

NATIONAL INSTITUTE FOR HEALTH AND CARE EXCELLENCE

Public Board Meeting held on the 20 July 2016 at Conquest Hospital, The Ridge, St Leonards on Sea, East Sussex, TN37 7RD

These notes are a summary record of the main points discussed at the meeting and the decisions made. They are not intended to provide a verbatim record of the Board's discussion. The agenda and the full documents considered are available in accordance with the NICE Publication Scheme.

Present

Professor David Haslam	Chair
Dr Rosie Benneyworth	Non-Executive Director
Professor David Hunter	Non-Executive Director
Tim Irish	Non-Executive Director
Professor Finbarr Martin	Non-Executive Director
Andy McKeon	Non-Executive Director
Linda Seymour	Non-Executive Director
Jonathan Tross	Non-Executive Director

Executive Directors

Professor Gillian Leng	Health and Social Care Director and Deputy Chief Executive
Ben Bennett	Business Planning and Resources Director
Professor Carole Longson	Centre for Health Technology Evaluation Director

Directors in attendance

Professor Mark Baker	Centre for Guidelines Director
Jane Gizbert	Communications Director
Alexia Tonnel	Evidence Resources Director

In attendance

David Coombs	Associate Director – Corporate Office (minutes)
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16/057 APOLOGIES FOR ABSENCE

1. Apologies were received from Elaine Inglesby-Burke, Bill Mumford and Sir Andrew Dillon.

16/058 CONFLICTS OF INTEREST

2. None.

16/059 MINUTES OF THE LAST MEETING

3. The minutes of the Board meeting held on 18 May 2016 were agreed as a correct record.

16/060 MATTERS ARISING

4. The Board reviewed the actions arising from the Board meeting held on 18 May 2016. It was noted that:
 - The Health and Social Care directorate report includes an update on NICE's support for disinvestment.
 - A process is now in place to inform appeal panel members when the revised technology appraisal guidance following an appeal is published.
 - The staff survey report to the September Board meeting will include information on the completion of staff appraisals. Sickness absence will also be included in future finance and workforce reports.
 - The new six-monthly impact reports will include available information on the dissemination of the guide to NICE for Healthwatch members.
 - Consultation on the abbreviated technology appraisal (ATA) process is underway and the outcome will be brought to the Board in September or November.
 - The review of the format for the directors' reports remains underway.
5. Following a query from David Hunter, Gillian Leng stated that she would ensure the details of future Implementation Strategy Group meetings are provided to the non-executive directors.

ACTION: Gillian Leng

6. Andy McKeon asked about progress with the VAT appeal, and queried whether the NHS is the appropriate comparator for staff sickness absence. Ben Bennett advised that the appeal remains in progress. He agreed that the Department of Health's Arm's Length Bodies provide a more appropriate comparator for sickness absence.

16/061 CHIEF EXECUTIVE'S REPORT

7. On behalf of Andrew Dillon, Gill Leng presented the Chief Executive's report, describing the main programme activities and financial position to the end of June 2016.

8. Linda Seymour welcomed the establishment of the cross-Institute equality and diversity group and asked that the annual equality report includes information on the group's success in sharing best practice across NICE. Gillian Leng agreed this could be provided.

ACTION: Ben Bennett

9. Rosie Benneyworth welcomed the forthcoming workshop between NICE and the Care Quality Commission (CQC) to discuss joint working. Gillian Leng agreed to brief the Board on the outcome in her progress report for September.

ACTION: Gillian Leng

10. Jonathan Tross, chair of the Audit and Risk Committee, welcomed the commentary in the Evidence Resources Director's report on changes to risks in the directorate. He also highlighted the Board's support for tools that provide information on the value of investment and asked how NICE will promote the return on investment (ROI) public health tools. Gillian Leng stated that the approach for updating the tools on an ongoing basis is currently under consideration. Once this has been confirmed, the tools will be promoted. It is envisaged this will include utilising links with Public Health England and through the Field Team's engagement with local government.
11. The Board received the report. It was agreed that the recent guidance section of future reports should denote which of the technology appraisals related to drugs previously funded through the Cancer Drugs Fund.

ACTION: Andrew Dillon

16/062 FINANCE AND WORKFORCE REPORT

12. Ben Bennett presented the report which outlined the financial position as at 30 June 2016 and provided an update on the workforce strategy. The current position is a £0.7m underspend. The full year forecast outturn is a £1.8m underspend against the revenue resource limit, which includes provision for liabilities arising from the management of change exercises. Ben outlined progress in responding to the 30% reduction in NICE's grant in aid funding by 2019-20. He also highlighted the current staffing challenges within the Human Resources function.
13. Tim Irish welcomed the risk rating commentary on the savings programme. He asked that future reports quantify the level of risk and potential slippage. Ben Bennett agreed to provide this where possible.

ACTION: Ben Bennett

14. Finbarr Martin noted that NICE did not meet the target within the Better Payment Practice Code for the first quarter of 2016-17. Ben Bennett highlighted the improved performance from last year. Jonathan Tross, chair of the Audit and

Risk Committee, confirmed that the committee has considered this issue and is assured on the arrangements in place.

15. The Board received the report.

16/063 ANNUAL REPORT AND ACCOUNTS 2015-16

16. The Board noted that the item had been deferred to the September meeting due to a delay in the annual report and accounts being laid before Parliament following recent ministerial changes. The September meeting will therefore be the Annual General Meeting.

