**NATIONAL INSTITUTE FOR HEALTH AND CARE EXCELLENCE**

Public Board Meeting and Annual General Meeting
held on 15 July 2020 via Zoom

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.

# Board members present

Sharmila Nebhrajani Chairman

Professor Martin Cowie Non-Executive Director

Elaine Inglesby-Burke Non-Executive Director

Professor Tim Irish Non-Executive Director

Dr Rima Makarem Non-Executive Director

Tom Wright Non-Executive Director

Professor Gillian Leng Chief Executive

Paul Chrisp Centre for Guidelines Director

Alexia Tonnel Evidence Resources Director

Catherine Wilkinson Acting Business Planning and Resources Director

# Directors in attendance

Jane Gizbert Communications Director

Judith Richardson Acting Health and Social Care Director

# In attendance

Helen Knight Programme Director – Centre for Health Technology Evaluation

David Coombs Associate Director – Corporate Office (minutes)

Sarah Acton Senior HR Business Partner (for item 11)

Leighton Coombs Senior Programme Analyst – Health and Social Care (for item 14)

Grace Marguerie Associate Director – HR (for item 11)

Xavier Vaz Analyst – Health and Social Care (for item 14)

# 20/056 Apologies for absence

1. Apologies were received from Meindert Boysen who was represented by Helen Knight.

# 20/057 Declarations of interest

1. The previously declared interests recorded on the register were noted and it was confirmed there were no conflicts of interest relevant to the meeting.

# 20/058 Minutes of the last meeting

1. The minutes of the Board meetings held on 20 May 2020 and 17 June 2020 were agreed as correct records.

# 20/059 Matters arising

1. The actions from the meeting on 20 May 2020 were noted as complete. There were no other matters arising from either meeting.

# 20/060 Chief Executive’s report

1. Gill Leng presented the Chief Executive’s report which provided an update on the outputs from the main programmes for the first 3 months of the year to the end of June 2020 together with information on other matters of interest to the Board. Gill noted that the period was significantly affected by the COVID-19 pandemic, with many new and unexpected areas of work initiated to support the wider health and care system. In addition, the transformation programme continued, and a significant piece of work begun to create a new strategy for NICE. Gill briefly updated the Board on the pilot evaluation of digital health technologies and agreed to provide a fuller update to a future Board meeting.

ACTION: Helen Knight (Meindert Boysen)

1. Board members praised NICE’s work to rapidly develop guidance on COVID-19, which they noted was positively received by the health and care system. Board members asked whether the learning from the rapid development of the COVID-19 guidelines would be applied to NICE’s future guidance. Gill Leng advised that these methods and processes would be used for specific scenarios where guidance is required very quickly; however aspects will inform the transformation programme where appropriate. In response to a question from the Board, Paul Chrisp explained the approach that will be taken to migrate, and where applicable integrate, the COVID-19 speciality guides produced by NHS England and NHS Improvement into NICE’s guidance portfolio.
2. Rima Makarem, chair of the Audit and Risk Committee, asked about the controls over investment in digital transformation. Gill Leng and Alexia Tonnel explained there would be limited commitment to expenditure at the outset. Instead business cases will outline the high-level investment and anticipated benefits, with further approvals sought as the proposals are refined.
3. The Board received the report.

# 20/061 Resources report

1. Catherine Wilkinson presented the report which outlined the financial position at 31 May 2020, reviewed the first year of charging for technology appraisals (TA) and highly specialised technologies (HST), and provided an update on the impact of COVID-19 on the workforce. Catherine highlighted that the forecast remains a £0.4m deficit, however if the current underspend is maintained and TA/HST income increases as planned, this may reduce to a position close to breakeven. There does though remain uncertainty about the financial position, which will be monitored closely.
2. The Board discussed the assumptions behind the TA/HST income forecast and the extent this is subject to changes in companies’ plans for product development and launch. Catherine Wilkinson and Helen Knight outlined the arrangements in place to regularly update the forecast as the regulatory timescales change. Alongside the decision to pause aspects of work during the pandemic, the main factor behind the reduced income has been capacity within the TA and HST programmes, with steps taken to address this.
3. The Board discussed the impact of the COVID-19 pandemic and resultant home-working on staff well-being. It was noted that the arrangements for the future use of the offices are currently being developed, and the longer term implications of the ‘new normal’ for the workforce will be explored as part of the wider strategy work. It was agreed that an update on the plans for restarting the use of the offices should be brought to the Board.

