**National Institute for Health and Care Excellence**

Executive Team

# Minutes of the meeting held on 14 December 2021

## Present

Gill Leng Chief Executive

Paul Chrisp Director, Centre for Guidelines

Nicole Gee Interim Chief People Officer

Jane Gizbert Director, Communications

Felix Greaves Director, Science, Evidence and Analytics

Jennifer Howells Director, Finance, Strategy and Transformation

Judith Richardson Director, Health and Social Care

Alexia Tonnel Director, Digital, Information and Technology

## In attendance

Kendall Jamieson Gilmore Interim Chief of Staff and Associate Director, Strategy

Jeanette Kusel Director, Scientific Advice (items 6.1 – 9)

Jenniffer Prescott Programme Director, HTA Process and Operations (items 1 – 6.1 and 7.1)

Hilary Baker Programme Director, Transformation Team (item 6.1)

Nicola Tyson Organisational Development and EDI Manager (item 6.1)

Swapna Mistry Strategy Manager (item 6.1)

Katie Holden Assistant Strategy Manager (item 6.1)

Alison Shelmerdine Business Operations and Governance Lead, DIT (item 6.2)

Carole Longson Life Sciences Advisor (item 7.1)

Helen Knight Programme Director, Technology Appraisals and HST (item 7.1)

Martin Davison Associate Director, Finance (item 7.2)

John Pegington Senior Management Accountant (item 7.2)

Ann Hoskins Independent Public Health Consultant (item 7.3)

Lois Murray Public Health Specialty Registrar (item 7.3)

Elaine Repton Corporate Governance and Risk Manager (minutes)

## Apologies (item 1)

1. Apologies for absence were received from Meindert Boysen who was represented by Jennifer Prescott until item 6.2 and by Jeanette Kusel thereafter.

## Declarations of interest (item 2)

1. The previously declared interests were noted.

## Notes of the previous meeting (item 3.1)

1. The minutes of the meeting held on 7 December 2021 were agreed as a correct record.

## Matters arising (item 3.2)

1. The actions from the meeting held on 7 December 2021 were noted as complete or in hand.
2. Nicole Gee thanked ET for their support in promoting the culture workshops. A total of 75 staff have signed up to join one of the sessions.

## December Board Strategy meeting (item 4)

1. ET reviewed the actions from the December board strategy meeting and agreed they were correct and in hand.

## Hot topics (item 5.1)

**COVID-19 vaccine and booster programmes** – Jane Gizbert queried whether NICE should consider releasing clinically qualified staff to support the NHS vaccination programme and also support any non-clinical staff who wished to volunteer to help out, either in their own time or during work time. It was not clear whether a formal request for help had been received from NHSE. It was agreed to firstly establish exactly what support NHSE required, if any, including the expected time commitment of individuals, and to include a slide in the all-staff meeting presentation tomorrow, to provide clarity.

**ACTION: KJG**

ET members expressed concern that if staff are released to support the vaccination programme, this could potentially impact their ability to take annual leave in Q4, which could put them at risk of losing it. Nicole Gee advised that she had requested the data on outstanding leave which she will be sharing with ET. It was agreed to review the data, and to encourage staff to take leave.

**ACTION: NG**

ET also discussed that if the current COVID case rates continued to rise through to the Spring, whether it would be appropriate to reconsider cancelling advisory committee meetings. It was agreed to re-visit the situation in early January and take a decision based on an assessment of the position at the time, based on clinical availability.

**Monoclonal antibodies and the Omicron variant** – Paul Chrisp advised that there are potential early signs that monoclonal antibodies will not work against the Omicron variant meaning there may be the requirement to quickly publish updates to NICE guidance over the Christmas period. It was noted which ET members would be available if decisions needed to be taken. It was agreed to use the ET WhatsApp group to alert ET to any urgent emails.

**Business planning process** – Felix Greaves referred to the ET business planning session on 9 December and queried next steps as he still had questions over the inclusion of sustainability objectives. Gill Leng advised that she would be reviewing the next iterations during Christmas and New Year ahead of the next discussion at ET on 11 January and recommended including an objective on sustainability because of its importance. Jennifer Howells noted that during January business plan meetings will be taking place with each of the directorates to confirm their submissions.

