

Appointments to advisory bodies

policy and procedure

|  |  |
| --- | --- |
| Responsible Officer | Finance Director |
| Author | Corporate Office |
| Date effective from | February 2024 |
| Review date | April 2025 |
| Audience | Staff responsible for recruiting advisory committee members |

# Introduction

1. NICE relies on committees and groups that act as advisory bodies to the NICE Board to produce guidance, standards, and indicators for the NHS and the wider public health and social care community. It is important that the process for appointing members to these advisory bodies is fair and robust and is consistent with the general approach used by other public bodies when making appointments.
2. This policy sets out the procedure for making appointments to NICE’s advisory bodies. All teams at NICE, and any external organisation commissioned by NICE to develop guidance, standards, and indicators, are required to follow this policy. Separate arrangements apply for the expert panels established to develop and update guidelines in response to health and care emergencies, which are outlined in [Appendix L of developing NICE guidelines: the manual](https://www.nice.org.uk/process/pmg20/resources/developing-nice-guidelines-the-manual-appendices-2549710189/chapter/appendix-l-interim-process-and-methods-for-guidelines-developed-in-response-to-health-and-social).
3. NICE is committed to equality, diversity and inclusion (EDI) throughout our work. By embracing equality, diversity and inclusion within advisory body membership our guidance, standards and indicators will be more effective in improving patient outcomes and reducing health inequalities. As part of our equality objectives, we have a commitment to create diverse advisory bodies that are representative of our population. We therefore encourage applications from groups who are under-represented on advisory bodies and we seek to ensure equality and antidiscrimination considerations are taken into account at every stage of advisory body recruitment.
4. To help assess progress in delivering this objective, we collect data on age, disability, ethnicity, religion or belief, gender, and sexual orientation of applicants. Anonymised and aggregated data is submitted to the NICE Board and published annually as part of NICE’s annual equality report.
5. This policy and procedure should be read alongside other relevant NICE policies, in particular the policy on declaring and managing interests for advisory committees.

# General approach

1. Appointments to public bodies by ministers are governed by the [Governance Code on Public Appointments](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/578498/governance_code_on_public_appointments_16_12_2016.pdf). Appointments to NICE’s advisory bodies should follow the relevant principles in the Code, as far as is practical and reasonable:
   * Selflessness: those making appointments should act solely in the public interest.
   * Integrity: those making appointments should not take decisions that might lead to financial gain or other material benefits for themselves, family or their friends; interests and relationships should be declared.
   * Openness: the appointment process should be open and transparent.
   * Diversity: appointments should reflect the diversity of the society in which we live and appointments should be made taking account of the need to appoint bodies which include a balance of skills and backgrounds.
   * Fairness: selection processes should be fair, impartial and each candidate must be assessed against the same criteria for the role in question.
2. In line with the provisions in the Code, recruiting teams can approach potentially suitable people (directly or using nominating organisations) to suggest that they apply for the position of chair or member of an advisory body, around the time of advertisement or if an advertisement has failed to attract suitable applicants. Such candidates would still need to make a written application and to go through the relevant selection process described in this policy and procedure for each position applied for.

# Terms of office

## Standing committees

1. Appointments for chairs and core members will usually be for a 3‑year period. Topic expert members are recruited for a fixed period to cover the development period of a particular topic.
2. In line with the Governance Code on Public Appointments the maximum overall tenure on the same committee will be 10 years (excluding any breaks in membership). Previous time spent on another standing committee that produces the same output would count towards this 10 year limit – for example a member who had been on one technology appraisal committee for 10 years cannot be appointed as a member of another technology appraisal committee. If the process to appoint a committee chair’s or member’s successor has been unsuccessful, then the relevant director in consultation with the chief executive can agree a short extension (up to 1 year) of the individual’s final term to provide further time to fill the vacancy. Recruitment campaigns should be planned in advance, with effort made to seek a strong field of applicants and therefore it is intended this extension should rarely be required.
3. When a committee member is appointed as chair or vice chair of that committee (or a standing committee that produces the same output), the new position will count against the 10‑year total. For example, if a member serves one 3‑year term and is then promoted to chair or vice chair for another term, they will be regarded as having served 6 years on the committee.

## [Topic-specific committee](#Topicspecificcommittee)

1. Chairs and members of topic-specific committees are either appointed for the duration of development of a specific guideline or for up to 3 years (renewable up to 10 years) to work on multiple guidelines within a topic area.

