**National Institute for Health and Care Excellence**

Executive Team

# Minutes of the meeting held on 12 December 2023

## Present

Sam Roberts Chief Executive (chair)

Jonathan Benger Chief Medical Officer

Helen Brown Chief People Officer

Mark Chapman Interim Director, Medical Technologies and Digital Evaluation

Paul Chrisp Head of Publishing and Products

Nick Crabb Interim Director, Science, Evidence and Analytics

Helen Knight Director, Medicines Evaluation

Naomi Lee Head of Organisational Transformation

Clare Morgan Director, Implementation and Partnerships

Boryana Stambolova Interim Director, Finance

Raghu Vydyanath Chief Information Officer

## In attendance

Dani Mason Associate Director, Comms

Martin Davison Associate Director, Finance (item 4.2)

Shaun Rowark Associate Director, Data Access and Analysis (item 5)

Pall Jonsson Programme Director, Data and analytics (item 5)

Phil Hemmings Associate Director, Publishing and product (item 6)

Ann Horrell Senior Content Advisor, Publishing and product (item 6)

Alison Lake Senior Content Advisor, Publishing and product (item 6)

David Coombs Associate Director, Corporate Office (item 7)

Koonal Shah Associate Director, Science, policy & research (item 8)

Alison Liddell Programme Director, DIT (item 8)

Deborah Collis Associate Director, Impact (item 8)

Jen Prescott Programme Director, CHTE (item 10)

Arrezou Samidas Contract Manager, CHTE (item 10)

Irene Walker Procurement Officer, FCC (item 10)

Lindsay Johnson Assistant Governance Manager (minutes)

## Apologies (item 1)

1. Apologies for absence were received from Jane Gizbert.

## Declarations of interest (item 2)

1. The previously declared interests were noted. No new interests were disclosed.

## Notes of the previous meetings (item 3.1)

1. The minutes of the meeting held on 14 November 2023 were agreed as a correct record.

## Review of the action log (item 3.2)

1. An update on the actions will be provided at the next meeting.

## Finance update – (item 4.1)

1. Boryana Stambolova updated ET on the month 8 financial position and the reasons for the movement in the forecast outturn (£800k underspend). ET noted that the forecast reflects the most likely outcome together with a worst-case scenario. For technology appraisal income, this is assumed £10.8m in forecast, however there is a possibility this will change and therefore will be monitored.
2. ET identified that the forecast underspend creates an opportunity to invest in some selected projects to utilise the available reserves. These projects will need ET to agree, and it was understood that business cases were in train for L&D and DIT. A brief discussion took place regarding the opportunity of providing some short-term investment in CV and coaching support specifically for those staff involved in a management of change and Helen Brown agreed to check and provide an update.

**Action: HB**

1. Boryana concluded by advising that a request from DHSC to return surplus funds is being considered and that a decision will be made in January 2024.

**Long term financial plan (item 4.2)**

1. Martin Davison presented the long-term financial plan and explained that the assumptions will be regularly updated to demonstrate the impact of internal decisions, new business plan objectives, changes in the external environment and the plan will be submitted to ET on a quarterly basis.
2. Key points for ET to note were the cost pressures associated with the non-staff reimbursement changes, offset by a review of the number of committees and sizes which will take time to deliver any savings, and TA income full cost recovery which has an assumed modest growth. ET acknowledged all the work underway in the TA cost recovery and agreed that this had been factored into the plan.
3. ET was directed to the proposal of a vacancy efficiency, a new approach in which a vacancy factor percentage (5%) will not be applied to directorate budgets. For 24/25 any non-recurrent savings from vacancies will instead be transferred to the reserves to contribute towards a contingency and in year investments.
4. A discussion took place regarding the DIT investments as it was advised that only one investment can be made, consideration of which ET will make at their next informal meeting. In terms of DIT efficiencies, the importance of the business cases detailing quantifiable benefits was key to help demonstrate these. It was noted that the IT investments are CCMS, enterprise platform, and cloud migration.
5. ET approved the current version of the long-term financial plan and agreed to the new approach to managing the vacancy factor.
6. All ET members were asked to familiarise themselves with where their finance outturn and full year forecasts are stored on SharePoint.

