**National Institute for Health and Care Excellence**

Senior Management Team

# Minutes of the meeting held on 28 July 2020

## Present

Gill Leng Chief Executive

Paul Chrisp Director – Centre for Guidelines

Jane Gizbert Director – Communications

Judith Richardson Acting Director – Health and Social Care

Alexia Tonnel Director – Evidence Resources

## In attendance

Nick Crabb Programme Director – Science Advice and Research

Jeanette Kusel Acting Deputy Director – Centre for Health Technology Evaluation

Grace Marguerie Associate Director – HR

Colm Leonard Consultant Clinical Advisor (item 6.1)

Victoria Thomas Head of Public Involvement – Health and Social Care (item 6.2)

Fiona Glen Programme Director - Centre for Guidelines (item 6.4)

Nicola Tyson Organisational Development and Training Specialist – HR (item 6.4)

Hilary Baker Acting Programme Director – Transformation Team (item 6.5)

Bhash Naidoo Senior Technical Adviser – Centre for Guidelines (item 6.6)

Eric Power Programme Director – Health and Social Care (item 7.3)

Elaine Repton Corporate governance & risk manager (minutes)

## Apologies (item 1)

1. Apologies were received from Meindert Boysen and Catherine Wilkinson who were represented by Jeanette Kusel and Grace Marguerie respectively.

## Declarations of interest (item 2)

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

## Notes of the previous meeting (item 3)

1. The minutes of the meeting held on 21 July 2020 were agreed as a correct record.

## Matters arising (item 4)

1. The actions from the meeting held on 21 July 2020 were noted as complete or in hand.
2. COVID-19 Rapid medicines summary - Paul Chrisp advised that he was discussing options with the medicines and prescribing team following feedback from SMT. It was agreed to produce an evidence summary within the framework of a guideline and bring this back to SMT for approval.

## Coronavirus (item 5)

1. There were no decisions from the Gold group for ratification.

## Antimicrobial resistance: developing and testing innovative models for the evaluation and purchase of antimicrobials (item 6.1)

1. Nick Crabb presented a draft progress report for the August Board meeting on the NICE and NHS England & NHS Improvement project to develop and test a new model for the evaluation and purchase of antimicrobials, that will pay companies for antimicrobials based primarily on a NICE led health technology assessment of their value to the NHS as opposed to the volumes used. The project had to comply with the Public Procurement Regulations (PCR15) which was a major task but has been worked through with the help of NHSE’s procurement team.
2. SMT noted that the resource requirements will increase considerably in the build up to and during the NICE-led HTA stage scheduled for the full calendar year 2021, however the previously committed resources is now going to be challenging given the other pressures within NICE, including the need for the Technology Appraisals programme to catch up on topics paused. It was agreed that a request for additional funding be made to NHSE.

**ACTION: NC**

1. SMT discussed a possible solution by bringing together a ‘hybrid’ team with the necessary skills from other programmes that may have some capacity to support. This could also offer development opportunities for some staff to work across teams. Nick Crabb agreed to put together a brief of the skills needed, look at whether an MTAC and DAC committee slot could be used for the two AMR health technology assessments, and amend the draft board report accordingly.

ACTION: NC

## Stakeholder engagement post-COVID-19 (item 6.2)

1. Victoria Thomas reported that stakeholder organisations, particularly patient groups and those with charitable status, have been significantly impacted by COVID-19 which could potentially have implications for their ability to engage with NICE in the longer term. SMT was asked to consider undertaking a NICE-wide approach to reviewing the mechanisms for stakeholder engagement activities to ensure NICE has adequate future involvement and avoids potential legal risks from appeals or judicial reviews, along with reputational risks around not seeming to take stakeholders' concerns into account in guidance development.
2. SMT agreed to a message being sent from Gill Leng to stakeholder groups (limited to charities and patient groups initially), recognising their difficulties and giving assurance that NICE is considering what it can do differently in the short and longer term through a range of digital tools, or by modifying its requirements of them to support their continued contributions to NICE’s work. Victoria Thomas was asked to work with Moya Alcock to draft a communication and agree the appropriate channels to be used.

**ACTION: VT/MA**

1. Victoria was also asked to liaise with Hilary Baker and Alison Liddell to align the review with the work to develop a dedicated stakeholder platform within the NICE Connect project, and with Jen Prescott to build on the positive experiences from the virtual committee meetings.

**ACTION: VT**

## Reinstatement of the Carer Leave policy (item 6.3)

1. Grace Marguerie sought SMT approval of proposals to reinstate the Carer leave policy with a range of flexible working arrangements to support employees who have caring responsibilities to return to normalised working of their contracted hours by the end of October 2020, and to provide them with options if this was not possible. It was noted that addendums to three other corporate HR policies will be required.
2. Recognising that supporting business delivery was paramount, SMT considered six flexible working arrangements. Slight amendments to wording were suggested to make it clear in which circumstance each option would be appropriate. SMT also requested that the supporting guidance should advise staff that all flexible working arrangements must be agreed with their line manager.

**ACTION: GM**

1. It was agreed that two separate communications be issued – firstly, a workforce audit to understand the number of staff who will have difficulty in returning to their contracted hours, and secondly, the launch of the revised carer leave policy (the latter to be when Gill Leng returns from holiday).