# Appointing the chair

## Standing committees

1. Chairs of standing committees will be appointed after submitting an online application form (which includes a declaration of interests) along with a CV, and after an interview. The appointments panel will be:

* the NICE chairman or a nominated deputy, who will be a non-executive director (panel chair), **and**
* the chief executive or a nominated deputy from the executive team, **and**
* the relevant director or nominated deputy (associate director or above).

## [Topic-specific committee](#Topicspecificcommittee)

1. The chairs of topic-specific committees will be appointed after submitting an online application form (which includes a declaration of interests) along with a CV, and after an interview. The appointments panel will be:

* a non-executive director of NICE (panel chair), **and**
* the relevant director or nominated deputy (associate director or above), **and**
* a second senior member of staff from the programme team.

1. The process set out in paragraph 12 for appointing standing committee chairs should be used for appointing people for a fixed term (up to 3 years renewable up to 10 years) to chair a series of topic-specific committees or a single topic-specific committee working on multiple guidelines within the broad topic area).

# Appointing the vice chair

1. The vice chair (where required) will be appointed following open invitation to all existing committee members to express their interest for the role. Interested members will need to submit a short rationale to the programme team, describing their relevant experience and why they want to be vice chair. The committee chair and either the relevant director or a nominated deputy (associate director or above) will consider the expressions of interest and appoint the vice chair.

# Appointing committee members

1. Committee members (with the exception of lay members, see below) will be appointed after submitting an online application form (which includes a declaration of interests) along with a CV, and after an interview. The appointments panel will be:

* the chair or vice chair of the committee, **and**
* a senior member of staff from the programme team.

1. For topic expert members (who join the standing committee for a specific topic and therefore have a shorter tenure), the appointments panel can be formed of 2 senior members from the programme team (one of which must be at least associate director level).
2. All committee member appointments have to be confirmed by the relevant director or a nominated deputy (associate director or above).

## Lay members

1. Lay members will be appointed under the above process, with the exception that a CV is not required.
2. The appointment of lay members will be supported by the Public Involvement Programme, which will facilitate recruitment paperwork and may undertake a preliminary assessment of the submitted applications against the role description and person specification before final selection. Individual recruiting teams will make final decisions about lay member recruitment, according to this policy but should take account of the advice from the Public Involvement Programme on the suitability of proposed appointees.

# Reappointments to the advisory body

1. Chairs, vice chairs and members of advisory bodies are eligible for reappointment at the end of their term if:

* the proposed reappointment would not take them beyond 10 years on the same committee (or a committee producing the same output)
* they meet the current requirements of the advisory body
* they continue to contribute effectively to the advisory body
* (where the role requires up to date professional health and care service knowledge and experience and work in a regulated profession) they continue to hold an active registration with the appropriate professional body – for doctors this includes a licence to practise
* NICE is content to reappoint, and
* they agree to being reappointed.

1. Reappointments have to be confirmed by the relevant director or a nominated deputy (associate director or above), and should seek to balance the benefit of retaining existing expertise with bringing fresh input to the committee.

# Recruitment advertising

1. As a minimum all available positions should be publicly advertised on the NICE website with the exception of:

* quality standards specialist members who are initially drawn from the relevant guidance development group, or
* where the relevant director has agreed there are exceptional circumstances that justify not advertising the role, including for example where members are required for a small number of meetings and expressions of interest from the PIP expert panel or guidelines expert advisers panel represents a more proportionate approach.

1. In addition to advertising on the NICE website, the recruiting team should consider how to publicise the role to ensure a diverse field of applicants, in particular from groups traditionally under-represented on NICE’s advisory bodies. The recruiting team should notify any relevant individuals or organisations about the advert, and consider any other appropriate methods to publicise the role including social media. The relevant budget-holder may also use paid advertising when this is felt to be necessary and an appropriate use of resources.
2. The following information should be available on the NICE website:

* an information pack providing information about the role and NICE’s key policies and procedures
* role description and person specification
* details on who to contact for further information
* links to the online application system (TRAC)

1. Where possible, the proposed interview date and other key dates (such as scoping workshops and the committee meetings) should be included in the recruitment information.

