**National Institute for Health and Care Excellence**

Executive Team

# Minutes of the meeting held on 16 March 2021

## Present

Gill Leng Chief Executive

Meindert Boysen Director – Centre for Health Technology Evaluation (for item 8 onwards)

Paul Chrisp Director – Centre for Guidelines

Jane Gizbert Director – Communications

Felix Greaves Director – Science, Evidence and Analytics

Jennifer Howells Director – Finance, Strategy and Transformation

Judith Richardson Acting Director – Health and Social Care

Alexia Tonnel Director – Digital, Information and Technology

## In attendance

David Coombs Associate Director – Corporate Office (minutes)

Rebecca Albrow Associate Director – Centre for Health Technology Evaluation (item 8)

Martin Davison Acting Associate Director – Finance (item 6)

Lee Dobson Programme Manager – MTEP (item 6)

Lisa Hooley Senior OD, Learning and Talent Manager (item 7)

Helen Knight Programme Director – Centre for Health Technology Evaluation (items 1 to 8)

Jane Lynn Head of Financial Accounts (item 11)

Grace Marguerie Associate Director – HR (items 7 and 11)

Jenniffer Prescott Programme Director – Centre for Health Technology Evaluation (item 6)

Mark Salmon Programme Director – Information Resources (item 10)

Tanya Slinn Head of Digital Workplace (item 9)

Rebecca Threlfall Chief of Staff

## Apologies (item 1)

1. Meindert Boysen gave apologies for the start of the meeting and was represented by Helen Knight until item 8.

## Declarations of interest (item 2)

1. The previously declared interests were noted. Alexia Tonnel stated that her role as Interim Director, Insight Devices Ltd, had now ended as the company had closed.

## Notes of the previous meeting (item 3)

1. The minutes of the meeting held on 9 March 2021 were agreed as a correct record subject to amendments to paragraphs 11 and 12.

## Matters arising (item 4)

1. The actions from the meeting held on 9 March 2021 were noted as complete or in hand.
2. Gill Leng stated that a further round of interviews was unable to appoint an interim programme director to take forward the organisational design (OD) review and therefore a proposal for SCW to provide further support is under consideration. ET agreed that it would be helpful for the Chief Executive’s update at tomorrow’s all staff meeting to highlight how the work will be taken forward within next steps.

ACTION: RT

1. It was noted that information had been collated on the practice around working board dinners in other public sector organisations. It was agreed this would be shared with Gill Leng and Jennifer Howells for consideration of the next steps.

ACTION: DC/RT/GL/JH

1. ET reflected on the arrangements for the new monthly face to face ET and Guidance Executive (GE) meetings and agreed the GE meeting should run for 90 minutes rather than an hour.

ACTION: DC

## Hot topics (item 5)

1. Jennifer Howells briefly advised ET that:
   * ET members would be asked by email to identify any issues that may require a provision in the annual accounts, including for example potential or ongoing legal action.
   * NICE’s Head of Information Governance and Records Management (who is also the Data Protection Officer) has resigned and there is a need to urgently consider how to replace the role and ensure NICE can meet its statutory obligations around data protection and information governance.
   * The temporary staff leading the strategy work and the London office move will be leaving at the end of the month.
   * SCW are undertaking a short piece of work to consider how the governance structure can align with the ambition in the strategy and the OD review, and ensure efficient decision-making. SCW will also look at the terms of reference of the key meetings.

## External Assessment Centres (EACs) contract funding (item 6)

1. Helen Knight presented the paper that updated ET on the utilisation of the EAC contracts in 2020/21. Following the COVID-19 re-prioritisation exercise in March/April 2020, the EACs were not allocated work and asked to pause most activity for 3 months of the financial year. This led to a portion of the funding to not be productively utilised during 2020/21. The under-utilised funds have been reduced by allocating projects in the last 5 months of the financial year and agreeing to transfer some of the unused budget into the 2021/22 financial year. However, there remains £98,792 of funds that will remain under-utilised.
2. ET noted the work undertaken to successfully reduce the under-utilised funds and were pleased to note this was not likely to reoccur in 2021/22 due to the return to usual activity levels, with projects already allocated to the EACs. ET highlighted the need to ensure that the contracts are used to support activity across NICE where appropriate, which would help avoid the risk of any future under-utilisation. In this context, ET noted and welcomed the work underway to consider the scope for bringing together procurement and management of similar contracts with the academic centres that support the various NICE programmes.
3. Martin Davison stated that he would highlight the under-utilised funds with external audit to confirm whether this required disclosure in the 2020/21 annual report and accounts.

ACTION: MD

## Talent management and succession planning (item 7)

1. Grace Marguerie and Lisa Hooley presented the proposals for the introduction of a talent management and succession planning approach for the ET and their direct reports (the Senior Leadership Cohort).
2. ET discussed the proposals and the anticipated timescale, which requires ET members to complete the discussions with each of their direct reports by early June so ET can collectively calibrate the allocation of the senior leadership cohort to the 9-box grid. ET agreed that the language in the paper should be amended to note that the individual feedback sessions between ET members and their direct reports after the calibration should be an interactive discussion, and the example populated grid should be more diverse. Given the current pressures on the organisation, ET agreed that 360-degree feedback would not be used in this first year’s exercise, but would be part of the annual process in future. Subject to these amendments, ET approved the proposals.

