quorate.

28. The quorum must be achieved for the meeting to proceed. However, the needs of the committee are such that even if the meeting is quorate, an appropriate spread of members' interests should be represented at each meeting. If, in the view of the chair, the spread of interests is insufficient for the business under consideration, the meeting may be suspended or adjourned until a later date.
29. Invited experts and observers in attendance at committee meetings will not count towards the quorum.

Voting

30. The decisions of the committee will normally be arrived at by a consensus of committee members present. Voting will only be used for decision-making in exceptional circumstances. Before a decision to move to a vote is made, the chair will, in all cases, consider whether continuing the discussion at a subsequent meeting is likely to lead to consensus.
31. Voting will be anonymous and decisions determined by a simple majority of committee members present at a quorate meeting.
32. The chair of the meeting will be included in the vote and in the event of there being an equality of votes the chair will have a second, casting vote.
33. Only committee members present at the meeting will be eligible to vote. There will be no proxy voting.
34. Invited experts and observers in attendance at committee meetings will not be eligible to vote.

Collective responsibility

35. All members of the committee shall abide by the principle of collective responsibility, stand by the recommendations of the committee and not speak against them in public.

Confidentiality

36. On appointment, committee members will be required to sign a confidentiality agreement with NICE relating to any information designated confidential by NICE such as academic or commercial-in-confidence material or sensitive personal data.
37. Confidential papers and confidential information disclosed in committee deliberations should not be discussed with colleagues who are not members of the committee, other organisations, the media, or members of the committee who are conflicted for the topic.
38. Experts, co-opted members and observers invited by the committee will

sign a confidentiality agreement in advance and be subject to the same confidentiality regulations as committee members.

Arrangements for meetings

39. NICE will ensure that committee meetings will take place in venues that are accessible to, and have facilities for, persons with disabilities.
40. Meetings of the committee shall be held at such times and places as NICE may determine to facilitate the conduct of its business. The frequency of the meetings is detailed in the Diagnostics Assessment Programme Manual.
41. NICE shall determine what matters shall appear on every agenda in advance of each meeting.
42. No other business shall be discussed at the meeting save at the discretion of the chair.
43. Where considered necessary because of the confidential nature of the business to be transacted, the agenda will be divided into two parts. Part 1 will be open to the public and part 2 will be closed to the public to enable the committee to discuss confidential information whereupon SO paragraph 52 will apply.
44. Only members of the committee and NICE staff, co-opted members, observers invited by NICE, and assessment groups will be present for part 2 of the meeting. However, at the discretion of the chair, experts such as a manufacturer representative may be invited to remain in order to discuss confidential information that was not discussed in part 1. Once the information concerned has been discussed, the representatives will leave the meeting and will take no further part in its deliberations.
45. At least 20 working days before each meeting of the committee, a public notice of the time and place of the meeting, along with the public part of the agenda, shall be displayed on NICE's website. The final agenda will be displayed on the NICE website at least 5 working days before the meeting.
46. Meetings will normally commence at 10am and finish at approx. 4.30pm unless otherwise advised.
47. Committee members will be expected to attend for the full day unless agreed in advance with the chair or where they have declared a conflict of interest to one or more relevant discussions.
48. The NICE committee project team will make all reasonable attempts to agree each meeting date in advance and committee members are expected to keep these dates free until they are released.

Admission of members of the public

49. Where advisory committee meetings are open to the public, the following provisions will apply.
50. The public and representatives of the press shall be afforded facilities to observe all formal meetings of the committee for part 1 of the agenda but shall not be entitled to ask questions or otherwise engage in the business of the committee.
51. The public and representatives of the press shall be excluded from part 2 of the committee meeting upon the chair moving the following motion:

“That representatives of the press and other members of the public be excluded from the remainder of this meeting having regard to the confidential nature of the business to be transacted, publicity in which would be prejudicial to the public interest” [section 1(2) Public Bodies (Admissions to Meetings) Act 1960].
52. Notwithstanding the above, the chair will have the discretion to adjourn the meeting at any time if the presence of the public or representatives of the press are considered prejudicial to the effective conduct of the business of the meeting upon moving the following motion:

“That in the interests of public order the meeting adjourn for (the period to be specified by the chair) to enable the Committee to complete business without the presence of the public” [section 1(8) Public Bodies (Admission to Meetings) Act 1960].

Other observers

53. NICE staff and invited guests (for example, NICE appeal panel members or visiting academics) may attend committee meetings as observers, with the permission of the centre director.
54. Observers do not need to register via the website. Observers should not sit with members of the public and should not enter into committee discussions unless invited to do so by the chair.
55. Observers can attend part 2 of the meeting if the chair and centre director agree. Observers who are not NICE staff or are not commissioned to provide a service to NICE should sign a confidentiality agreement if they wish to attend part 2 of the meeting.

Minutes

56. The draft minutes of the committee proceedings shall be drawn up and submitted to the next meeting for approval.
57. The approved minutes will be published on NICE’s website subject to the redaction of any confidential or otherwise exempt material within 20

working days of the meeting.

Declarations of Interest

58. All committee members must make an annual declaration of interests in accordance with NICE's Code of Practice on the Declaration of Interests.
59. All members must make a declaration of any potential conflicts of interest that may require their withdrawal in advance of each meeting. This declaration will be reaffirmed again at the start of each meeting. Declarations of interest will be recorded in the minutes and published on the NICE website.
60. During the course of the meeting, if a conflict of interest arises with matters under consideration, the member concerned must withdraw from the meeting, or part thereof, as appropriate.
61. Experts invited to provide expert testimony, and co-opted members will make a declaration of interest in advance of committee meetings and in accordance with NICE's Code of Practice on the Declaration of Interests. This declaration will be reaffirmed again at the start of each meeting. These will be recorded in the minutes and published on the NICE website.

Suspension of standing orders

62. Except where this would contravene any statutory provision, any one or more of the standing orders may be suspended at any meeting providing a simple majority of those present and eligible to participate, vote in favour of the suspension.
63. Any decision to suspend standing orders shall be recorded in the minutes of the meeting.
64. No formal business may be transacted while standing orders are suspended.
65. NICE's Audit Committee shall review all decisions to suspend standing orders.

Petitions

66. Petitions from the public will not be received directly by the committee. Anyone wishing to present a petition will be directed to the NICE committee project team.

Recording of meetings

67. The recording of proceedings or the taking of pictures at committee meetings is not allowed.

Terms of reference

68. Committee members must comply with the terms of reference which set out the scope of the committee's work and its authority.

Record of attendance

69. A record will be kept of committee members' attendance at committee meetings via the minutes.

70. Members are expected:

- to attend at least 75% of their committee's meetings during a 12-month period.
- not to miss more than 2 consecutive committee meetings.

71. Members who are unable to meet either of these expectations may be asked to stand down from the committee in accordance with SO paragraph 16.

Review of terms of reference and standing orders

72. These terms of reference and standing orders will be reviewed every 3 years.

Date: August 2013

Review date: August 2016