ACTION: Catherine Wilkinson

1. The Board received the report.

# 20/062 Centre for Guidelines progress report

1. Paul Chrisp presented the update on key issues and developments in the Centre for Guidelines in the period April to June 2020. The period was dominated by the COVID-19 rapid guidelines, but a phased restart of the programme of non-COVID-19 guidelines has now begun.
2. The Board discussed the lessons learnt from the development of the rapid guidelines. Paul Chrisp confirmed that the methods and processes for these guidelines have been regularly updated to incorporate the learning that has emerged. As noted earlier in the meeting, the methods and processes will not be applicable to all guidelines, but the scope to apply relevant aspects to wider guideline development is being explored, including the use of a more flexible approach to consultation.
3. The Board received the report.

# 20/063 Centre for Health Technology Evaluation progress report

1. Helen Knight presented the update on key issues and developments in the Centre for Health Technology Evaluation in the period to April to June 2020, including the response to, and impact of, the COVID-19 pandemic. Helen highlighted the changes to the centre’s senior management structure, and the ongoing work with NHS England and NHS Improvement to develop the arrangements for a new Innovative Drugs Fund. The report accompanied a separate briefing on the methods review that had been circulated to the Board.
2. The Board received the report.

# 20/064 Communications Directorate progress report

1. Jane Gizbert presented the update on key issues and developments in the Communications Directorate in the period April to June 2020. The directorate’s work in this period was centred on supporting and promoting NICE's COVID-19 efforts, with a new webpage created to give an overview of NICE’s work in this area. A review of the website is planned, including to ensure NICE’s patient safety guidance is more visible. The team will also look at the increased engagement with the recent newsletters and identify lessons that can be applied to future publications.
2. The Board received the report.

# 20/065 Evidence Resources Directorate progress report

1. Alexia Tonnel presented the update on key issues and developments in the Evidence Resources Directorate in the period April to June 2020. In addition to supporting NICE’s COVID-19 activities, the directorate has continued to work on a range of transformation projects and maintain NICE’s existing digital services. Alexia briefed the Board on the proposed restructuring of the directorate as part of the integration of the IT and Digital Services teams, alongside the creation of the Science, Evidence and Analytics Directorate. She noted that NICE has been successful in its bid for funding with partners to develop a multi-centre advice service on Artificial Intelligence (AI). The bid for funding to develop methods for the evaluation of technologies with embedded AI was not though successful, and Gill Leng will be following this up with NHSX.

ACTION: Gill Leng

1. The Board received the report.

# 20/066 Health and Social Care Directorate progress report

1. Judith Richardson presented the update on key issues and developments in the Health and Social Care Directorate in the period April to June 2020. The directorate has focused on supporting NICE's response to COVID-19, delivering existing work programmes where possible, and planning the best approach to restarting activities that have had to be paused, including engagement with national and regional stakeholders.
2. The Board received the report. Further updates were requested on NICE’s work to support social care with the COVID-19 pandemic, and the progress of discussions with the Care Quality Commission (CQC) about referencing NICE guidance in the CQC’s emergency support framework.

ACTION: Judith Richardson

# 20/067 Annual people report

1. Catherine Wilkinson presented the annual people report that outlined the composition of the workforce at 31 March 2019 and key issues of note over the year. Compared to the previous year, the average size of the workforce (whole time equivalent) increased. The completion of exit interviews increased, while turnover and sickness absence rates both decreased. Catherine highlighted the information on the equalities profile of the workforce, including the ongoing underrepresentation of staff from black, Asian and minority ethnic (BAME) groups across the workforce and in the more senior pay bands. NICE’s diversity and inclusion activities are under review, and revised equality objectives will be brought to the Board in November.
2. Board members highlighted the importance of delivering improvements in relation to equality, diversity, and inclusion, and highlighted the need to reflect on where actions have not been successful and improvements are required. Gill Leng and Grace Marguerie confirmed this is an area of interest for both senior management and staff, and NICE is engaged with a working group of other Arm’s Length Bodies, with the aim of identifying best practice. There is an internal working group in place for staff from BAME groups and NICE currently participates in the NHS leadership development courses for BAME staff. Staff listening events in August will seek ideas and suggestions on what further actions could be taken. Grace Marguerie noted that the varying conversion rate for applicants across ethnic groups needs to be explored further. Now the recruitment service is delivered internally it will be possible to review the data more quickly and in greater detail, which will help identify what actions could be taken. This may include seeking BAME representation on interview panels, in the same way there is now gender diversity on panels; and also looking at the training given to staff. The Board highlighted the importance of demonstrating NICE is an organisation that welcomes diversity.
3. To help identify the impact of unconscious bias, it was agreed that data on selected workforce indicators such as sickness and employee relations broken down by gender and ethnicity, should be provided to the Board.

