**National Institute for Health and Care Excellence**

Executive Team

# Minutes of the meeting held on 14 November 2023

## Present

Sam Roberts Chief Executive (chair)

Jonathan Benger Chief Medical Officer

Helen Brown Chief People Officer

Mark Chapman Interim Director, Medical Technologies and Digital Evaluation

Paul Chrisp Head of Publishing and Products

Nick Crabb Interim Director, Science, Evidence and Analytics

Jane Gizbert Director, Communications

Naomi Lee Head of Organisational Transformation

Clare Morgan Director, Implementation and Partnerships

Boryana Stambolova Interim Director, Finance

Raghu Vydyanath Chief Information Officer

## In attendance

Jennifer Prescott Programme Director, HTA Process and Operations

Mark Salmon Programme Director, Information Resources

Carl Boswell Senior Programme Manager, Commercial Liaison (item 4)

David Coombs Associate Director, Corporate Office (items 5, 6 and 8)

Martin Davison Associate Director, Finance (item 6.1 and 6.2)

Barney Wilkinson Associate Director, Procurement (item 6.5)

Kendall Jamieson-Gilmore Associate Director, Strategy (item 7)

Kevin O’Connor Senior HR Advisor, People and Places (item 8)

James Fitton Senior Management Accountant (item 13)

Lori Farrer Associate Director, Topic Selection (item 13)

Elaine Repton Corporate Governance & Risk Manager (minutes)

## Apologies (item 1)

1. Apologies for absence were received from Helen Knight and Nick Crabb.

## Declarations of interest (item 2)

1. The previously declared interests were noted. No new interests were disclosed.

## Notes of the previous meetings (item 3.1)

1. The minutes of the meeting held on 12 September 2023 were agreed as a correct record.

## Review of the action log (item 3.2)

1. The outstanding action from previous meetings was discussed.
2. **EAG contracts** – Mark Chapman and Boryana Stambolova are to bring a paper to the December formal ET meeting to facilitate a full discussion of the contracts ahead of the re-procurement next year.

**Action: MC/BS**

## Staff network update - Unison (item 4)

1. Carl Boswell joined the meeting to give an overview of the NICE Unison branch activities, current issues and the future workplan. Carl highlighted the great work by everyone involved in the adoption of the NHS job evaluation scheme which has been a longstanding request of the Unison reps.
2. Carl advised that whilst the adoption of the job evaluation scheme has been welcomed, it has now highlighted issues matching the grading of some NICE roles to the national framework. It was expected that some difficult decisions will need to be made when work begins on introducing job families.
3. ET noted that there has been a review of the branch executive which has addressed some legacy issues and moved the discussions into a more positive and constructive position. The national and regional branches are offering training for reps which is helpful, but some staff are finding it difficult to attend given their full time roles. The branch executive committee is working on a business plan for 2024/25 and have plans for training on health and wellbeing, supporting management of change and tackling racism.
4. ET thanked all the Unison reps for their continued hard work and specifically Carl and Nick Staples for their leadership.

**Strengthening internal controls (item 5)**

1. ET reviewed the paper which had been prepared for the audit and risk committee in response to the three internal control issues recently identified. Each team involved had undertaken a root cause analysis of what went wrong and agreed actions based on the ‘3 lines’ model to address the weaknesses, which are being collated into an action plan to monitor progress.
2. Sam Roberts drew ET’s attention to the principal issues identified from the review which were summarised as: a lack of clarity on external delegations; risk lead indicators not being identified and surfaced; a lack of clarity on roles and responsibilities; insufficient sharing of information which undermined internal challenge; and gaps in record keeping.
3. All ET members were asked to identify lead indicators for their key risks, think about what their tolerance levels were and to monitor them. It has been agreed that risk indicators will form part of the future accountability meetings.

**Action: All**

1. ET members were reminded to ensure they understand the delegations to NICE and when external approval may be required.
2. The issue of record keeping was raised as there is currently uncertainty about who signs and retains the signed copies of MOUs and SLAs. It was agreed to include this in the SFIs for each document type, and for David Coombs to discuss a central repository with Raghu Vydyanath.

**Action: DC/RV**

1. Mark Salmon also raised a query about the approval of orders within iProc which he has identified can now be signed off without the need for a second signature, which was less restrictive than the previous purchase order spreadsheet. Mark agreed to raise this directly with Sham Ramzan.

