**National Institute for Health and CARE excellence**

Senior Management Team

# Minutes of the meeting held on 20 August 2019

**Present**

Andrew Dillon Chief Executive

Gill Leng Director – Health and Social Care

Ben Bennett Director – Business Planning and Resources

Meindert Boysen Director – Centre for Health Technology Evaluation

Paul Chrisp Director – Centre for Guidelines

Jane Gizbert Director – Communications

Alexia Tonnel Director – Evidence Resources

**In attendance**

David Coombs Associate Director – Corporate Office (minutes)

Nick Crabb Programme Director – Science Advice and Research

Nicole Elliott Associate Director – Technology Appraisals – Centre for Health Technology Evaluation (item 7.9)

Kelly Parry Data Protection and Information Governance Manager (item 7.3)

Elaine Repton Corporate Governance and Risk Manager (items 7.1 and 7.4)

Tanya Slinn Digital Portfolio Manager – Digital Services (item 7.3)

Catherine Wilkinson Deputy Business Planning and Resources Director (item 7.2)

## Apologies (item 1)

1. None.

## Freedom of Information and publication scheme (item 2)

1. The final minutes will be made available on the NICE website subject to the redaction of any exempt material.

## Declarations of interest (item 3)

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

## Notes of the previous meeting (item 4)

1. The minutes of the meeting held on 13 August 2019 were agreed subject to clarifying in paragraph 28 that recruitment is underway for the Transformation Programme Director.

## Matters arising (item 5)

1. The actions from the meeting held on 13 August 2019 were noted as complete or in hand.

## August Board Strategy meeting (item 6)

1. SMT noted the agenda, papers and arrangements for the Board Strategy meeting on 21 August.
2. It was agreed that Paul Chrisp would prepare a short paper on NICE’s collaboration with NHS England on evidence-based interventions for the morning session of the September Board meeting.

ACTION: PC

## EU exit (item 8)

1. SMT discussed NICE’s preparedness for a ‘no deal’ EU exit. Meindert Boysen confirmed that NICE was ready for such eventuality and stated that the preparedness self-assessment would be reviewed and submitted to the Department for Health and Social Care (DHSC) by the end of the week as required. It was agreed that Meindert should give a short presentation to tomorrow’s Board meeting that would outline NICE’s governance arrangements to oversee ‘no deal’ planning and summarise the key issues and risks that are in the risk register already provided to the Board.

ACTION: MB

1. Meindert stated that a key action over the next 2-3 weeks will be to liaise with the Medicines and Healthcare products Regulatory Agency (MHRA) to identify the agency’s approach to the medicines in NICE’s technology appraisal pipeline that are part-way through the European regulatory process at the time of EU exit. He noted that the changes to the regulatory process following a ‘no deal’ exit will likely affect NICE’s ability to publish guidance close to a product’s marketing authorisation, and the current performance indicator with DHSC may not therefore be met. SMT noted there is also a potential risk to income from the technology (TA) and highly specialised technologies (HST) programmes in a ‘no deal’ scenario. While it is not possible to quantify the level of risk, it was agreed the matter should be flagged with DHSC.

ACTION: MB

## Strategic and business risk registers (item 7.1)

1. Elaine Repton presented the latest versions of the strategic and business risk registers for SMT’s review prior to submission to the Audit and Risk Committee on 4 September. The documents reflect amendments made by the Directors following their individual review.
2. SMT reviewed the strategic register and agreed that item 5 should include the mitigations to the risks arising from the change in London office accommodation.

ACTION: BB

1. SMT reviewed the business risk register and agreed to reduce the current rating of risk 13/19 from a score of 6 to 3, due to the positive progress on income recovery from TA and HST charging. Following on from the discussion under the preceding agenda item, SMT agreed that risk 14/19 should be refocused on the implications of a ‘no-deal’ EU exit, including the impact on the timescales for publishing TA and HST guidance.

ACTION: ER/DC/MB

## Counter fraud functional standard return (item 7.4)

1. Elaine Repton presented the proposed submissions to the Cabinet Office as part of the counter fraud functional standard.
2. SMT reviewed the proposed submissions and noted that the Cabinet Office will rate each organisation’s performance and the results will be published as part of the Cabinet Office landscape report.
3. SMT approved the annual action plan, risk assessment and self-assessment. SMT confirmed that the Accountable Individual (Ben Bennett) and Senior Lead (Elaine Repton) have discharged their responsibilities in line with the functional standard.

## Finance and resources report (item 7.2)

1. Ben Bennett presented the report that provided an update on the current financial position as at 31 July 2019 and the current forecast outturn for 2019/20, including NICE Connect costs. The paper also includes a dashboard for income generated through TA and HST charging.
2. SMT reviewed the report and noted that year to date, the underspend is £829k, which includes an income target surplus. Break-even is forecast for the end of the year, which would require a lower level of transitional support from DHSC than envisaged at the start of the year. However, this is still subject to change as it depends on the level of income realised from TA and HST charging.
3. SMT discussed the information on TA and HST income and agreed this should be streamlined for the Board report, to focus on income received against that planned at the start of the year. The reporting should also include an updated income forecast taking account of the scheduling within the TA and HST programmes.

ACTION: BB

1. SMT discussed the summary of proposed expenditure on NICE Connect. It was agreed that the information requires further review and improved presentation in order to clarify how the expenditure will support the delivery of tangible outcomes. It was agreed SMT would discuss this further at next week’s ‘time-out’ session, including which aspects of the expenditure would be required on a long-term basis, and the impact on current activities.

