**National Institute for Health and Care Excellence**

Executive Team

# Minutes of the meeting held on 27 April 2021

## Present

Meindert Boysen Director, Centre for Health Technology Evaluation and Deputy Chief Executive

Paul Chrisp Director, Centre for Guidelines

Jane Gizbert Director, Communications

Felix Greaves Director, Science, Evidence and Analytics

Jennifer Howells Director, Finance, Strategy and Transformation

Judith Richardson Acting Director, Health and Social Care

Alexia Tonnel Director, Digital, Information and Technology

## In attendance

David Coombs Associate Director, Corporate Office (minutes)

Martin Davison Acting Associate Director, Finance (item 11)

Lori Farrar Associate Director, Topic Selection (item 7)

Grace Marguerie Associate Director, HR (items 11 and 12)

Malik Pervez Associate Director, Infrastructure and Operations (item 9)

Elaine Repton Corporate Governance and Risk Manager (item 10)

Rebecca Threlfall Chief of Staff

## External guest

Lynne Copp Consultant, SCW (item 12)

## Apologies (item 1)

1. Apologies were received from Gill Leng, with Meindert Boysen chairing the meeting.

## Declarations of interest (item 2)

1. The previously declared interests were noted.

## Notes of the previous meeting (item 3)

1. The minutes of the meeting held on 20 April 2021 were agreed subject to a minor amendment to paragraph 9 and the reallocation of the action in paragraph 22 to Felix Greaves.

## Matters arising (item 4)

1. The actions from the meeting held on 20 April 2021 were noted as complete or in hand.
2. ET referred back to the discussion at the last meeting on the upcoming recruitment of a new chair for the Indicator Advisory Committee and confirmed support for the principle of allowing a GP partner to chair the committee. It was agreed that David Coombs would follow-up with Gill Leng to confirm her agreement to update the appendix in the policy on declaring and managing interests for advisory committees to remove the statement that a GP partner could not chair the committee.

ACTION: DC

## Board meetings (item 5)

1. ET noted the actions from the Board strategy meeting held on 21 April 2021, and in particular discussed the action to provide the Board with an overview of how the transformation projects fit together and relate to the delivery of core business outputs. Following a request from the Board, it was noted that Jennifer Howells and Gill Leng had reviewed the draft 2021/22 business plan and it was not proposed to remove any of the planned deliverables at this stage. ET agreed that it will be important to be aware of the resource requirements to deliver the business plan and where there may be particular capacity challenges. It was agreed to engage the Senior Leaders Forum with a discussion on capacity challenges and how these could be addressed, and which aspects of the business plan should be prioritised if necessary.

ACTION: JH/RT

1. ET reviewed the proposed agenda items for the Board meetings on 19 May 2021. It was agreed that the business case for the digital workplace should be discussed as a part 2 item given it would contain commercially sensitive information about the proposed procurement of an implementation partner.

ACTION: AT/DC

## Hot topics (item 6)

Endorsement programme

1. Paul Chrisp highlighted the issues surrounding NICE’s endorsement of a pathway developed by the Accelerated Access Collaborative on lipid management. While the decision, approved by NICE’s Publication Executive, followed due process, there is concern that the pathway is not consistent with NICE’s guideline and technology appraisal recommendations on cholesterol measurement. Following discussion, ET agreed that the Publication Executive should review the endorsement of the pathway in light of the subsequent feedback and agree the next steps. It was agreed that a further discussion was also required on the intended role of the endorsement programme and whether this is currently being achieved.

ACTION: JR

1. Judith Richardson agreed to check whether there could be similar issues in the pipeline.

ACTION: JR

Internal audit reports

1. Jennifer Howells noted that the internal audit reports on NICE Connect and the Zoom rollout had both received substantial assurance. Given these positive findings, and that the NICE Connect audit was reviewed at the Connect steering group, it was agreed these did not require further review at ET.

Spending controls

1. Jennifer Howells highlighted upcoming changes to the delegated spending limits for Arm’s Length Bodies (ALBs). From 1 May, the Department of Health and Social Care (DHSC) and Cabinet Office must be notified of consultancy spend over £100k and from 1 October such spend will require Ministerial approval. The finance team are working through the implications of other changes to the delegations and will advise ET accordingly.

ACTION: JH

Partnership working

1. Felix Greaves highlighted work across the SEA and DIT directorates with Health Education England on knowledge interoperability and offered to provide further information to any interested colleagues on request.
2. Meindert Boysen noted that on Monday he and the Chairman attended a roundtable with other ALBs and the Minister on regulatory innovation. The ALBs were asked to come back to the Minister with proposals to address the issues raised in the discussion. It was agreed that Meindert and Felix would discuss further how to coordinate the various activities under pillar 1 in the NICE strategy.

ACTION: MB/FG

## CHTE topic selection routing decision of oleogel-S10 for treating skin wounds associated with epidermolysis bullosa (item 7)

1. Meindert Boysen presented the outcome of the topic selection oversight panel’s reconsideration of the routing decision for the above technology following a challenge to the original decision from the company. The panel carried out a further review of the highly specialised technologies (HST) criteria and agreed that the technology does not fully meet 3 out of the 7 criteria. The panel therefore upheld the decision to route the topic to the technology appraisal (TA) programme. In line with the agreed process, ET is now asked to confirm this decision.
2. ET reviewed the panel’s conclusions in respect of the 3 criteria that were not felt to be fully met. ET endorsed the routing decision subject to confirmation from NICE’s legal advisers that the criterion regarding exclusive use in the context of a highly specialised service had been correctly applied. It was agreed that the wording around the expected long-term use of the technology should also be reviewed.