ACTION: GM/LH

1. ET noted this will be a new approach for NICE and individuals may have particular concerns in the context of the OD review. It was agreed that the proposals should be outlined further at the next senior leaders forum and also highlighted at a future all staff meeting. These communications should clearly frame this as a talent management not performance management process. It was requested that time is identified at an early stage for the required ET briefing on the new process and for ET to then collectively calibrate the allocation of the senior leaders to the 9-box grid.

ACTION: GM/LH

## Early CDT Lung for lung cancer risk classification of indeterminate pulmonary nodules (item 8)

1. Rebecca Albrow presented the proposal to adapt the diagnostics assessment process for the assessment of ‘EarlyCDT Lung for lung cancer risk classification of indeterminate pulmonary nodules assessment’. During the scoping stage it became apparent that the evidence base is such that the committee would only be able to make recommendations for further research. An expedited process that would enable the committee to issue these recommendations more quickly is therefore proposed.
2. ET considered the request and noted the rationale for not producing an economic model. However, it was noted that consultation is one of NICE’s key principles, is used in other programmes when a research recommendation is proposed and is an important part of managing risk and stakeholder engagement. ET therefore supported option 2 in the paper, in which the external assessment group would not develop an economic model, but the committee’s draft recommendations would be subject to consultation. ET encouraged the team to consider the scope for expediting any steps in the process.

ACTION: RA/MB

## Application management policy (item 9)

1. Tanya Slinn presented the Application Management Policy for ET’s approval and explained the background to the new policy that outlines a mandated process for staff seeking access to new software applications.
2. ET noted the rationale for the policy and the need for controls around the introduction of new software but highlighted the importance of a proportionate approach and ensuring staff have access to the tools that can help them work in efficient and innovative ways.
3. ET approved the policy with a revised title of ‘software application management policy’ or similar to reflect it relates to software. Minor amendments were requested to language around ‘rules’ and Alexia Tonnel was asked to consider whether the policy needed to be amended to clarify the difference between business critical systems and smaller investments. In addition, Alexia was asked to consider further the arrangements for assessing and prioritising requests for expenditure which present a cost pressure, and how the process links with the technology governance board.

ACTION: AT/TS

1. ET agreed that the new policy should be ‘socialised’ with the senior leaders forum, in particular the responsibilities and accountabilities for the business teams. There should be clear and accessible communications to staff to explain the new processes, which should provide a positive message about the benefits of the new approach which seeks to ensure staff have access to the tools they need to work effectively, while assessing any potential risks.

ACTION: TS/RT

## Proposed changes to licensing arrangements for Clinical Knowledge Summaries (item 10)

1. Mark Salmon presented the briefing on the contract negotiations with the supplier of the Clinical Knowledge Summaries (CKS) service and sought ET’s view on NICE’s position in the negotiations, in particular how to respond to the cost pressures cited by the supplier.
2. ET confirmed that the CKS service is a well-used service that currently aligns with NICE’s strategic priorities and is therefore a service NICE wishes to re-procure. ET discussed the best approach to enable this re-procurement and supported option 1 in the paper.
3. ET agreed that while the CKS remained a strategic fit with NICE’s priorities currently, this should be kept under review as the vision of dynamic, living guidelines may lead to greater overlap and potential duplication between NICE’s output and the CKS.

## Future employment offer (item 11)

1. Grace Marguerie presented the proposal for the introduction for a new flexible hybrid employee contract for the majority of staff, to account for the increased home working once the offices fully reopen following the COVID-19 restrictions. It is proposed that a second phase of work will look at the ability to offer fully home-based contracts, as the tax and expenses implications need to be carefully considered. This subsequent work will also consider the use of timesheets by senior staff, the eligibility for TOIL and the current inconsistencies across directorates. Grace also outlined the proposals in relation to HCAS, which in line with the HRA who will share the London office, would require staff to work in the London office for 2 days a week in order to retain the payment.
2. ET discussed the proposals and broadly supported the direction of travel regarding the hybrid contracts. It was agreed that the preference would be to adopt the new model of staff working on average 2 days a week in the office through changes to the flexible working policy rather than amending contracts for existing staff. ET noted that the current desk capacity in both offices will only enable staff to work 2 days a week in the office on average (excluding Fridays) and this will need to be carefully managed, particularly if some staff wish to work more than 2 days in the office.
3. Likewise, ET broadly supported the proposals around HCAS but suggested an alternative approach regarding travel expenses. It was agreed this should be discussed further with the Union and checked against the approach being taken by the HRA, and then brought back to ET.

ACTION: GM

1. Jennifer Howells highlighted that deviating from the national agenda for change terms and conditions may have implications for the ability to offer any national pay award.

## Gold group (item 12)

1. The ET noted the decisions at the Gold group to purchase an enterprise account for MIRO with 75 licences.
2. Jane Gizbert was asked to ensure the reinstatement of the carers leave policy is communicated to staff.

ACTION: JG

## Strategy and business planning (item 13)

1. Jennifer Howells noted there is no further update on the financial allocation from the Department of Health and Social Care (DHSC). The aim is to however share an updated draft of the business plan with the sponsor team at DHSC early next week.

**Review of the meeting (item 14)**

1. ET reviewed the agenda and agreed that the paper on the EACs did not need to have come to an ET meeting. Reflecting on the lung cancer paper, it was agreed that in future directors should have discretion to vary the guidance development process, providing they have documented the decision and a robust rationale.