16/064 ANNUAL REVALIDATION REPORT AND MEDICAL APPRAISAL AND REVALIDATION POLICY

17. Gillian Leng presented the annual revalidation report for 2015-16, which provides assurance NICE has implemented revalidation in line with policy and relevant guidance. She asked the Board's approval for the Chief Executive to sign the 'statement of compliance' which confirms NICE, as a designated body, complies with the revalidation regulations. The Board is also asked to approve the updated appraisal and revalidation policy.
18. Gillian Leng highlighted the position statement on how NICE will support nurse revalidation. She confirmed that all recommendations from the peer review have been addressed, other than establishing a responding to concerns policy. This will be developed jointly with NHS Professionals. NICE is a member of the network of Responsible Officers for the Department of Health Arm's Length Bodies. A recent meeting noted the importance of clarity over which roles require a doctor to hold a licence to practise. The Senior Management Team will shortly consider a paper on this matter.
19. Gillian Leng thanked Jeremy Shaw, Revalidation Adviser, and Finbarr Martin for their respective contributions to the revalidation process. She noted that Rosie Benneyworth will succeed Finbarr on the revalidation committee.
20. The Board:
 - Received the annual revalidation report and approved the 'statement of compliance' confirming that NICE, as a designated body, complies with the regulations.
 - Approved the updated medical appraisal and revalidation policy.

16/065 TRIENNIAL REVIEW: 'ONE YEAR ON' PROGRESS REPORT

21. Gillian Leng presented the report that outlined the action taken in response to the Triennial Review of NICE published in July 2015, together with the further

actions planned. The report will be submitted to the Department of Health as requested in NICE's letter of priorities for 2016-17.

22. Jonathan Tross stated that it would be helpful to receive confirmation from the Department of Health that recommendations had either been implemented or are being taken forward as routine business.
23. The Board noted the report and agreed its submission to the Department of Health, subject to updating the commentary on NICE's international activity (recommendation 2) and adding information on alignment between NICE and the Care Quality Commission (CQC) (recommendation 4).

ACTION: Andrew Dillon

24. A member of the audience welcomed the report and stated that it would be of interest to stakeholder groups such as that he represented. He encouraged NICE to consider how to disseminate the report.

16/066 PROPOSED CHANGES TO PATIENT AND PUBLIC PARTICIPATION IN DEVELOPING NICE GUIDANCE AND STANDARDS

25. Gillian Leng welcomed Victoria Thomas, Head of Public Involvement, to the meeting who presented the proposed changes to NICE's public participation, engagement and involvement activities in guidance and standards development. Victoria outlined the proposals, which are based on the suggestions and recommendations from a narrative review of the relevant literature, a public survey, and a multidisciplinary stakeholder meeting. The proposals seek to ensure greater standardisation of participation, involvement and engagement in guidance and standards development; ensure this involvement begins at the earliest possible stage of guidance development; and improve the two-way feedback following lay involvement in guidance production. The proposals also seek to reinforce guidance producing teams' responsibility for involving patients and the public.
26. The Board discussed the proposals. The discussion highlighted the importance of articulating the nature of the input that is sought and being clear on whether there are differences between engagement, involvement and participation for example. Concern was also raised as to whether 'patient and public' is appropriate terminology given the breadth of NICE's guidance, in particular for social care topics. Potential risks from the proposal to recruit a pool of specialist lay representatives, including a possible reduction in the diversity of input, were raised.
27. Board members recommended that the consultation paper should begin with greater information on the context for the proposals, including the literature review's findings and NICE's current approach to involvement. The consultation questions should be revised to facilitate more detailed feedback and the consultation document should propose options where possible, including on low value activities the public involvement team should cease. It was suggested that

any future change in the public involvement team's name should be decided internally and did not require public consultation. The consultation paper should make clear the matters not considered as part of this review, including for example, increased use of technology to facilitate involvement and engagement.

28. The Board welcomed the extensive work undertaken and supported the broad principles in the paper. The Board agreed that the consultation paper should be amended to reflect the issues raised in the discussion and circulated to the Board. If Board members agreed the comments at the meeting had been addressed then the paper could be issued for consultation, otherwise the revised paper should be brought back to a Board meeting for further review. It was noted that the timetable for the consultation will be revised accordingly.

ACTION: Gillian Leng

16/067 UPDATE ON THE OFFICE FOR MARKET ACCESS (OMA) SAFE HARBOUR SERVICE

29. Carole Longson presented the update on the Office for Market Access (OMA) safe harbour service, following a pilot event in April 2016.
30. The Board discussed the pilot and noted the positive feedback from participants. In response to a question from Rosie Benneyworth, Carole Longson stated that the proposed fee is felt to be affordable for industry, including small and medium sized enterprises.
31. The Board received the report.

16/068 AUDIT AND RISK COMMITTEE MEMBERSHIP

32. The Board confirmed the appointment of Tim Irish to the Audit and Risk Committee following Rona McCandlish's retirement from the Board. The Board noted the risk around continuity on the Committee as a result of the current non-executive director turnover.

16/069-16/073 DIRECTORS' REPORTS FOR INFORMATION

33. The Board received the Directors' Reports.

16/074 COMMITTEE MINUTES

34. The Board received the unconfirmed minutes of the Audit and Risk Committee held on 20 June 2016.

16/075 ANY OTHER BUSINESS

35. David Haslam, on behalf of the Board, thanked Finbarr Martin and Bill Mumford for their contributions as non-executive directors.

NEXT MEETING

36. The next public meeting of the Board will be the Annual General Meeting held at 1.45pm on 21 September 2016, in Nottingham Council House, Old Market Square, Nottingham, NG1 2BS.