

# NATIONAL INSTITUTE FOR HEALTH AND CLINICAL EXCELLENCE

## Centre for Health Technology Evaluation

### Establishment of a Dedicated Team for Appeals Support

This paper presents proposals for the introduction of a dedicated team to support the appeals process of the Health Technology Appraisal Programme. The Senior Management Team is asked to consider the proposals outlined in this paper.

#### 1.1 Background

The guidance produced by the Technology Appraisal Programme will increase significantly with the introduction of the Single Technology Appraisal Process and the establishment of a third Appraisal Committee. Most up to date predictions show that 33 pieces of guidance will be published in 2006-07.

On average 38% of appraisals conducted go to an appeal hearing (based on numbers of appeal hearings held since 2000). Therefore, for this financial year 2006-07 and future years the numbers of appeals are likely to be around 11 per annum, compared with around 5 in previous years.

Preliminary discussions between the Centre Director and the Chair of NICE have already taken place regarding the nature of the resource required to provide a useful service to support this level of work of the appeal panels. As a consequence of these discussions, and with the anticipated increase in the number of appeals, a new approach is needed for appeals support to improve the level and quality of service to the appeal panels.

#### 1.2 Current appeals activity within the appraisals programme

The overall process of managing an appeal is undertaken by the Project Manager for the appraisal. The organization of individual appeals is divided between the administrator, the project manager for the appraisal and the Centre coordinator. This activity is undertaken in addition to standard workloads and, therefore, the division of tasks is largely dependent on whether any particular person has space in their workload. The tasks involved in an appeal are varied and involve interaction at many levels both within and outside of NICE. For illustrative purposes, the key tasks involved in an appeal are highlighted below:

- Arranging the appeal date, venue and arranging the layout of rooms

- Recruitment and welfare of the appeal panel
- Liaison with the legal team
- Compilation of papers for appeal panel
- Dealing with requests of the appeal panel for supplementary information
- Organizing the attendance of appellants and liaison with public attendees at the appeal hearing.
- Liaison with the Communications team
- Supporting the appraisal project team in preparing for the appeal
- Advising consultees and commentators (C&Cs) on the progress of the appeal
- Preparing papers for public attendees
- Dealing with needs of the NICE project team at the hearing
- Advising C&Cs of appeal outcome.
- Developing project plan for handling appeal outcome

Once an appeal decision is received, the Project Manager for the Appraisal is expected to steer the appeal panel result through the preparation for discussion at Guidance Executive meeting and follow up on the decisions of the Guidance Executive.

There are three main difficulties with the current arrangements. Firstly, the burden of responsibility of the team for administering appeals is large, given the wide range of tasks needed to be undertaken that are additional to their standard work. Second, Project Managers and Administrators feel some tension, and possibly competing demands, when needing to support both the appeal panel and the NICE project team. Finally, the likely increase in the volume of appeals will exceed the capacity to deliver a good service.

### **1.3 Developing the appeal panel decision**

The development of the appeal panel decision is currently undertaken by the Chair of the appeal panel who writes the document, sending it to the lawyers and other panel members for comment on the drafts prepared. At times, there is severe delay in the production of the appeal panel response as the panel Chair has conflicting calls on their time. Consequently, the timelines for development of the appeal panel response set out in our Guide to Appeals are often not met.