**CEO appointment update** – The recommended candidate was still with the Secretary of State for approval. It was noted that, if approved, they should be available to join NICE from 1 February which will allow for a period of handover from Gill Leng.

## Annual equality report (item 6.1)

1. Jennifer Howells introduced the annual equality report setting out the progress made against NICE’s new equality objectives agreed in November 2020. ET noted the key achievements including re-establishing the NICE Equality and Diversity Group (NEDG) and the newly established staff networks supporting delivery of the annual workforce EDI action plan. Overall good progress was being made in raising the profile of the EDI agenda however the analysis of data was showing a marginal decrease in performance in some categories, additionally more people (job applicants and committee members) were choosing not to disclose their gender or ethnicity, which is presenting a challenge to with data analysis.
2. ET recognised that despite the good work, black and minority ethnic (BAME) employees were under-represented in roles at 8d and above, and white applicants were five times more likely to be successful at interview. In terms of the next key pieces of work, EDI development and training will be rolled out across the organisation and to look at agreeing quantitative based targets to measure areas where urgent action is needed.

**ACTION: HB/NT**

1. ET thanked the team for such a comprehensive paper and requested some editing and formatting in the version for submission to a public board meeting. It was also requested that the background section in the main paper should include why NICE wants to do this work and detail why it is so important to NICE. It was also requested that whilst the report provides four months of progress against the new objectives and new approach, it should be reflected in the paper that this is not completely new work, and that NICE has been working on EDI improvements for many years.
2. Hilary Baker highlighted that representation on advisory committees was not where it needed to be, and there was a challenge in that NICE does not currently have a system for the collection of EDI data for committee members. Consideration of an automated committee recruitment system is being explored as part of a business transformation project, which will hopefully provide a solution. It was considered whether the workforce data should be separated from the guidance committee data. Judith Richardson also queried whether there would be duplication with the health inequalities work which was looking at inequalities in guidance production. It was agreed that Jennifer Howells, Nicole Gee and Judith Richardson would discuss this further outside of the meeting.

**ACTION: JH/NG/JR**

1. Jenniffer Prescott also commented that the targets were people rather product focussed and that the NEDG should think more broadly than using only Equality Impact Assessments (EIAs) and look at the wider involvement of people in guidance development. It was agreed that this should be included in the paper.
2. ET noted that there were some mixed messages in the report and agreed it was important to be open about current performance but also to outline all the positive work that is happening. Having said that, it was agreed that the paper was too long for the board, and it was requested that it be re-ordered to include a contents page, a summary page which highlighted the key messages and next steps and to move some of the tables into the appendices to make the main body of the paper shorter.

**ACTION: HB/NT**

## DIT expenditure and Standing Financial Instructions (item 6.2)

1. ET was asked to approve a schedule of current digital and technology spend requests, and to support an amendment to the Standing Financial Instructions (SFIs) to remove

the requirement for all DIT expenditure up to £100k to be considered by the Executive Team and to allow digital and technology expenditure to be approved line with other expenditure, subject to subsequent support from the Technology Governance Board.

1. Jennifer Howells advised that she would discuss the error in the recently revised SFIs with the Audit & Risk Committee chair, Tom Wright, to ask whether he would be willing to approve the correction with immediate effect or prefer to wait until the next Audit & Risk Committee in January 2022 to rectify it.

**ACTION: JH**

1. ET approved the schedule of digital and technology spend requests, noting that the new AV equipment for the Manchester office would be approved through normal procurement processes as the expenditure was likely to exceed £100k.

## A new process for NICE Technology Appraisals: Portfolio Appraisal (item 7.1)

ET was asked to consider a proposed new approach to technology appraisals to help match NICE’s capacity with the demand for products. It was noted that three therapies comprise a large proportion of the appraisals work programme, and the CHTE senior team have been thinking of innovative solutions to address the resourcing challenges. They have proposed that products where NICE has already published a significant amount of guidance and have a significant number of future indications, would be suitable for a portfolio appraisal. This is based on NICE’s experience with these products, the relative clinical effectiveness that is already established and the offer price for the indications being stabilised.