ACTION: BB/GL

## Managing MS Office 365 – next steps (item 7.3)

1. Alexia Tonnel presented the paper that proposed a pragmatic short-term roll-out of Office 365 (O365) with a new set of controls to enable immediate access to some of the O365 tools, while a longer-term strategy for implementing O365 more fully in the context of NICE Connect is developed. Alexia highlighted the proposed expenditure to support this work, which was set out in the paper.
2. Tanya Slinn explained that during the initial 12 month period, MS Planner and Teams will be available to all staff, supported by new training and information governance policies. Staff would only be able to access other O365 tools as part of a trial. Alexia explained this seeks to provide a pragmatic approach that enables staff to continue to develop their use of Planner and Teams in line with business needs, while managing the risks of implementing these tools without a long-term strategy.
3. Alexia stated that the 2019/20 expenditure outlined in the report will utilise the non-pay budget in Digital Services, plus some underspend accrued elsewhere in NICE, as agreed with the finance team. It is likely that at least part of the expenditure will be required into 2020/21, and this will be explored as part of the business planning process. However, the initial spend in 2019/20 is likely to predominantly be on contractors, and therefore would not incur spending commitments into next year.
4. SMT supported the proposals and agreed the expenditure outlined in the paper.

ACTION: AT

## Internal audit report – EU exit (item 7.5)

1. Meindert Boysen presented the draft internal audit report on NICE’s preparations for EU exit, which gave an opinion of moderate assurance and made four recommendations.
2. SMT noted the report and supported the management response to the recommendations.

## Annual equality report (item 7.6)

1. Ben Bennett presented the draft annual equality report for 2018/19, which has been prepared with input from the NICE equality and diversity group.
2. SMT reviewed the report and discussed the progress with delivering the two current equality objectives. It was suggested that it would be helpful to explore the scope for improved targeting of committee vacancies using social media, drawing on the successful approach used for staff recruitment. It was noted that NICE will need to agree new equality objectives for March 2020, and there was support for looking at the variation in the way equality issues are identified and then addressed across the guidance programmes in a future objective.
3. In relation to gender neutral language, Jane Gizbert confirmed that the style guide is being updated to reflect that gender specific language should be avoided where possible in NICE’s guidance.
4. SMT approved the report for submission to the Board, subject to clarifying that the current equality objectives run until March 2020.

ACTION: BB/DC

## Guideline committee chair appointment (item 7.7)

1. Paul Chrisp presented the proposal to appoint Professor Ibrahim Abubakar to the position of chair of the NICE guideline committee on diabetes. Professor Abubakar is a public health physician, and none of his declared interests are specific to the guideline.
2. SMT approved Professor Abubakar’s appointment as chair of the guideline committee.

## Guideline committee chair appointment (item 7.8)

1. Paul Chrisp presented the proposal to appoint Dr Paul Cooper to the position of chair of the NICE guideline committee on multiple sclerosis (MS). Dr Cooper is a Consultant Neurologist who chaired the previous iteration of the MS guideline, and none of his declared interests are specific to the guideline.
2. SMT approved Dr Cooper’s appointment as chair of the guideline committee.

## Reappointment of committee members on technology appraisal committees (item 7.9)

1. Meindert Boysen presented the request to reappoint Professor Matt Stevenson and Dr Brian Shine for further 3 year terms on technology appraisal advisory committee C and A respectively, following the end of their current tenures in November 2019, at which point they would have served 10 years on the committee. Both applied for their roles in open competition and were the highest scoring candidates. In line with the provisions in the appointments to advisory bodies policy and procedure, SMT is therefore asked to approve a further 3 year term, subject to agreement from the chair of the NICE Board.
2. SMT discussed the request, and confirmed that as outlined in the policy, any tenure beyond 10 years should be the exception rather than usual practice. It was noted there were however no other appointable candidates for the physician role and even with Dr Shine’s reappointment there would remain a vacancy. It was noted that due to the agreed expansion in the appraisals programme positions, in addition to reappointing Professor Stevenson, positions would be offered to two new HTA specialists, who were the next highest scorers in the recruitment round, ensuring a mix of new and old experience.
3. On this basis, SMT agreed the reappointments, subject to agreement from the NICE Chair.

ACTION: MB

1. SMT noted the need to consider proactively reaching out to potential applicants to seek to avoid the need to reappoint committee members for terms beyond 10 years.

## Diagnostic advisory committee chair appointment and declarations of interest (item 7.10)

1. Meindert Boysen presented the request to appoint Professor Mark Kroese for a 3 year term as chair of the Diagnostics Advisory Committee (DAC). This would take Professor Kroese beyond the usual 10 year tenure on a committee, having first been appointed as a DAC member in 2010. Professor Kroese applied for the current position in open competition and was felt to be the strongest candidate by the appointment panel.
2. SMT approved the appointment subject to agreement from the NICE Chair.

ACTION: MB

## NICE Connect project (item 9)

1. No further update.

## London office move (item 10)

1. Ben Bennett noted that he had received an initial response from DHSC about touch-down space in central London. Andrew Dillon asked Ben to follow this up further, including exploring if space was available at the What Works Centres if the DHSC could not provide this facility.

ACTION: BB

## Weekly staff SMT updates (item 11)

1. SMT agreed the staff updates.

ACTION: DC

## Any other business (item 12)

1. Andrew Dillon updated SMT on the position with the appointment and reappointment of the Chair and Non-Executive Directors (NEDs). He asked David Coombs to seek Beachcroft’s view on the implications of NICE falling below the minimum number of NEDs specified in the Health and Social Care Act 2012.

ACTION: DC

1. Meindert Boysen noted that the Judicial Review hearing regarding NICE’s TA guidance on cerliponase alfa has been listed for 16 and 17 October.