### **1.4 Introduction of an Appeals Support Function**

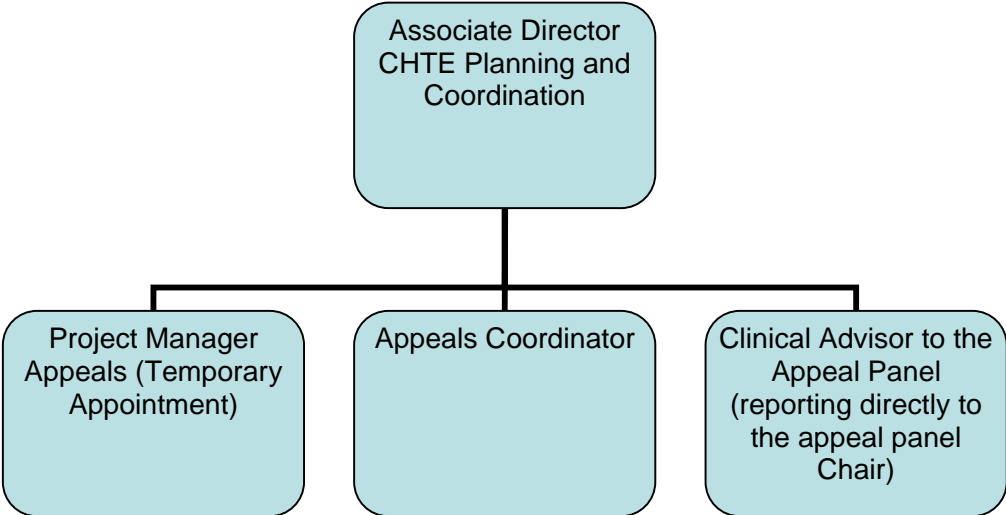
It is proposed that a new team is created specifically to support the work of the appeal panel. In order to support the increased volume of appeals, this function will also need to develop new systems to monitor the progress of individual appeals and to process the appeal decisions received.

As the new support function will focus on the needs to the appeal panel, the responsibility for supporting the NICE project team preparing for the appeal will remain with the Project Manager and Administrator of the appraisal. This division of activity has the benefit of removing any competing demands generated by the current arrangements. It might also be prudent for the personnel supporting the appeal panel to sit within the planning and operations function of the Centre for Health Technology Evaluation. This will allow the personnel supporting the appeal panel to be separated from the day to day work on individual appraisals.

Taking the issues highlighted above into account, it is proposed that the new support function will require the development of three new posts:

- Appeals Project Manager – to develop new systems and processes that allow a higher volume of appeals to be delivered to time and quality. After the start up phase, it is unclear what amount of ongoing need there will be for this level of input. Therefore, it is proposed that the Project Manager post is advertised as a temporary, full time appointment for 12 months and the situation reviewed at 9 months to assess ongoing requirements.
- Appeals Coordinator – to administer the activities of individual appeals.
- Clinical Advisor to the appeal panel – to liaise with the appeal panel, particularly the Chair, and the legal representatives in the preparation for the appeal hearing and to prepare drafts of the appeal decision.

**Proposed new appeals support structure**



### 1.5 Financial Resources required

<b>Appeals Support - Centre for Health Technology Evaluation</b>			
	<b>WTE</b>	<b>£000</b>	
Project Manager	1.00	33	
Clinical advisor	0.40	60	
Coordinator	1.00	23	
<b>Total</b>		<b>116</b>	

### 1.6 Suggested Implementation Timetable

<b>Task/action</b>	<b>Timing</b>
Notify CHTE of intentions following agreement by SMT	Sept 06
Advertise for posts internally (externally as necessary)	Oct 06
Short list applicants for advertised posts	Oct 06
Interview applicants for advertised posts	Nov 06
Successful candidates in post	Dec 06

### 1.7 Risks

The risks associated with the development of the appeals support function are set out in the following table.

Risk	Risk management
Difficulty in recruiting suitable staff	<ul style="list-style-type: none"> <li>• Consider project management consultancy support if internal adverts unsuccessful in identifying appropriate candidates</li> </ul>
Appeals support too slow to develop compared to the rate of increase of appeals	<ul style="list-style-type: none"> <li>• Consider as a high priority for implementation. Ensure timelines for recruitment are as short as possible.</li> <li>• Consider using temporary staff if recruitment is slow</li> </ul>
Insufficient appeals to adequately occupy the increased support capacity	<ul style="list-style-type: none"> <li>• Low risk given current projections for appraisal programme output.</li> <li>• Take on Project Manager as a temporary appointment and monitor ongoing requirement for this post</li> <li>• Concentrate initial activity on developing new systems and processes</li> <li>• Monitor regularly to ensure capacity used as efficiently as possible</li> </ul>

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