**National Institute for Health and Care Excellence**

Senior Management Team

# Minutes of the meeting held on 18 August 2020

## Present

Gill Leng Chief Executive

Meindert Boysen Director – Centre for Health Technology Evaluation

Paul Chrisp Director – Centre for Guidelines

Jane Gizbert Director – Communications

Judith Richardson Acting Director – Health and Social Care

Alexia Tonnel Director – Evidence Resources

## In attendance

David Coombs Associate Director – Corporate Office (minutes)

Sian Corrigan Senior External Communications Manager (item 7.4)

Nick Crabb Programme Director – Science Advice and Research

Martin Davison Acting Associate Director – Finance (item 7.3)

Carla Deakin Programme Director – Centre for Health Technology Evaluation (item 7.1)

Fiona Glen Programme Director – Centre for Guidelines (item 7.5)

Brad Groves Associate Director – Managed Access – Centre for Health Technology Evaluation (item 7.2)

Grace Marguerie Associate Director – HR and Acting Deputy Business Planning and Resources Director

Danielle Mason Associate Director – Brand and Marketing Communications (item 7.4)

Elaine Repton Corporate Governance and Risk Manager (item 7.3)

Sheela Upadhyaya Accelerated Access Collaborative Relationship & Delivery Lead – Centre for Health Technology Evaluation (item 7.1)

## Also present

Jennifer Howells Director – Finance, Strategy and Transformation from 1 September 2020

## Apologies (item 1)

1. Apologies were received from Catherine Wilkinson who was represented by Grace Marguerie.

## Declarations of interest (item 2)

1. The previously declared interests were noted. There were no conflicts of interest relevant to the meeting.

## Notes of the previous meeting (item 3)

1. The minutes of the meeting held on 11 August 2020 were agreed as a correct record.

## Matters arising (item 4)

1. The actions from the meeting held on 11 August 2020 were noted as complete or in hand.
2. It was noted that a further return is required for the Comprehensive Spending Review (CSR) that relates to workforce planning. It was agreed this should be completed this week if possible and shared with Jennifer Howells for comment before submission.

ACTION: MD

1. Paul Chrisp referred to last week’s CSR submission on cost pressures and bids discussed at SMT last week and highlighted that NICE may also wish to seek funding to support the recommendation in the Independent Medicines and Medical Devices Safety Review about NICE coordinating work on decision aids. Gill Leng stated that she would enquire whether NICE’s submission to the CSR could be amended to include this.

ACTION: GL

1. Alexia Tonnel referred to an earlier action from SMT to meet with the commercial team at the Department for Health and Social Care (DHSC) to discuss the procurement of a strategic partner to support the digital workplace activity. SMT agreed that the aim should be for Alexia Tonnel and Catherine Wilkinson to meet with the DHSC colleagues in September to discuss best practice regarding strategic partnerships, and then advise SMT of any implications for the proposed next phase of work with Capgemini.

ACTION: AT/CW

1. Grace Marguerie confirmed that there were no procurement barriers to the proposed deferral of the 2020 staff survey, and the contract with the survey provider will be extended to include the next survey in 2021.

## Coronavirus (item 5)

1. SMT confirmed the decision at the gold group to move to an enterprise model for Zoom usage.

## Board meetings (item 6)

1. SMT noted the agenda, papers, and arrangements for the Board Strategy meeting on 19 August 2020.
2. Gill Leng noted that Martin Cowie had indicated his intention to resign as a non-executive director (NED) in order to take up another role. This would mean the number of non-executives falls below the minimum set out in the Health and Social Care Act 2012. The options for mitigating this are currently being urgently explored with Beachcroft.
3. SMT discussed the proposed arrangements for the remaining Board meetings in 2020 as set out in the briefing paper. It was agreed that the briefing note should be shared with the Chairman for comment, subject to adding that the committee chairs will be invited to the 9am session on 21 October that will sign-off the proposals on the CHTE methods review for engagement.

ACTION: DC

1. SMT discussed the arrangements for triaging the public questions at the virtual public board meetings and agreed that Jane Gizbert and Judith Richardson should discuss further outside of the meeting who would be best placed to coordinate this process, which requires an understanding of NICE’s work and confidence to read out the questions at the meeting.

ACTION: JR/JG

1. It was agreed that Judith Richardson would advise the field team of the proposed changes to the way they would input to the Board meetings.

ACTION: JR

## Research to Access Pathway for Investigational Drugs - COVID-19 (RAPID-C19) (item 7.1)

1. Sheela Upadhyaya and Carla Deakin presented the proposed update to the Board on the cross-system RAPID-C19 initiative, along with a further briefing for SMT. They highlighted that RAPID-C19 has provided a living example of the overarching aim of the Accelerated Access Collaborative (AAC) in showing that the access/innovation pathway can be considerably shortened through system partners collaborating. NICE’s work to date has been funded by reallocating existing staff resources that were available due to the COVID-19 disruption, but there is a need to consider how to fund this input moving forward as NICE’s work resumes.
2. SMT discussed the report and NICE’s role in RAPID-C19 more generally. SMT noted the importance of this work, and the outcomes achieved to date, but agreed there is a need for clarity over how NICE’s input would be funded, and how it fits with the NICE’s strategy. It was therefore agreed that the report should be revised to reference the linkages with NICE’s other programmes, including evidence summaries; outline the benefits of NICE undertaking this work on RAPID-C19; and note that NICE’s contribution will need to be considered in light of the outcome of the discussion at the October Board away-day on the strategic plan. It was agreed that the paper should also outline how this work has been funded to date, and the options for future funding, including through the AAC. It was agreed that the amended paper would be presented to the morning session of the September Board meeting as an update, with the interim process attached for information.

