**National Institute for Health and CARE excellence**

**Senior Management Team**

**Minutes of the meeting held on 26 March 2019**

**Present**

Gill Leng Director - Health and Social Care & Deputy Chief Executive

Meindert Boysen Director – Centre for Health Technology Evaluation

Paul Chrisp Director – Centre for Guidelines

Jane Gizbert Director – Communications

Alexia Tonnel Director – Evidence Resources

Catherine Wilkinson Acting Director - Business Planning and Resources

**In attendance**

Nick Crabb Programme Director – Science Advice and Research

Mirella Marlow Programme Director – Centre for Health Technology (item 7.1)

Grace Marguerie Associate Director – Human Resources (items 7.3 – 7.6)

Lorna Scoular HR Business Partner – Human Resources (items 7.3 – 7.6)

Elaine Repton Corporate Governance and Risk Manager (minutes)

**Apologies (item 1)**

1. Apologies were received from Andrew Dillon and Ben Bennett. Ben was represented by Catherine Wilkinson.

### 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 19 March 2019 were approved.

**Matters arising (item 5)**

1. The actions from the meeting held on 19 March 2019 were noted as complete or in hand.
2. **Science policy and research programme overview** - Gill Leng commented that she would also like to see a read across to technologies within the science policy and research programme activity. Nick Crabb confirmed that the broader interests of NICE would be reflected in the programme.

### Board meetings (item 6)

1. March Public Board - The actions from the meeting were discussed. The Freedom to Speak Up Guardian was an item on this SMT agenda at 7.7.
2. April Public Board - SMT reviewed the agenda items. Catherine advised that she was preparing slides for Andrew on the 2019/20 financial position to support the business plan item. These would be high level and therefore not require a part 2 agenda. She also advised that the annual report and accounts paper would not include the month 12 figures. It was agreed that there would not be sufficient time for a committee chair’s report at this meeting.
3. May Public Board – The agenda items were reviewed. Meindert Boysen queried whether the Principles consultation paper should come to the May Board. It was agreed that it be included on the June Board Strategy Agenda for a discussion with the committee chairs, before being presented to the Public Board.

**ACTION: ER**

### Organisational change exercise for Commissioning Support Programme staff (item 7.1)

1. Mirella Marlow informed SMT of the need for an organisational change exercise for the Commissioning Support Programme (CSP) because of changes to NHS England’s commissioning intentions as a result of the 2019 voluntary scheme for branded medicines pricing and access, meaning the need for commissioning support for medicines will reduce over the coming years, and NHSE has given notice of the intent to decrease funding significantly for 2019/20, and for it to cease completely in 2020/21.
2. SMT acknowledged how successful the programme had been and recognised the specialist skills and expertise of the team members, who would be a significant loss to NICE. It was noted that the impact of 2019VS would increase the need for capacity in the TA/HST team, and SMT requested that every effort be made to offer re-deployment options to the team in line with the approved MoC process.
3. SMT agreed to initiate a management of change exercise.

ACTION: MM

### Breaches of the policy on declaring and managing interests (item 7.2)

1. Elaine Repton introduced the paper which detailed three breaches of the policy on declaring and managing interests – two relating to advisory committee members and one employee. Both policies for committee members and for board members and employees included the requirement for an annual report on breaches to be presented to SMT and to the Audit & Risk Committee.
2. SMT discussed what constituted a breach and how breaches were collected during the year. It was agreed that two registers should be maintained – one for advisory committee members and one for board members and employees.
3. SMT requested that additional context be included in the cover paper to explain this was the first time the report had been produced following introduction of the new DOI policies in April and May 2018, and that it was reliant on the data collected from the guideline teams, SMT and HR. SMT requested that an additional column be added to the table in the appendix to indicate the risk level and impact on NICE guidance. In terms of the requirement to publish information on declaration of interest breaches on the NICE website, it was agreed that this be achieved through the minutes of the Audit & Risk Committee meeting being published with the public board papers.