**Action: MS**

## Finance and performance update (item 6)

**Finance update (item 6.1)**

1. Martin Davison updated ET on the M7 financial position and explained the reasons for the movement in the forecast outturn (now a £700k underspend) compared to last month. There is still a wide range of uncertainty between best case and worst case final outturn, but on balance Martin explained that the actions taken to control spending in recent months make an overspend unlikely. There was now an opportunity to invest in select projects which ET need to agree. Investment in IT kit, initiating 1 or 2 digital pilots and some L&D development work on business partnering was mentioned as a priority. It was agreed that Boryana and Raghu meet separately to discuss DIT priorities for investment and the necessary governance steps be taken such as a business case to OMC.

**Action: BS/RV**

1. ET was asked to flag any further uncertainties or risks which were not included in the slides, as soon as they arise. Martin will be bringing a long term financial plan to ET next week.

**Risk deep dive (item 6.2)**

1. ET discussed the finance strategic risk presented in the bow tie format. Boryana Stambolova asked if there were any risks or controls missing. Raghu Vydyanath raised the issue of business planning and budgeting which will require the DIT directorate being aware of other team’s investment plans, where they are going to have an impact on DIT resources. Boryana stated that to help address this, business planning sessions have been put in diaries from December to begin the discussions early, with support functions such as finance and HR present, so there is a full picture of requirements. ET members were asked to advise Raghu of any technology requirements by mid-January, for inclusion in the DIT directorate plan.

**Action: All**

## Outstanding internal audit recommendations (item 6.3)

1. The outstanding internal audit recommendations were noted. The equality, diversity and inclusion actions were all progressing.

## Strategic risk register – feedback from ARC (item 6.4)

1. Sam Roberts provided feedback from the audit and risk committee’s discussion of the revised risk register. The committee had supported the new format and said it was moving in the right direction but asked that the mitigating controls and assurances are robust, and to avoid the temptation of filling every level of assurance if the assurances were weak.

## Commercial update (item 6.5)

1. Barney Wilkinson updated ET on progress with training contract managers and summarised the benefits of implementing the new DHSC Atamis contract management system. ET requested that any issues or concerns with contracts that are highlighted through the Atamis system are raised and discussed in the accountability meetings.

**Action: BW**

1. ET noted that Atamis will be beneficial in enabling all contracts to be held in a central system which will also allow better reporting, but there was still work to do to improve the structure and management of contracts.

## Non-staff reimbursement policy (item 7)

1. ET was asked to consider and approve proposed changes to the non-staff reimbursement policy which governs the arrangements for the payment of NICE committee chairs and members. The substantive changes, which are suggested to go live in April 2024, seek to address the variations and inequalities which currently exist. They do not however include arrangements for lay members which are part of a separate piece of work.
2. The paper included four options with the costs for options 3 and 4 estimated at this stage, as they were subject to the longer term strategic changes in committee use and effectiveness. It was noted that payments would be subject to tax and NI, and all new claimants would have to be added to the payroll system, which would create additional administrative burden.
3. ET agreed to support option 3 – covering guideline chair and topic advisors, GP changes and AfC payments. Jonathan Benger highlighted that it will be important to have clarity on conflict of interests, to ensure the interests of those members being paid, are known and fully disclosed.
4. The survey of committee members had also identified issues about their experience of the recruitment process, which differed across committees. ET discussed the current arrangements which involved many teams and too much variation. ET agreed committee member recruitment would benefit from being centralised within the HR team to provide a consistent approach. Jenniffer Prescott said there would be implications for the central CHTE co-ordination team. Jenniffer was asked to work with Helen Brown and Rachel Neary Jones to review the current arrangements and propose a way forward.

**Action: HB/JP/RNJ**

1. The next steps were to:

* consider the impact of the new reimbursement policy on the long term financial plan **(MD)**
* consider the arrangements for lay members **(CM)**
* review the size of committees in the centre for guidelines and CHTE **(JB/HK/MC)**

1. Kendall Jamieson Gilmore was thanked for his comprehensive paper and his extensive work in pulling all the information together.

**Political activity by NICE staff (item 8)**

1. ET considered NICE’s current stance on staff involvement in political activity and whether to maintain an approach broadly in line with NHS England or adopt a more restrictive approach similar to the civil service. There was a discussion about employees’ personal rights but also the potential reputational damage to NICE of staff sharing political views on social media, which are portrayed as being endorsed by NICE.
2. ET agreed to maintain an approach similar to NHS England, given NICE operates at arms-length to the Department of Health and Social Care, and NICE otherwise adopts NHS terms and conditions. It was however agreed to update the standards of business code of conduct to provide greater guidance for staff who do wish to undertake political activity.

**Action: DC**

1. ET noted that NICE staff like Civil Service staff were required to resign from their role before standing for election to Parliament in national elections, and considered what arrangements should be in place for staff who wished to return to their employment if they were unsuccessful in the election. ET agreed that staff had the right to be reinstated if they applied within a week of the declaration day and would have to return within 3 months. This would be written into an appropriate HR procedure.