Subject to further exploration of the risks and issues discussed, including charging, discount rates and income recovery, ET was content to support the proposal of a portfolio appraisal to the private session of the January board meeting for discussion.

**ACTION: JK/HK/JP**

## Finance update (item 7.2)

ET reviewed the baseline funding scenario for 2022/23 compared with the current year, noting that the £3m non-recurrent admin funding received in 2021/22 had been rolled into 2022/23, however there was expected to be a request from DHSC to reduce the admin budget by 5% and the programme budget by 10%, resulting in a £3.1m cash reduction. The outcome of the £10.3m CSR bid was still awaited. Jennifer Howells stated that this was scenario planning at the moment, but that the budget setting for 2022/23 needed to be considered in this more challenging context as there is a legal requirement to submit a balanced budget. John Pegington is in the process of meeting with teams to review the opening position for next year and to discuss plans and the pressures.

The month 8 financial position had not significantly changed on the previous month. There has been an improvement in the NSA outlook for the year, and the budget was forecasting a £1.2m underspend.

## NICE approaches to health inequalities (item 7.3)

Ann Hoskins and Lois Murray presented a final report and recommendations on NICE approaches to health inequalities for ET’s approval ahead of the paper’s submission to the January public board meeting (subsequently deferred to March).

ET discussed the opportunities where NICE should focus its effort to have the most impact. Paul Chrisp suggested aligning the living guideline model to the NHS CORE20 plus5 approach, and setting short, medium and long term objectives.

Ann Hoskins advised ET to consider using the Marmot principles or King’s Fund framework to communicate out the work already being undertaken across NICE. Jane Gizbert noted that her team are planning a health inequalities campaign in early January.

ET recognised the need to build internal capacity to achieve the strategic priority of reducing health inequalities, including considering whether a specific team focused on health inequalities was appropriate, similarly to sustainability and patient safety, but also ensuring the specialists in the guidance producing teams are able to highlight health inequalities within their roles. Lois Murray added that it would be helpful if all staff had an understanding of health inequality assessments across all NICE’s work, which differ slightly from EIAs, as poverty is not a protected characteristic.

ET asked for further additions to the start of the paper to be clear about how addressing health inequalities is fundamental to NICE’s core role through guidance production. The aim should be to take a paper to the March public board meeting that provides a strategic summary of NICE's position and role in health inequalities.

**ACTION: JR/AH**

## Guideline development contracts (item 7.4)

1. Paul Chrisp updated ET on progress with the TUPE of guideline development centre staff into NICE from 1 April 2022. ET noted that the formal TUPE letters were currently being reviewed. Consultation meetings will be taking place from 17 January 2022, followed by more meetings in February and March. The letters will advise staff that when they join NICE in 2022, they maybe in a different team than at present, and that there will be a management of change exercise in 2023/24.
2. ET noted the transfer project costs in 2021/22 were £387k. From next year, post-transfer, the costs are expected to be £5m (just under current costs of the contracts). It was agreed to include a slide in the CEO’s update to the January board meeting.

**ACTION: KJG**

## Review of the meeting (item 8)

ET agreed there was a good balance of agenda items which had generated good discussions.

Jennifer Howells advised that the OMC meeting this week had been cancelled due to two substantive papers being deferred. She reminded ET that any agenda items of a non-strategic nature, should be submitted to the OMC for discussion to free up ET agendas.

## Other business (item 9)

**Vice chair appointment** – It was queried whether the acting vice chair had been confirmed as the permanent appointment. Jennifer Howells agreed to check the Standing Orders for the process to be followed and email ET.

**ACTION: JH**

**Revised ET report template** – Elaine Repton advised ET of amendments that had been made to the ET report template to include the RACI responsibility matrix and additional guidance for report authors on completing the risk assessment section. Gill Leng stated that the sections only needed to be completed for new projects or where substantial changes to existing processes are being proposed.