**ACTION: ER**

**Disciplinary policy (item 7.3)**

1. Grace Marguerie and Lorna Scoular presented a revised disciplinary policy for approval. SMT noted that the policy had been written in partnership with Unison and approved by the JCC. Subject to the inclusion of the new pay progression sanction (applicable to new employees from April 2019 and existing employees from April 2021), the policy had undergone minor updates to clarify processes and simplify the language.
2. SMT sought clarification where the text appeared contradictory (in paragraphs 33 and 39). It was also requested that the format of the document be reviewed, a simple flow chart of the whole process be included, and paragraph 31 relating to ‘suspensions’ be amended to state that NICE will follow the ACAS code of practice.
3. SMT queried how ‘poor conduct’ was defined and noted that the forthcoming report on proposed ‘values’ at NICE, will be helpful in setting standards and expectations of acceptable behaviour.
4. There was also a discussion of whether investigation or disciplinary meetings were permitted to be recorded, particularly if required on disability grounds. Grace advised that an employee will always receive clear and detailed notes of meetings. SMT agreed that the equality statement at para 6 be amended to state that any reasonable adjustments will be made where necessary.

**ACTION: GM/LS**

**Improving performance policy (item 7.4)**

1. SMT reviewed the revised improving performance policy which has also been written in partnership with Unison and approved by the JCC, and includes a new pay progression sanction.
2. Grace was asked to clarify the difference between the end of formal review and final review stages. A simple flowchart to show the process was requested. Reference to a PDPRs was to be replaced with improvement plans.

**ACTION: GM/LS**

**Whistleblowing internal audit report (item 7.5)**

1. Grace Marguerie asked SMT to review the management responses to the four recommendations made in the internal audit report on whistleblowing arrangements. Grace confirmed that HR would benchmark NICE’s whistleblowing policy against the NAO’s criteria at the next review of the policy.
2. In relation to staff training, SMT agreed whistleblowing training should be mandatory for Directors and their direct reports but not all line managers. SMT supported HR’s approach of mini masterclasses for managers and looking at a range of options to cascade the messages to all staff through blogs, comms articles on NICE Space and team meetings. Catherine Wilkinson added that awareness of whistleblowing will be added to the line manager induction training, along with the requirements to comply with standing orders and SFIs.

**ACTION: GM/LS**

1. The response to recommendations 3 and 4 were supported.

**Freedom to speak up guardian (item 7.6)**

1. Gill Leng reported that following the discussion at the Board meeting, Andrew had agreed a process for selecting two staff freedom to speak up guardians, by inviting expressions of interest and a selection panel to consider those received. In terms of the role, SMT requested that Grace review the standard job description and adapt it appropriately for NICE, then send it to Andrew and Gill for review.

**ACTION: GM**

**Reappointment of a technology appraisal committee member (item 7.7)**

1. Meindert Boysen requested SMT’s support to re-appoint Dr Matthew Bradley as the industry representative of technology appraisal committee D, subject to the agreement of the NICE Board chair.
2. SMT expressed concern about the re-appointment of individuals beyond a 10 year tenure, particularly as there had been three requests within CHTE, and stated that this should not be an option in future. It was agreed that every effort should be made to identify alternative candidates by starting the recruitment process much earlier and being creative with the advertising campaign.
3. SMT supported the re-appoint Dr Matthew Bradley as the industry representative of technology appraisal committee D, on a maximum three year term.

**SMT away-day (item 7.8)**

1. SMT discussed the agenda for away-day agenda was reviewed. Gill Leng had asked for a session with Civica data management to be included at 9 – 10.30am on 2 April. The agenda was to be updated.

**ACTION: ER**

**Guideline committee chair appointment (item 7.9)**

1. Paul Chrisp requested SMT support to appoint Adam Firth to the position of chair of the NICE Guideline Committee on vaccine uptake in the population. He is a GP partner receiving routine contractual payments to the practice for provision of NHS services, but declared no interests specific to the scope of this guideline.
2. The appointment of Adam Firth was approved.

### EU exit (item 8)

1. There were no developments to report.

### NICE Connect project (item 9)

1. SMT noted the pathways steering group was next meeting on 24 April 2019 looking at shared decision making.

### Weekly staff SMT updates (item 10)

1. SMT agreed the staff updates.

ACTION: ER

### Other business (item 11)

1. **London office move –** Jane Gizbert queried when a definitive decision on the London office move was likely to be announced to staff as queries are now being received. Catherine advised that the DHSC had not yet confirmed that the office lease has been signed therefore a formal announcement could not be made. A staff project group has been set up with meetings scheduled from May onwards.
2. **ESR system** – Catherine Wilkinson reminded SMT of the need for all staff to be using the ESR system from 1 April 2019.

The meeting closed at 1.10pm.