Action: HB

1. It was also agreed that the current guidance on the use of social media on NICE Space needed to be reviewed to provide clarity on what was and was not acceptable. Helen Brown agreed to discuss this further with Jane Gizbert.

**Action: JG/HB**

## Manchester office lease (item 9)

1. ET considered options for the future of the Manchester office as the lease on Piccadilly Plaza was due to transfer to the Government Property Agency (GPA) in December 2023, and the GPA was required to confirm with Cabinet Office whether the lease would be extended or exited.
2. Three options were discussed, and ET agreed that the most beneficial was to serve the lease break at Piccadilly Plaza and re-locate to Piccadilly Place under NHS Property Services (NHSPS) with the existing layout and minor refurb work. Boryana Stambolova to confirm ET’s decision to GPA and NHSPS.

**Action: HB**

1. The exact requirements for meeting rooms and the quality of the AV kit in Piccadilly Place to support large hybrid meetings, was currently unknown. Jenniffer Prescott was asked to work with Rebecca Holmes to look at the scope to avoid meeting clashes by either moving meetings to different days or moving one of the meetings to London. Facilities team was asked to collect data on how many meetings take place on average per month and to investigate how much it would cost to fit out the committee space with adequate AV equipment. Another option was to hire an external room if required, (for example at the Friend’s Meeting House), and explore the costs of hiring AV kit at the venue.

**Action: JP/HB**

1. In terms of the communications to staff, it was agreed to confirm at the all-staff meeting on 22 November, that a move to Piccadilly Place will go ahead in December 2024.

**Action: JG**

**Reflections from ET development day and Ministerial meetings (item 10)**

1. ET discussed reflections from the ET development day on 10 October, and recent meetings with Ministers.

**People update (item 11)**

1. Helen Brown presented the latest people KPIs. Turnover was reporting a slight increase in October. Helen has asked for the figures to differentiate between compulsory and non-compulsory leavers. Sickness absence has steadily increased since July, which is not unexpected in view of the management of change underway. ET members were asked to contact their HR business partner if they needed support with managing sickness absences.
2. The number of fixed term contracts was noted. This list was being monitored closely. ET flagged some errors in the numbers for I&P and the TA team. Helen agreed to investigate and correct these.

**Action: HB**

**Transformation update (item 12)**

1. Naomi Lee gave an overview of progress with the business plan priorities and transformation programme activity. ET noted the focus this month had been on staff health and wellbeing. Next month, the ask of ET will be to input to the product and channel strategy for reporting to the December board meeting.
2. Naomi also reported that a review of the transformation programme boards had been completed which has concluded that they will changing next year. Meetings will be arranged with each of the chairs to discuss what work has not yet been completed, what aspects of the boards worked well and not so well.
3. Reference was made to feedback from the change network which highlighted that they had felt empowered to make change but felt peripheral to the formal governance structure and would like more involvement/interaction with ET and the senior leader’s forum. It was agreed that the change network would have ET sponsors, similar to the other staff networks. Mark Chapman and Clare Morgan agreed to be the change network sponsors, and Helen Brown will take over as the REN network sponsor.
4. Clare Morgan confirmed that there will be two focus groups for staff on 16 November to input into the NICE public involvement strategic framework, followed by broader consultation sessions for the voluntary and community sector and patient experts in January 2024.

## TA charging review: consultation document (item 13)

1. James Fitton and Lori Farrar joined the meeting to discuss the charging review proposals for TA and HST fees from April 2024. Formal consultation with industry will commence during the week of 20 November until 22 December 2023. ET was given initial feedback from the pre-consultation webinar.
2. The key points to note at this stage in the process were: the small company discount is to be agreed separately between NICE and the DHSC and not part of the consultation; the importance of clarity in the consultation documents that the fees relate to medicines and treatments only, not medtech; the VPAS negotiations are at a crucial stage but are not envisaged to have an impact the consultation; and finally the risks to the TA income setting targets for 2024/25 which could be impacted by time lags in activity, pension costs and the next year’s pay award.
3. ET supported the charging review consultation going ahead as outlined in the slides.

# Operational Management Committee (item 14)

1. ET noted the minutes and actions from the OMC meetings held on 13 & 25 September, and 9 & 23 October 2023 were noted.

## Items for next week’s ET meeting (item 15)

1. The agenda items were agreed.

## Other business (item 16)

## DHSC secondments (item 16.1)

1. NICE has been requested by the department, to advise if there are any DHSC vacancies that could be filled by NICE staff on secondment.

## ET papers to be shared (item 17)

The papers to be shared with senior leaders were agreed.

**Locations for ET meetings (item 18)**

The locations for upcoming ET meetings were noted.