ACTION: GM

## Setting NICE’s equality objectives 2020-24 (item 6.4)

1. Fiona Glen and Nicola Tyson proposed a series of facilitated ‘Listening Events’ in August to focus on equality, diversity and inclusion from both a business and workforce perspective, with the aim of developing a set of equality objectives for 2020-24. The events will be held with groups of staff, committee members and the board. Following feedback from Gill Leng, it was agreed to engage staff and committee members in August as planned, then hold the board session in September so that feedback from the sessions can be shared. The final proposals will be presented to the November public board meeting. Gill Leng agreed to advise the board chairman of the revised timeframe and include a slide in her CEO report to the board in August to inform the board of the planned events.

**ACTION: GL**

1. SMT suggested the sessions with staff be organised by salary bands to facilitate free and open discussions, and that the communication should include a reminder of the nine protected characteristics and encourage participation from these groups. Gill Leng agreed to mention the sessions at the August all staff meeting to emphasise their importance and to confirm that staff will be supported to attend.

**ACTION: FG/GL**

1. Fiona Glen was asked whether there was any evidence available of good practice in terms of quotas of underrepresented groups. It was noted that evidence was limited but the HR team was currently researching other ALBs and different sectors for examples of good practice. Grace Marguerie advised that a paper is being prepared for SMT on NICE’s gender, ethnicity and disability profile.

## NICE Connect (item 6.5)

1. Hilary Baker presented a draft board report for review which describes the approach to the NICE Connect programme, includes an update on the digital transformation priorities, notes the impact of COVID-19 on some deliverables and includes financial information which was not in the original business case. Hilary was asked to update sections of the report which have evolved since the report was written and to liaise with the digital services senior team to accurately articulate the digital journey and deliverables planned for 2020/21. It was also agreed to attach the reporting template as an appendix to show the format of future reports.

**ACTION: HB**

1. SMT discussed linking the Connect progress report to the wider NICE strategy, and the journey NICE is on. Gill Leng agreed to share the latest strategic plan development paper with Hilary to reflect and align the language.

**ACTION: GL**

## Facilitating the sharing of information from NICE guidelines during NHS England procurement negotiations (item 6.6)

1. Paul Chrisp sought SMT’s comments on a proposed method of engagement between NICE and NHS England (NHSE) to align the timing of the update of CG180 Atrial fibrillation: management guideline and NHSE’s procurement negotiations for direct oral anticoagulants (DOACs), so that the final NICE recommendations can reflect the new negotiated prices. This was an unprecedented situation but one that is likely to reoccur with future guideline consultation, eg diabetes. It was proposed that NICE undertakes additional health economic sensitivity analyses to share with NHSE ahead of guideline consultation, and seeks legal advice to give assurance that the proposed approach adheres to the processes set out in the Guidelines Manual, and so is robust to legal challenge.
2. SMT discussed the options and the associated risks and were keen to receive legal advice. Discussions were ongoing with NHSE around a potential solution which will be shared with the process, methods & Analytics expert group. SMT supported the progress to date and agreed to receive a further report once the legal advice has been received.

ACTION: PC

## EU exit (item 7)

1. Eric Power updated SMT on arrangements to manage the end of the EU transition period and reported that internal EU oversight group had reconvened to plan how to respond to NICE’s obligations. The DHSC will likely require NICE’s input on several issues but the exact detail will not be known until the Autumn. The EU exit risk register was reviewed. SMT noted the three key risks around medicines licencing, HR staffing issues and GDPR compliance. Nick Crabb confirmed NICE’s involvement with the MRHA and the OLS on new medicines licencing arrangements. Nick was asked to include this work in the board paper, and to make reference to the Medicines and Medical Devices Bill.
2. SMT reviewed the risk register and requested updates to the staffing risks, ahead of its submission to the board as an appendix to the covering report.

ACTION: NC/EP

## London office move (item 8)

1. Alexia Tonnel confirmed that remedial works required to the IT server room will delay the WAN installation by about four weeks meaning there will be less time available to get the office ready when the building is handed over. Gill Leng agreed to liaise with Sebastian Maycock for a brief update to include in her CE report to the Board.

ACTION: GL

## Other business (item 9)

1. **Cabinet office review of communications resources** – Jane Gizbert advised SMT that the Cabinet office was undertaking a review of all government department and ALB communications teams with a view to consolidating resources. NICE had received a request to provide a significant amount of information about the team by the deadline of 3 August, which was going to be challenging.
2. **DHSC & ALB Chief Executive’s meeting** – Gill Leng had received re-assurance from the DHSC that it would support the additional COVID-19 guidance integration work this year, but future years would have to be looked at as part of the spending review. Liz Woodeson asked for the funding request formally in writing, which Gill Leng agreed to draft and share with Paul Chrisp.

**ACTION: GL/PC**

1. **Budget approval for admin role in BPR** – SMT approved a request from Grace Marguerie to utilise a saving from the delay in the recruitment of a band 3 admin role in HR to bring an additional administrator in as a fixed term for the remainder of the financial year.
2. **Director of Finance, Strategy and Transformation** – Gill Leng advised SMT of the outcome of the interviews held yesterday.