ACTION: MB

## NICE Impact reporting: common themes (item 8)

1. Judith Richardson presented the proposed paper to the May Board meeting on common themes in published NICE impact reports, which had been prepared in response to a request from the Board.
2. ET discussed the draft report and agreed this raised a number of important issues about the implementation and impact of NICE’s work. It was agreed that a summary of the findings should be included in the Health and Social Care Directorate report to the May Board meeting, with an explanation of how these themes relate to the NICE strategy. In addition, the report should note there will be a longer-term piece of work looking at how to measure impact and increase implementation which will form part of the update of the implementation strategy.

ACTION: JR

## Cyber security update (item 9)

1. Alexia Tonnel presented the proposed update on NICE’s cyber security arrangements for the May Board meeting and stated that the paper would be updated to note the findings in the draft internal audit report on the Data Security and Protection Toolkit that will need to be addressed as a priority.
2. ET reviewed the report and agreed that it should explain why the paper is coming to the Board. Subject to this addition, and other drafting points, the report was agreed for submission to the Board.

ACTION: AT

## Strategic and operational risk registers (item 10)

1. ET reviewed the strategic risk register and agreed that:
* Risk 2.2 on workforce should be revised to relate to the capacity to deliver the transformation programme alongside the core business outputs
* Risk 6.1 on cyber security should have a target rating of 2 x 2 following the application of the further planned actions.
1. It was agreed that Elaine Repton would add the revised version to Teams for ET to review and update further. Directors were asked to add delivery dates for mitigating actions. It was noted that the criteria for evaluating the likelihood should be reviewed and that a time horizon longer than 12 months may be appropriate given the strategic nature of the risks.

ACTION: ER/ET

1. ET asked Elaine Repton to review the operational risk register to remove any duplication with the strategic risks. It was agreed that ET would see the full operational register quarterly, following the monthly review by the Directors’ senior teams, but ET would only routinely discuss the red rated risks on the operational register.

ACTION: ER

## Budget 2021/22 (item 11)

1. Martin Davison presented an update on the 2021/22 budget and noted that the budget packs had now been issued to the Directors for sign-off. Martin highlighted the forecast underspend already arising for 2021/22 and emphasised the need to take action at this early stage to utilise the resources available for the year ahead. Grace Marguerie noted that additional resources will be in place to enable the HR team to support recruitment, and recruitment processes are being reviewed to identify if they could be streamlined. Martin highlighted that Directors should also consider alternative ways of increasing capacity, including through agencies, secondments and framework agreements.
2. ET thanked Martin and Grace for the update and agreed to receive an update each fortnight on the vacancies, and deployment of the transformation funding and reserves.

ACTION: MD/JH

## Organisational design update (item 12)

1. Lynne Copp updated ET on the organisation design (OD) work and noted that:
	* Catherine Thomas has met with the SCW colleagues undertaking the strategic engagement and influencing review to ensure the review’s findings align with the OD principles.
	* An implementation pack will be issued to ET shortly that will list 7 goals, underpinned by objectives that will each have an implementation plan.
	* Proposals for staff and stakeholder engagement are being developed, which SCW would welcome the opportunity to review with ET.
	* The meetings with each director to inform the review of portfolios will be completed next week.
2. Jennifer Howells highlighted the need for the portfolio review to consider the future allocation of a number of cross-organisation leadership roles, including for equality and diversity, patient safety, sustainability, and health inequalities. Lynne Copp asked the directors to flag these roles in their individual meetings so these can be fed into the portfolio review.

ACTION: ET

## Gold group (item 13)

1. ET confirmed the decisions at the gold group meeting on 26 April:
	* To move NICE from 'Red' to 'Amber' operating level 3 with immediate effect.
	* To add wording in the operating levels document about when the carers leave policy would be re-instated, to read - 'Gold group to agree applicability of the carers leave policy as circumstances require'.
	* That the requirement for staff to travel between the Manchester and London offices for essential business reasons can be approved by a Programme Director or Associate Director.
	* To allocate one day per month (Thursdays) for offices to be reserved for each directorate. Where a five-week month falls, this week is to be left flexible.
	* To have a formal review in September of the new ways of working from 1 July to agree what the plans will be for January 2022 onwards.
	* Gold group to start to explore in September the potential for face-to-face advisory committee meetings to begin from October, subject to there being sufficient staff in the offices to support the meetings.
	* The communications article 'Our return to the office and new ways of working' subject to additional text on Thursdays being an allocated day in the office for each directorate, and some statistics and key messages from the office re-opening survey.
	* That the Sit-rep will move to reporting by exception only in future.
	* To approve retrospectively the request of the DHSC Therapeutics Taskforce for NICE staff to undertake an exploratory analysis to assess the potential cost impact of providing a neutralising antibody treatment for people with mild COVID in the community setting.

## Business planning (item 14)

1. No further update as discussed as part of the Board actions and budget update.

## Review of the meeting (item 15)

1. ET reviewed the meeting and agreed there is a need to consider how to effectively use the ‘hot topics’ section so this takes less time at the meeting – e.g. by asking Directors to highlight the proposed items at the start of the discussion. ET also reflected on how to ensure there is sufficient opportunity to engage with the OD work and there were mixed views on whether these updates should be moved to another slot outside of the formal weekly ET meetings. It was agreed to arrange a dedicated session to review the implementation pack once available from SCW and then consider whether to continue with the OD updates as part of the weekly ET meetings or schedule these for an alternative session.

ACTION: JH