

**NATIONAL INSTITUTE FOR HEALTH AND CARE EXCELLENCE**

**Public Health Programme Expert Reference Group  
Terms of Reference and Standing Orders**

**Terms of reference**

**General**

1. The Expert Reference Group will receive and consider evidence on the cost effectiveness of moving the Healthy Start Vitamin Programme from a targeted offering to a universal offering.
2. The Expert Reference Group will produce a Special Report on the cost effectiveness of the Healthy Start supplements for the Department of Health and the Chief Medical Officer in accordance with NICE published methods and processes for determining cost effectiveness.
3. The Expert Reference Group will take into account NICE's duties in accordance with equalities legislation and will also take account of socio economic factors and their influence on health and ill health.
4. The Expert Reference Group will submit their advice to the NICE Guidance Executive which will act under delegated powers of the Board in considering and approving the Special report .
5. The Expert Reference Group members will be collectively responsible for their advice.

**Membership**

6. The membership will be appointed by NICE and shall reflect both the spread of interests and expertise required for the business of the group and the Institute's values of equality and diversity.
7. The Expert Reference Group will normally have 12 voting members including the chair. However, the number may vary, depending on the needs of the group
8. The membership will reflect the needs for expertise in this topic area including the following topics: nutrition, child health, national survey data and health economics.
9. The Expert Reference Group may also invite additional experts to assist in considering and interpreting the evidence. Experts may be drawn from a wide range of areas as appropriate, including government and policy, research, practice, or the community and voluntary sector. They are invited to present their evidence in the form of expert testimony at a

Reference Group meeting as a presentation based on a written paper, and to answer questions from members of the committee. These experts are not members of the Reference Group, and should not be involved in decision making, or take part in formulating the group's report. They will not have voting rights and will not count towards the quorum.

10. The Chair, at his/her discretion, in consultation with the Director and Project Lead, will have the power to co-opt members for their specific technical or community expertise, to assist in the consideration and interpretation of evidence. They will not have voting rights and will not count towards the quorum.

## **Standing Orders**

### **General**

1. These standing orders (“the SOs”) describe the procedural rules for managing the group’s work as agreed by NICE. The Expert Reference Group will operate as an advisory body to NICE. Nothing of these standing orders shall limit compliance with NICE’s Standing Orders so far as they are applicable to these Bodies.
2. Members of the Expert Reference Group shall be bound by these standing orders and will be expected to abide by the seven principles for the conduct of public life as recommended by the Nolan Committee which are:
  - selflessness
  - integrity
  - objectivity
  - accountability
  - openness
  - honesty
  - leadership
3. Other members who may be co-opted from time to time at the discretion of the group shall be subject to the same principles.
4. The chair and members of the Expert Reference Group will be appointed for the duration of the development of the product.
5. Behaviour by members and attendees at Expert Reference Group meetings such as bullying, harassment and victimisation are unacceptable to NICE. NICE is committed to taking the necessary action to ensure that such behaviour does not occur, or take appropriate action in the event that it does occur.
6. The removal or substitution of members and the general constitution of the advisory body shall be at the discretion of NICE in accordance with its published procedures.
7. All reasonable facilities shall be provided for members to ensure they have the opportunity to participate fully and equitably in the business of the group.

### **Interpretation**

8. During the course of the meeting, the chair of the Expert Reference Group has the discretion to suspend the meeting in order to seek advice

from senior members of the NICE Expert Reference Group project team on his/her final interpretation of the standing orders.

9. Statements of Expert Reference Group members made at meetings shall be relevant to the matter under discussion at the time and the decision of the chair on questions of order, relevancy, and interpretation (including conflicts of interest) shall be final.

### **Committee chair**

10. Meetings will be conducted by the chair.
11. The chair may take action on behalf of the group outside of the scheduled committee cycle when urgent decisions are required and it is impracticable to convene a special meeting of the Expert Reference Group.
12. On the occasion(s) where the chair is absent, another member of the Expert Reference Group can be used as proxy to fulfil the role. The proxy vice chair of the meeting will be appointed by the centre director (or an appointed deputy) and the chair of the meeting.

### **Quorum**

13. The quorum is set at 50% of Expert Reference Group membership in accordance with ToR 7. The quorum should be rounded up to the next whole number in the event of there being an odd number of members.
14. No business should be transacted unless the meeting is quorate. If a member is excluded due to a conflict of interest and membership falls below the quorum, no business may be transacted. There is no time limit for a quorum to be achieved but the start of the meeting or business transaction should be delayed where the meeting is not quorate.
15. The quorum must be achieved for the meeting to proceed. However, the needs of the group are such that even if the meeting is quorate, an appropriate spread of members' interests should be represented at each meeting. If, in the view of the chair, the spread of interests is insufficient for the business under consideration, the meeting may be suspended or adjourned until a later date.
16. Invited experts and observers in attendance at Expert Reference Group meetings will not count towards the quorum.