ACTION: Catherine Wilkinson

1. The Board received the report.

# 20/068 Annual report and accounts

1. Gill Leng presented the annual report and accounts 2019/20 which were laid before Parliament on 15 July following approval by the Board on 17 June.
2. The Board received the annual report and accounts, and thanked the staff involved in producing the document during the COVID-19 disruption.

# 20/069 Annual revalidation report

1. Judith Richardson presented the annual revalidation report that outlined the policies, systems, and processes in place to support the appraisal and revalidation of doctors at NICE. While some of the processes were disrupted by COVID-19, an external quality assurance took place in April 2020. This peer review commended NICE on the holistic approach to revalidation, which goes beyond legislative duties for doctors to take a multi-professional approach supporting other health and social care professionals in their revalidation and professional development.
2. The Board received the report and approved it for submission to NHS England and NHS Improvement.

# 20/070 NICE Impact report: respiratory conditions

1. Judith Richardson presented the latest impact report, which this month focused on how NICE’s guidance is being used to help improve outcomes for people with respiratory conditions. Judith highlighted the scope to increase flu vaccination rates, which will be particularly important in the coming winter given the dual challenges of flu and COVID-19, and confirmed NICE will be working with partners to address this issue.
2. Board members noted the chart in the report which showed that the mortality rate from respiratory conditions increases with deprivation and asked whether NICE could do more to tackle health inequalities and address the social determinants of health. Gill Leng noted that NICE’s public health programme has previously published guidelines focused on hard to reach groups and these could potentially be promoted in the context of the COVID-19 pandemic. It was agreed that the scope for NICE to tackle health inequalities should be explored further as part of the current work to develop a 5 year strategy, and consideration should be given to seeking an external view on whether NICE could do more in this area.

ACTION: Gill Leng/Paul Chrisp

1. The Board welcomed the report and highlighted the importance of sharing the data with key partners, such as the Royal Colleges, to drive improvements. Judith Richardson confirmed she would consider what further action could be taken to use the report in this way.

ACTION: Judith Richardson

# 20/071 Support from NICE for the COVID-19 response

1. Gill Leng presented the report that provided an overview of NICE's support to the health and care system for the response to the COVID-19 pandemic. Much work has been completed across NICE’s centres and directorates, including producing clinical guidelines, working with system partners to enable safe and timely patient access to medicines showing evidence of benefit, and producing guidance and advice to support diagnostics and testing.
2. In response to questions from the Board and audience, Gill Leng confirmed that NICE will continue to adapt and respond, learning from the new ways of working developed at pace during the pandemic. Paul Chrisp confirmed that NICE has been in contact with NHS England and NHS Improvement to explore how guidance can be provided on the long-term rehabilitation needs of people affected by COVID-19. The case for using graded exercise therapy (GET) for post COVID-19 viral fatigue would need to be considered separately to GET’s evaluation for Myalgic encephalomyelitis (or encephalopathy)/chronic fatigue syndrome.
3. The Board noted the report and welcomed NICE’s response to the pandemic.

# 20/072 Appointing an external member to the Audit and Risk Committee

1. Sharmila Nebhrajani presented the proposal to appoint an external member to the Audit and Risk Committee to provide challenge from a financially qualified background if the upcoming non-executive director (NED) recruitment does not appoint someone with this expertise. Rima Makarem, chair of the committee, confirmed her support for the proposal.
2. The Board agreed:
* the proposal to appoint an external member to the Audit and Risk Committee if the upcoming NED recruitment does not appoint someone who is financially qualified and has recent and relevant financial experience.
* to amend the committee's terms of reference to state that the membership may also include an external member in addition to the currently stated 3 to 5 NEDs.
* the high-level terms and conditions for the external member as set out in the paper and delegated these to the Chairman for finalisation in consultation with the committee chair and Chief Executive, if the position is required following the outcome of the NED recruitment.

ACTION: Sharmila Nebhrajani

# 20/073 Audit and Risk Committee minutes

1. Dr Rima Makarem, chair of the Audit and Risk Committee, presented the unconfirmed minutes of the committee’s meeting on 17 June 2020. In addition to reviewing the annual report and accounts and the year-end audits, the committee agreed the waiver of tender requirements for the production of the British National Formulary due to the current publisher’s ownership of the intellectual property rights.
2. The Board received the unconfirmed minutes.

# 20/074 Any other business

1. Gill Leng noted this was Sharmila Nebhrajani’s first public Board meeting as Chairman and thanked her for the stewardship of the meeting.

# Next meeting

1. The next public meeting of the Board will be held on 16 September 2020 at 1.30pm via Zoom.