Minutes of the Board Strategy Meeting held on 26 April 2017 in the Derwent meeting room, NICE London office

These notes are a summary record of the main points discussed at the meeting and the decisions made. They are not intended to provide a verbatim record of the Board’s discussion.

Present

Non-Executive Directors

Professor David Haslam
Dr Rosie Benneyworth
Professor Angela Coulter (items 1 to 6)
Elaine Inglesby-Burke
Professor Tim Irish
Dr Rima Makarem
Andy McKeon
Tom Wright

Executive Directors

Sir Andrew Dillon
Ben Bennett
Professor Gillian Leng
Professor Carole Longson

Directors in attendance

Professor Mark Baker (items 1 to 9)
Jane Gizbert
Alexia Tonnel

In attendance

Dr Peter Groves
Dr Peter Jackson
Professor Danny Keenan
Professor Alan Maryon-Davies
Dr Hugh McIntyre
Professor Steve Pilling
David Coombs (minutes)
Sheelagh Upadhyaya (items 9 and 10)

Apologies (Board and Senior Management Team) (item 1)

1 Apologies were received from Professor Sheena Asthana and Professor Martin Cowie.
Declarations of interest (item 2)

2 Tom Wright noted that members of the Richmond Group, which he chairs, have expressed views on the highly specialised technologies programme. David Haslam confirmed this did not represent a conflict of interest in respect of the agenda items at this meeting.

Minutes of February 2017 Board Strategy meeting (item 3)

3 The part 1 and part 2 minutes of the Board Strategy meeting on 15 February 2017 were agreed as a correct record.

Matters arising (item 4)

4 The actions from the meeting held on 15 February 2017 were complete and there were no other matters arising.

Chief Executive’s update (item 5)

5 Andrew Dillon updated the Board on a number of matters.

General election

6 Andrew highlighted the restrictions on the activities of NICE and other public bodies during the pre-election purdah period. Andrew outlined the risk-based approach agreed with the Department of Health (DH) regarding NICE’s publications and communications during purdah. The NICE annual conference on 18 and 19 May will proceed, but with amendments to the programme.

Life sciences strategy

7 Andrew stated that due to the general election, the strategy will not be published until July at the earliest. The follow-on ‘sector deals’ may either be published at the same time as the strategy or deferred until the autumn. Andrew confirmed that the references to NICE in the latest draft of the strategy are broadly consistent with NICE’s ambitions, and he highlighted NICE’s involvement in discussions with industry and the government on aspects of the strategy that could potentially affect NICE.

Technology appraisal (TA) and highly specialised technologies (HST) cost recovery

8 Andrew noted that the proposal to recover the costs of the TA and HST programmes from industry is now with HM Treasury for consideration. Andrew highlighted the impact of the election on the timing for a government decision on this matter, and stated that in light of which, the
Board will likely need to consider options for addressing the financial shortfall should it not be possible to begin cost recovery in the 2018-19 financial year.

NICE’s relationships with the DH and NHS England

Following a discussion at a recent meeting of NICE’s non-executive directors, Andrew briefed the Board on the nature of NICE’s relationship with the DH and NHS England in the domains of legislation, funding, operational contact, and accountability.

Review of NICE conflicts of interest policy (item 6)

Gill Leng updated the Board on the work to revise NICE’s conflicts of interest policy. She outlined several aspects of the proposed new policy for committee members, and sought feedback on these including the framework for defining and categorising interests; the approach to committee members’ private practice; the high level approach to managing conflicts of interest; and the proposal to establish a reference panel to assist directors with challenging cases regarding conflicts of interest.

Board members and Committee chairs discussed the proposals, providing feedback on the issues identified in the presentation. It was suggested that it would be helpful to provide further guidance on a number of points, including defining ‘specific’ and ‘material’ interests, and matters ‘relevant to the work of NICE’, and the extent to which authorship of articles and research should be deemed a conflict of interest. It was suggested that examples would help chairs and guidance teams operationalise the policy, and promote consistency. The proposal to clarify the approach to private practice and non-NHS income was welcomed. The meeting identified a number of matters to consider further on this matter, including whether it includes fees for writing articles and undertaking research for example, and how tightly to define private practice as a specific interest – i.e. does this relate to the specialty / field of practice or specific procedures and treatment. Mixed views were expressed on the proposal to retain the bar on chairs having non-financial specific interests. There was support for the principle of a reference panel to assist directors with challenging cases. However, directors should retain discretion on whether to escalate an issue to the panel.