### **Voting**

17. The decisions of the Expert Reference Group will normally be arrived at by a consensus of those members present. Voting will only be used for decision-making in exceptional circumstances. Before a decision to move to a vote is made, the chair will, in all cases, consider whether continuing the discussion at a subsequent meeting is likely to lead to

consensus.

18. Voting will be anonymous and decisions determined by a simple majority of those members present at a quorate meeting.
19. The chair of the meeting will be included in the vote and in the event of there being an equality of votes the chair will have a second, casting vote.
20. Only those present at the meeting will be eligible to vote. There will be no proxy voting.

### **Collective responsibility**

21. All members of the Expert Reference Group shall abide by the principle of collective responsibility, stand by the advice of the group and not speak against them in public.

### **Confidentiality**

22. On appointment, Expert Reference Group members will be required to sign a confidentiality agreement with NICE relating to any information designated confidential by NICE such as academic or commercial-in-confidence material or sensitive personal data.
23. Confidential papers and confidential information disclosed in group deliberations should not be discussed with colleagues who are not members of the group, other organisations, the media, or members of the Expert Reference Group who are conflicted for the topic.
24. Experts and observers invited by the Expert Reference Group will sign a confidentiality agreement in advance and be subject to the same confidentiality regulations as Expert Reference Group members.

### **Arrangements for meetings**

25. NICE will ensure that Expert Reference Group meetings will take place in venues that are accessible to, and have facilities for, persons with disabilities.
26. Meetings of the Expert Reference Group shall be held at such times and places as NICE may determine to facilitate the conduct of its business.
27. NICE shall determine what matters shall appear on every agenda in advance of each meeting.
28. No other business shall be discussed at the meeting apart from at the discretion of the chair.
29. Meetings will normally commence at 10am and finish at approx. 4pm unless otherwise advised.

30. Members will be expected to attend for the full day unless agreed in advance with the chair or where they have declared a conflict of interest to one or more relevant discussions.
31. The NICE Expert Reference Group project team will make all reasonable attempts to agree each meeting date in advance and members are expected to keep these dates free until they are released.

### **Other observers**

32. NICE staff and invited guests (for example, NICE appeal panel members or visiting academics) may attend Expert Reference Group meetings as observers, with the permission of the centre director.
33. Observers do not need to register via the website. Observers should not sit with members of the public and should not enter into group discussions unless invited to do so by the chair.
34. Observers who are not NICE staff or are not commissioned to provide a service to NICE should sign a confidentiality agreement.

### **Minutes**

35. The draft minutes of the group proceedings shall be drawn up and submitted to the next meeting for approval.
36. The approved minutes will be published on NICE's website subject to the redaction of any confidential or otherwise exempt material within 20 working days of the meeting.

### **Declarations of Interest**

37. All Expert Reference Group members must make an annual declaration of interests in accordance with NICE's Code of Practice on the Declaration of Interests.
38. All members must make a declaration of any potential conflicts of interest that may require their withdrawal in advance of each meeting. This declaration will be reaffirmed again at the start of each meeting. Declarations of interest will be recorded in the minutes and published on the NICE website.
39. During the course of the meeting, if a conflict of interest arises with matters under consideration, the member concerned must withdraw from the meeting, or part thereof, as appropriate.
40. Experts invited to provide expert testimony will make a declaration of interest in advance of Expert Reference Group meetings and in accordance with NICE's Code of Practice on the Declaration of Interests. This declaration will be reaffirmed again at the start of each meeting. These will be recorded in the minutes and published on the NICE

website.

### **Suspension of standing orders**

41. Except where this would contravene any statutory provision, any one or more of the standing orders may be suspended at any meeting providing a simple majority of those present and eligible to participate, vote in favour of the suspension.
42. Any decision to suspend standing orders shall be recorded in the minutes of the meeting.
43. No formal business may be transacted while standing orders are suspended.
44. NICE's Audit Committee shall review all decisions to suspend standing orders.

### **Petitions**

45. Petitions from the public will not be received directly by the group. Anyone wishing to present a petition will be directed to the NICE Expert Reference Group project team.

### **Recording of meetings**

46. The recording of proceedings or the taking of pictures at Expert Reference Group meetings is not allowed.

### **Terms of reference**

47. Expert Reference Group members must comply with the terms of reference which set out the scope of the group's work and its authority.

### **Record of attendance**

48. A record will be kept of members' attendance at Expert Reference Group meetings via the minutes.
49. Members are expected to attend at least one of the two scheduled reference group meetings held during the length of the project. Where this is not possible, members will be expected to submit comments in advance of the meeting.
50. Members who are unable to meet either of these expectations may be asked to stand down from the Expert Reference Group in accordance with SO 6.