ACTION: MB/SU/CD

## Nusinersen managed access treatment eligibility criteria review process (item 7.2)

1. Brad Groves presented the proposed evidence review process concerning the clinical eligibility criteria in the Managed Access Agreement (MAA) for nusinersen as a treatment option for type III non-ambulant Spinal Muscular Atrophy (SMA) patients (TA588). The scope of the review is to assess whether there is new evidence of a sufficient quality to review the clinical eligibility criteria in the MAA, and if so, whether the criteria should be amended to include non-ambulant type III SMA patients. Brad noted this is a unique situation, and NICE’s input will be funded through NHS England’s funding for the managed access team.
2. SMT discussed the proposals and raised a series of questions, including about the funding of this work; the proposed roles of technology appraisal committee and SMT; the implications for future topics; and whether there is sufficient clarity and transparency about the respective roles of NICE and NHS England. It was agreed that the proposals should be reviewed further in light of these comments and brought back to SMT.

ACTION: MB/BG

## Revisions to NICE Standing Orders, Standing Financial Instructions and Reservation of Powers to the Board, Scheme of Delegation and Statutory Instruments and Expenditure Restrictions (item 7.3)

1. Elaine Repton presented the proposed updates to the standing orders, standing financial instructions, and scheme of reservation and delegation following their annual review.
2. SMT reviewed and discussed the proposed amendments, and supported the documents for submission to the Audit and Risk Committee subject to some minor amendments, which included clarification of the difference between a meeting being inquorate and the Board not being legally constituted.

ACTION: ER

1. It was agreed that Jennifer Howells, in conjunction with the finance team, would review the documents further once in post to consider whether additional provisions are required around income, including the authority to enter into contracts with third parties for income, and also the technology appraisal/highly specialised technologies cost recovery arrangements.

ACTION: JH/MD

1. Martin Davison presented the paper, also for the Audit and Risk Committee, that detailed the delegated limits and expenditure restrictions which NICE must abide by, including the changes since the paper was last circulated in April 2018. Following a question from SMT, Martin and Grace confirmed that the requirement to seek approval for secondments where the salaries exceed £100k (including on a pro-rata basis) do not apply to the committee chairs as they are not members of staff.
2. SMT agreed the paper for submission to the Audit and Risk Committee subject to first checking the restrictions on digital and IT spend.

ACTION: AT/MD

## Virtual events (item 7.4)

1. Danielle Mason presented the revised proposals for a series of 4 virtual events in October/November 2020, following SMT’s feedback on the earlier proposals.
2. SMT approved the proposals for the events, subject to further refinement with the proposed chairs for each event. It was agreed that the arrangements for the shared learning awards should be amended to include a role for both the chairman and chief executive.

ACTION: DM

## Closing standing advisory committees for Public Health (PHACs) (item 7.5)

1. Paul Chrisp presented the proposed arrangements for standing down 3 standing Public Health Advisory Committees (PHACs) in order to release resource from the public health internal development team for NICE Connect and COVID-19 work. Fiona Glen stated that the changes have been discussed with affected staff, who have expressed mixed views.
2. SMT noted the rationale for the proposals, which followed previous discussions at SMT and the Board about the future of the guidelines programme. It was agreed however that the proposals to stand down the PHACs should be paused to allow the implications of the Government’s recent announcement on the future of Public Health England to be considered further, including how this could affect NICE’s role in public health. Revised proposals on the future of the PHACs should then be brought to SMT at an appropriate point. In the meantime, it was agreed that the proposed reallocation of the staff capacity should continue.

ACTION: PC

## Referrals to the Technology Appraisals (TA) and Highly Specialised Technologies (HST) programmes (item 7.6)

1. SMT noted the referrals to the TA/HST programmes.

## EU exit (item 8)

1. No further update.

## London office move (item 9)

1. Gill Leng highlighted the discussion at the gold group and the request for the project manager to develop a solution that would enable 30 desks in the new office, and increase the size of some of the smaller meetings rooms so they could be used for meetings in a socially distanced way.
2. Alexia Tonnel noted that the programme board is meeting later today and will consider the model for allocating costs between the tenants. Alexia also confirmed that the MOTO with the DHSC is for 10 years, in line with the DHSC’s lease agreement.

## Any other business (item 10)

1. Alexia Tonnel advised SMT that the consultation on the management of change exercise to establish the Digital, Information and Technology directorate has completed. This led to only minor changes to the proposals agreed by SMT and therefore a further report back to SMT is not required. Alexia noted that the aim is to conclude the process by the end of this week.