**Action: All**

**Strategic Risks (item 4.3)**

1. Item deferred.

**Outstanding internal audit recommendations (item 4.4)**

1. Item deferred.

## Computability of NICE recommendations (item 5)

1. ET was asked to approve the computability of NICE recommendations, how this work should be considered for 24/25 and how this will integrate with the NICE product and channel strategy. It was expressed that making recommendations computer-readable enables better use in a clinical practice, focussing on what matters most, making guidance useful and will enable learning from data and implementation to help understand impact.
2. ET was reminded that in March 2023, the NICE Computer Implementation Guideline (NCIG) Group advised on the adoption of the WHO smart guidelines approach, DAK (Digital Adaptation Kits) model and as such a series of learnings and understanding had been established as outlined in the report.
3. ET recognised the importance of this and of the excellent level of work and progress achieved to date. They agreed that computability is a key part of future work to enable recommendations to be more widely used. In terms of where to begin, following a detailed discussion, ET agreed for a product and strategy by end of 24/25 with 5 guidelines in the new computability format as this will allow testing, measurability for the following year together with the production of digital outputs.
4. A discussion took place about the importance of the involvement from the different workstreams such as implementation and partnership, content governance, consideration on the impact of committees, the overlap with topic suites as well as external partners. ET agreed that clear business planning discussions should take place accordingly.
5. Having considered the content in the paper, ET supported all the recommendations as outlined.

**Content Governance (item 6)**

1. ET was presented with a content governance model to support the ambition for user-centred guidance. The content governance model consists of four steps; define roles and responsibilities, design content workflow, create policies and content, and ensure compliance. Each step within the process outlined what will be delivered by the end of 23/24 and what will be achieved during 24/25. ET acknowledged that the four steps as described can also work in parallel with each other.
2. A discussion took place about what content governance means for NICE and more specifically what this means in having a user centred approach to meet user needs and experience.
3. In regard to the new process and cultural changes ET noted that collaboration with teams would be key and that progress will be managed through the relevant programme boards. ET identified the importance in establishing a clear plan on what is achievable together with clearly defined roles and responsibilities. The need to involve committee members was also highlighted as a key requirement with an explanation and rationale behind this new model.
4. ET suggested that templates for content along with templates for product are required as these will help to define the content, output and recommendations. ET was informed that these were in train and would form part of the work for 24/25. It was requested that the templates also needed to take into account the computability of NICE recommendations as discussed under item 5 and therefore asked the team to link in with Shaun Rowark and Pall Jonsson.

 **Action: PH/AL/AH**

1. ET noted the timelines and the turnaround for implementation however it was highlighted that the overall aim for the content governance model is to save time and to avoid the need for long, complicated sign offs, making this more of a collaborative process.
2. ET approved the governance model as a basis for business planning for 24/25 and agreed with the direction of travel. The actions for the publishing and product team were captured as follows:
* Be clear and explain what we mean by a user centred approach.
* Consider how to improve the culture internally of writing in plain English recognising that there are several internal “writing for NICE” training courses available.
* Consider whether content templates are required for everything or whether this will be focussed on the 5 integrated guidelines.
* Look at the lead time available and consider what can be achieved earlier than April.
* Agree and identify what the global measures of success are.

**Action: PH/AL/AH**

## DOI Audits (item 7)

1. The DOI audit paper was reviewed which explained that a pilot study had been undertaken to assess adherence to the NICE policy on declaring and managing interests for NICE advisory committees using a newly devised quality assurance methodology.
2. An assessment of DOIs made by panel members for the development of the NG191 Managing COVID-19 was carried out which involved a number of steps and searches against some external sources for any non-declared interests. It was advised that each check took around 20 minutes per person.
3. ET noted that there were a number of undeclared interests which should have been declared by individuals, however these were relatively small, and the majority related to academic publications. ET was advised also that the non-declared interests may not have necessarily indicated a conflict leading to an individual being excluded from the meeting and as such appropriate action would have been taken to manage this risk, exercising judgement on the proportionate approach in each case.
4. A discussion took place regarding the importance of allowing academic freedom for staff to be involved in producing journal articles, however it was agreed that it would be useful to have in place a coordinated approach. ET requested that Jane Gizbert follow this up.

**Action: JG**

1. ET discussed the detail of the report, findings and summarised the following actions:
* Report findings to be published and for Naomi Lee to work with the authors on framing the content with NICE’s proposed response to the findings.
* Raghu Vydyanath to identify an automated solution for the checks.
* David Coombs to liaise with the COVID-19 guidelines team to identify the impact of the undeclared interests on the current guidance, and also to share report findings with Heather Reid as part of the C-19 public inquiry preparations.