# Role descriptions and person specifications

1. A role description lists the purpose, tasks and responsibilities of the role. A person specification describes the requirements against which applicants will be assessed to determine their suitability for the role. Person specifications must be attached to all role descriptions outlining the essential and desirable criteria the successful candidate needs to meet. The criteria identified must be objective, non-discriminatory and relevant to the needs of the post.
2. The selection criteria in the person specification should explore the following, plus any other requirements relevant to the particular role:

* **Ability to contribute to the work of the advisory body:** assessed by considering the relevance of the applicant’s professional or lay experience (including on multidisciplinary committees/groups) to the work of the advisory body (and the particular role on the advisory body).
* **Ability to understand and interpret multiple complex data sets:** assessed by reviewing the applicant’s qualifications (for non-lay positions only) and experience in relevant roles (for lay and non-lay positions).
* **Equality and diversity:** a commitment to eliminating unlawful discrimination, advancing equality and an understanding or awareness of the issues of inequality in health, public health and social care settings (this may be assessed through the interview questions to the shortlisted candidates).

1. Role descriptions must include responsibility for ensuring there is appropriate consideration of the implications of guidance for equality (adapted according to whether the roles are for chairs or members).
2. Any committee members or chairs who are appointed because of their up to date professional health and care service knowledge, and experience and work in a regulated profession, should have an active registration with the appropriate professional body when they are appointed and when their appointment is renewed. For medical committee members or chairs, this includes a licence to practise.

# Applications

1. All applications should be submitted via the online recruitment system called TRAC.
2. Applications for chairs and non-lay member roles must include a brief CV.
3. Applicants are asked to complete the equality monitoring form, but this is not compulsory.
4. The closing time for applications will be midnight on the closing date. Late applications will not be considered unless an extension to the closing date has been previously agreed or a senior member of the programme team agrees there are extenuating circumstances.
5. Applicants should receive an acknowledgement to confirm receipt of their application via the online TRAC system.

# Shortlisting

1. The appointments panel is responsible for shortlisting applicants for interview, but this can be delegated to 2 of the members when the panel consists of 3 people. For lay member roles, as noted in paragraph 20, the Public Involvement Programme may undertake an initial long-listing. Any NICE staff involved in the shortlisting and interviewing must have completed the mandatory equality and diversity training.
2. Panel members taking part in the shortlisting must independently complete the shortlisting form for every applicant. They must examine each application against the selection criteria outlined in the person specification, and apply the criteria consistently to all candidates on the basis of the information given in their application. Under no circumstances should the selection criteria (detailed in the person specification) be changed during shortlisting.
3. When shortlisting, the panel should score candidates between 0 and 3, with 3 being the highest score for full compliance with the criteria and 0 being non-compliant. The panel should also consider whether any declared interests could disqualify the candidate from appointment.
4. Shortlisted applicants will be those who appear, from their application, to most fully meet the criteria in the person specification. If there are a large number of applicants who meet the essential criteria, the desirable criteria may be used to determine the final shortlist (if such criteria were included in the person specification).
5. The reason for a decision not to shortlist candidates must be clearly recorded.
6. The panel must return all shortlisting forms to the recruiting team, together with the details of the shortlisted candidates.
7. Due to the volume of applications received it is not possible to provide feedback to applicants who are not shortlisted for interview.

# Interviews

1. Candidates must be interviewed before any offer of appointment, with the exception where there is one applicant and they have held a committee position with NICE in the last 6 months. Interviews will be held by telephone or online meeting software for lay positions, and by online meeting software or face to face for chair positions. The recruiting team will decide which approach to use for non-lay member roles.
2. All candidates for a role must be asked the same set of core questions. A maximum of 10 questions is recommended, with a balance of technical and non-technical questions. Example questions and template interview forms are available on the [corporate intranet](https://niceuk.sharepoint.com/sites/Finance_Corporate_and_Commercial_Directorate_Hub/SitePages/Appointments%20to%20Advisory%20Bodies.aspx).
3. In addition to further exploring the criteria in the person specification, the interviews should consider:

* **Individual style and approach:** the way candidates present themselves at interview may give an insight into their ability to lead (for chairs) or contribute to (for members) the work of the advisory body. Attributes that might reasonably be expected to become apparent during the course of an interview include: clarity of thought, ability to formulate and present (orally) an argument or position, receptiveness to alternative views and perspectives, and for chairs, an ability to facilitate contribution from all committee members, especially lay members.
* **Willingness and ability to comply with NICE’s methods and processes:** although it is appropriate for candidates to hold an independent view about how NICE should develop its guidance, standards, and indicators, they nevertheless need to confirm that they are content to apply the methods and processes current at the time of their appointment.
* **Ability and willingness to comply with NICE’s duties under equalities legislation.**
* **Nature of the motivation underpinning the application:** with a higher score given for more clearly articulated reasoning for applying for membership.