Gill Leng stated that the policy would be updated in light of this feedback, and that from the guidance developing teams, then brought to the Senior Management Team and Board for review. David Haslam supported the proposal to publicly consult on the proposed policy.
Communications update (item 7)

13 Jane Gizbert gave a presentation on the activities to communicate NICE’s work to stakeholders and the wider public. Jane highlighted the principles underpinning NICE’s communications, and summarised the diverse communications activities which include promoting NICE through both the traditional and social media, responding to enquiries, updating the NICE website, and arranging speakers for conferences hosted by NICE and partners.

14 Jane highlighted the stakeholder survey currently underway and summarised the results from the 700 responses received to date. The survey closes on 7 May and a full analysis of the survey responses will be presented to the Board in June or July.

15 David Haslam thanked Jane for the update and the work of the communications directorate. Board members highlighted the scope to further develop engagement with the primary care, public health, and mental health sectors. The challenge of evidencing and measuring NICE’s response to feedback was discussed and noted.

Risk management policy (item 8)

16 Andrew Dillon presented the revised risk management policy for the Board’s review and approval. The policy outlines the approach to defining, evaluating and managing risk. The changes include an improved articulation of NICE’s risk appetite and seek to facilitate the Board’s focus on the high risks.

17 The Board approved the policy, subject to the amendment of paragraph 19 to refer to risk interdependencies beyond the Department of Health Arm’s Length Bodies. It was agreed that in addition to regular review of the medium and high risks, the Audit and Risk Committee would also review the low rated risks once a year to provide visibility of risks that could potentially escalate to medium and gain assurance on the management of these.

ACTION: Ben Bennett

Committee Chair update (item 9)

18 Dr Peter Jackson, chair of the Highly Specialised Technologies Evaluation Committee, gave a presentation on the committee’s work. He outlined the current arrangements within the highly specialised technologies (HST) programme, including the topic selection criteria, and the methods and processes to evaluate technologies once selected for the programme. Dr Jackson noted some of the challenges faced by
the committee, and highlighted the turnover within the committee and the subsequent recent appointments.

19 Dr Jackson noted the forthcoming changes to the programme, which would be discussed further in the following agenda item. He alerted the Board to feedback from the committee on how to integrate these changes with the committee’s existing approach. Committee members have also provided feedback on the topic selection criteria, and sought clarity over the approach to applying discounting.

20 On behalf of the Board, David Haslam thanked Dr Jackson for the work of the committee.

**Updated interim process and methods of the highly specialised technologies programme (item 10)**

21 Carole Longson presented the updates to the interim process and methods of the highly specialised technologies programme. The amendments take account of the changes to the programme agreed by the Board in March 2017 in relation to the application of the budget impact test, and the introduction of a new approach to using quality adjusted life years (QALYs) to inform the committee’s decisions. In addition, the opportunity has been taken to make clarifications and corrections to the previous version that do not materially affect the instructions to the committee.

22 Carole outlined the proposal to retain the interim status of the guide until the Board considers it appropriate to review the budget impact and QALY amendments. In response to the feedback from Dr Jackson and questions from the Board, Carole clarified the approach to discounting to take account of the long periods of time that the benefits of highly specialised technologies are frequently sustained. She confirmed that the introduction of weighting for QALYs, alongside discounting of costs and benefits, would not entail ‘double counting’ of long-term benefits.

23 The Board discussed the provisions in the updated interim guide regarding managed access arrangements. Assurance was sought that the requirement to agree a managed access arrangement (MAA) would not delay access to a technology NICE has assessed as cost effective. The importance of clarity over the responsibility to negotiate and agree the MAA was highlighted; particularly given this could affect the extent to which the MAA is within the scope of an appeal.

24 Andy McKeon proposed several amendments to the guide, including to explicitly refer to the budget impact test in paragraph 32 and to clarify in paragraph 33 that NICE will support manufacturers or sponsors to prepare the best possible evidence submission. He also suggested that the references to a utilitarian approach and the committee’s scope for discretion are clarified.
Subject to the amendments to reflect the points noted above, the revised interim process and methods of the highly specialised technologies programme was agreed. The proposal to maintain the interim status of the guide was agreed, but clarification requested of the timescale for ending the interim status. A paper responding to the queries on managed access arrangements should also be brought to the Board.

**ACTION:** Carole Longson

**Any other business (item 11)**

There was no further business to discuss.

**Date of the next meeting**

The next Board strategy meeting will be on Wednesday 21 June 2017 in the Derwent room at the NICE London office.