 **Action: NL/RV/DC**

## Staff network update: Freedom to speak up guardian (item 8)

1. ET received an update from the freedom to speak up guardians on the number of cases raised each year, the themes that had been identified, reflections on the role, progression and collective next steps.
2. ET noted that the guardian role helps to support individuals to speak up when they may feel they are unable to do so through other routes. The guardians act as a point of contact, aid individuals to understand what options are available along with signposting to policies. ET was advised that the freedom to speak up guardian is not there to investigate any case, make judgement or come to any conclusion. In terms of escalation of cases, it was recognised that not all cases will require escalation, and some will be resolved directly with the individual at the first stage.
3. ET reflected on the number of cases received this year and questioned whether the management of changes had an impact on numbers, agreeing it would be useful to see if there continued to be an increase.

ET gave thanks to the freedom to speak up guardians confirming their appreciation of their role commenting that it was an important function in the organisation. They suggested that the guardians think about how they triangulate some of the information they obtained such as any specific skills that individuals need which would be helpful to understand as well as continued sign posting of coaching to Nicky Tyson. In terms of the ET lead, they agreed the freedom to speak up guardians will govern themselves, however Helen Brown would be their first point of contact for any support, escalation or oversight required.

## People update (item 9)

**KPIs (item 9.1)**

1. The HR KPIs data were noted.

**People deep-dive risk “bow tie” (item 9.2)**

1. Item deferred.

## Fixed term contracts and retire and rehire – redundancy implications (item 9.3)

1. Adam Linney outlined to ET the reasons applicable for ending a fixed term contract and when employees are entitled to a redundancy payment. He advised ET that fixed term contract guidance for managers had been produced to help support them and confirmed that HR are also available to support recruiting managers at advertising stage. Adam advised ET of what is meant by a break in NHS continuous service, which is defined as being out of employment for two weeks.
2. ET drew their attention to the detail surrounding flexible retirement options noting that new guidance has been released. It was advised that staff who have reached the minimum pension age may decide to claim their pension benefit and return to NHS employment (with agreement) and that claiming pension creates a break in service (24 hours). ET noted that should the employee be made redundant in the future, statutory redundancy payments will apply to previous NHS service and NHS redundancy payments from the date of rehire. It was highlighted however that there is not an automatic right for an individual to be re-hired and that recruiting managers should obtain guidance from HR in circumstances like this as to whether a two-week break can be implemented before re-hire.
3. ET were reminded of the importance of completion all required paperwork as part of the movers and shakers process so that this can be accurately recorded in ESR.
4. It was agreed that Helen Brown to bring to ET a paper on secondments at a further date.

**Action: HB**

**EAG contracts (item 10)**

Mark Chapman introduced the paper which gave a summary of the different types of EAG contracts in CHTE. ET was presented with information around issues and challenges being experienced along with some identified possible solutions which could involve keeping the contracts separate or merging of the contracts.

ET recognised that a pragmatic approach is needed looking at the core expertise and skills that are required along with building further on the scope and expectations. ET was advised that the aim would be to have pre-tender consultations and engagement with all looking at the different models and areas to integrate. The work would be carried out as a joint collaborative approach with all teams involved (commercial, finance, contract managers, programme directors etc).

Having considered the information, ET agreed for re-tendering to take place with the aim of a contract to be in place in 18 months’ time. ET said it was important to fully consider what is needed, historic issues with contracts and how the contracts are managed going forward with the appropriate expertise and commercial knowledge in place.

# Public Board meeting (item 11)

1. Plans for December’s public board meeting were discussed.

# Operational Management Committee (item 12)

1. ET noted the minutes and actions from the OMC meetings held on 6 and 20 November 2023.

## Items for next week’s ET meeting (item 13)

1. The agenda items were noted

## Any Other business (item 14)

1. Shaun Rowark advised ET that Health Data Research UK had asked if NICE would like to be a host organisation in 2024. Commitment from NICE would include paying the real living wage for London to an intern and creating an 8-week data project. ET noted that Shaun had discussed this request with Helen Brown together with input from REN prior to raising at ET.
2. ET confirmed their support to this, with Raghu advising also he would be interested in this programme for his directorate if this was a possibility.

## ET papers to be shared (item 15)

It was confirmed that item 4.2 – Long Term Financial Plan was a confidential item and not to be shared.

**The Locations for ET meetings (item 16)**

The locations for upcoming ET meetings were noted.