1. The panel should explore the candidates’ interests to ensure they would not be excluded from participating in the committee under NICE’s policy on declaring and managing interests for committee members, and there are no other reasons why the appointment to the advisory body may be inappropriate. This process should include reviewing publicly available sources of information such as the Association of British Pharmaceutical Industry (ABPI) Disclosure UK register and published research, to provide assurance that interests have been appropriately declared.
2. Interview forms must be completed by each member of the interview panel for each applicant interviewed.
3. The appointment panel shall recommend the candidate(s) for appointment who score highest against the criteria in the person specification, taking account of the balance of skills and experience on the advisory body and the candidate’s declared interests. The reason for the appointment panel’s decisions must be clearly recorded, particularly if it is not proposed to appoint the highest scoring candidate.

# Appointments

1. On appointment, successful applicants must have completed:

* a declarations of interests form
* a confidentiality form
* conditions for committee membership.

1. Appointments should not be formally confirmed by the relevant director (or nominated deputy) until these documents have been satisfactorily completed, and references have been received and approved. References for chair appointments should be approved by the relevant director (or nominated deputy); while a senior member of the programme team can approve references for committee member roles. Where the proposed appointee currently holds an advisory body position with NICE, then a single reference from the relevant programme team is sufficient.
2. Unsuccessful candidates should be informed of the outcome of their interview. All applicants shortlisted for interview are entitled to receive constructive feedback from a member of the panel on the reasons for the non-selection of their application, if requested.
3. Unsuccessful candidates who met the required standard can be appointed to a future vacancy of the same type within 6 months of the original interview without further application or interview.

# Disqualifications

1. To sit on NICE advisory bodies, committee members have to abide by NICE’s standards of business conduct. These include conforming to the [Nolan Principles](https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2) and declaring any interests in accordance with the policy on declaring and managing interests. The supporting information pack published alongside the advert for each role will outline the expectations of those sitting on NICE’s advisory bodies.
2. To help ensure the independence of NICE’s guidance development process, the following individuals are excluded from membership of the advisory committees, although may be invited to attend in a non-decision making advisory capacity as appropriate:
   * employees of the Department of Health and Social Care
   * NHS England staff who are employed in the organisation’s national commissioning functions
   * NHS England appointees to the roles of National Clinical Director / National Specialty Lead / Speciality Adviser (or equivalent) or Clinical Reference Group chair.
3. As part of NICE’s commitments under the WHO Framework Convention on Tobacco Control, individuals working for, or holding office in, tobacco organisations cannot be appointed to NICE’s advisory bodies. (Tobacco organisations include the tobacco industry, and organisations speaking on behalf of, or funded by the tobacco industry.) Further information is contained in NICE’s [statement on engagement with tobacco industry organisations.](https://www.nice.org.uk/get-involved/stakeholder-registration/tobacco-industry-organisations)
4. In addition, anyone who meets one or more of the categories below will be automatically disqualified from membership of any NICE committee:

* a doctor who is under investigation by the General Medical Council (GMC), or following investigation by the GMC has had restrictions placed on their practice or been removed from the Medical Register (‘Investigation’ is defined as an investigation into whether the practitioner’s fitness to practice is impaired by reason of one or more of the heads of impairment set out in section 35c(2) of the Medical Act 1983)
* other professionals who are under investigation for professional misconduct, or who have been found to be in breach of appropriate professional standards by the relevant professional body.

1. Anyone who meets any of the categories below will not be automatically disqualified, but they may be asked to step down from membership of a NICE committee by NICE:

* anyone who has received a prison sentence or a suspended sentence of 3 months or more in the last 5 years
* people who are the subject of a bankruptcy restrictions order or interim order
* anyone who has been dismissed (except by redundancy) by any NHS or social care body
* anyone who has had an earlier term of appointment with NICE terminated
* anyone who is under a disqualification order under the Company Directors Disqualification Act 1986
* anyone who has been removed from trusteeship of a charity
* anyone who has breached NICE’s standards of business conduct.

1. Candidates should declare on their application if any of the points listed in paragraph 57 apply; the information will then be submitted to the relevant director for consideration.
2. Candidates may also be disqualified from appointment by virtue of a conflict of interest as outlined in NICE’s [policy on declaring and managing interests.](https://www.nice.org.uk/Media/Default/About/Who-we-are/Policies-and-procedures/declaration-of-interests-policy.pdf)

# Induction

1. Appointed candidates should receive an induction from the programme team relevant to their role and length of tenure. As a minimum this should include welcome meetings with the committee chair and a senior member of the programme team, which should be used to provide information on how the advisory committee operates and the appointee’s role, and explore any support and development needs. Teams should also consider offering new appointees to standing committees a ‘buddy’ (an experienced committee member or chair) who can act as an additional source of advice.

# Record keeping, retention and monitoring

1. Each recruiting team must maintain and monitor their recruitment process in compliance with this policy and procedure. The recruiting team is responsible for making and retaining clear records for each of their recruitment processes and ensuring compliance with NICE’s published [privacy notice](https://www.nice.org.uk/privacy-notice#working). They must keep a copy of:

* the advert and recruitment pack
* the role description and person specification
* each application
* every applicant’s declaration of interests form
* the shortlisting scores for every applicant
* the interview form for every applicant
* who was on the interview panel
* the decisions made during shortlisting and interview and rationale
* references
* the applicant’s confidentiality form.

1. Personal data relating to unsuccessful candidates should be deleted 6 months after the position has been filled. For appointed candidates, personal data should be deleted 6 years after the appointment ends, with the exception of the declared interests which will be retained for the duration the guidance remains in place.
2. Each team is responsible for ensuring compliance with these provisions and that personal data is held securely in accordance with the General Data Protection Regulation.

# Monitoring equality

1. All applicants are asked to complete an equality monitoring form as a separate section to the main job application on TRAC. The equalities information must not be made available to the appointments panel. The anonymised equality monitoring information will be collated for analysis and inclusion in the annual equality report.

# Complaints

1. Applicants who feel that equality and fairness were not observed during the recruitment process should first seek to resolve these concerns through discussion with the recruiting team. Should concerns remain, they can be considered through NICE’s [general complaints process](https://www.nice.org.uk/Media/Default/About/Who-we-are/Policies-and-procedures/General-Complaints-Policy-Procedure-Nov15.pdf) by contacting [complaints@nice.org.uk](mailto:complaints@nice.org.uk).

# Review

1. This policy will be reviewed every 3 years unless an earlier review is needed.

# Related NICE policies

* Standards of business code of conduct
* Policy on declaring and managing interests for NICE advisory committees

**APPENDIX A – Version control sheet**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Version** | **Date** | **Author** | **Replaces** | **Comment** |
| 3 | December 2015 | Corporate office | Recruitment and Selection to Advisory Bodies Policy and Procedure |  |
| 3.1 | December 2015 | Corporate office | Previous versions | Amendment to paragraph 10 |
| 3.2 | 10 June 2016 | Corporate office | Previous versions | Amendment to paragraph 47 |
| 3.3 | 12 August 2016 | Corporate office | Previous versions | Amendment to paragraphs 26 and 34 |
| 3.4 | 22 November 2016 | Corporate office | Previous versions | Amendment to paragraphs 26 and 34 |
| 3.5 | 10 May 2018 | Corporate office | Previous versions | Amendment to paragraph 58 to refer to social care |
| 3.6 | 14 September 2018 | Corporate office | Previous versions of Recruitment and selection advisory bodies policy and procedure | Amendments following 3 yearly review and revised title |
| 3.7 | 14 February 2019 | Corporate office | Previous version | New text at paragraph 56 to reference disqualifications on DHSC, NHSE and NHSI staff |
| 3.8 | 24 February 2020 | Corporate Office | Previous version | Amendments to paragraphs 16 and 23 to include the need for SMT to approve the appointment and reappointment of committee chairs |
| 3.9 | 24 February 2020 | Corporate Office | Previous version | Amendments to paragraphs 16, 17 and 24 to clarify SMT approval, as above. |
| 3.10 | 2 September 2020 | Corporate Office | Previous version | Amendment to paragraph 46 to refer to use of online meeting software for interviews |
| 3.11 | 1 October 2020 | Corporate Office | Previous version | Amendments to paragraphs 13 and 16 to refer to topic specific committees working on multiple guidelines within a topic area |
| 3.12 | 23 November 2020 | Corporate Office | Previous version | Removal of requirement for SMT to approve the appointment and reappointment of committee chairs. |
| 4.0 | April 2022 | Corporate Office | Previous version | Amendments made throughout following scheduled review |
| 4.1 | June 2023 | Corporate office | Previous version | Amendment of the disqualifications in paragraph 54 to reflect latest terminology for NHS England roles |
| 4.2 | November 2023 | Corporate office | Previous version | Amendment of disqualifications so that a prison sentence is now a discretionary rather than absolute disqualification |
| 4.3 | February 2024 | Corporate office | Previous version | Amendments to reflect changes to recruitment process following implementation of online system (TRAC) |