

# National Institute for Health and Care Excellence

## Quality Standards Advisory Committee

### Terms of Reference

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1. The Quality Standards Advisory Committee will operate as a standing advisory committee of the Board of NICE.
2. The committee will assess information on current practice, prioritise quality improvement areas and develop quality standards for the NHS, social care and the wider public health community in accordance with NICE's published quality standards methods and processes.
3. Quality standards will take into account any equalities issues relevant to the subject matter on a topic by topic basis.
4. The committee will submit their quality standards to NICE's Guidance Executive which will act under delegated powers of the Board in considering and approving the quality standard for publication.

#### Membership

5. The membership will be appointed by NICE and shall reflect both the spread of interests and expertise required for the business of the committee and NICE's values of equality and diversity.
6. The committee membership is formed from 18 standing members distributed across one committee. Membership may vary in accordance with the needs of the committee.
7. The voting members of the committee will include standing members, specialist committee members and the chair. The total number of standing members will be 18. There will be no maximum number of specialist committee members. Both standing and specialist committee members will have full voting rights and will count towards the quorum.
8. Committee chairs and standing and specialist committee members are drawn from the NHS, public health and social care sectors, the voluntary sector and academia. They also include lay members.
9. The lay members will be drawn from the general population and will have direct experience of accessing health, public health and social care services. The lay members are expected to ensure that the committee's recommendations embrace general public/specific population issues. They will

help identify where public/specific population preferences and choice may need to be acknowledged in the quality standard.

10. Topic expert advisers may be invited to attend and address the committee to provide expert testimony to assist in the development of the quality standard. They will not engage with formulating the quality statements and measures, will not have voting rights and will not count towards the quorum.

## **Standing Orders**

### **General**

11. These standing orders (“the SOs”) describe the procedural rules for managing the committee’s work as agreed by NICE. Nothing of these standing orders shall limit compliance with the NICE’s Standing Orders so far as they are applicable to this committee.
12. The appointment of advisory committees is at the sole discretion of NICE’s Board subject to any direction as may be given by the Secretary of State.
13. Members of the committee 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
14. Other members who may be co-opted from time to time at the discretion of the committee shall be subject to the same principles.
15. The chair and members of the committee will be appointed in accordance with NICE’s appointments to advisory bodies policy and procedure.
16. The chair and standing members of each committee will be appointed for a period of 3 years. This may be extended by mutual agreement to a further 3 years and up to a maximum term of office of 10 years. The specialist member

component of each committee will be appointed for the duration of the development of each quality standard topic.

17. 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.

18. 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**

19. During the course of the meeting, the chair of the committee having taken advice from a senior member of the NICE committee project team shall be the final authority on the interpretation of standing orders.

20. Statements of committee 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 and vice chair**

21. Meetings will be conducted by the chair or in his/her absence the vice chair.

22. The chair will be appointed in accordance with NICE's appointments to advisory bodies policy and procedure.

23. The vice chair will be appointed by the committee chair and the centre for guidelines director or a nominated deputy (associate director or above). The vice chairs' appointment will be a period of 3 years in the first instance, renewable for a further period, of no more than 3 years, to a maximum of 10 years.

24. Where a committee member has been promoted from within the committee to vice chair, the new term will count against the 10 year total. For example, if a member serves one 3-year term and is then promoted to vice chair for another 3-year term, this will be regarded as having served 6 years as a member of the committee.

25. The chair, or the vice chair in the chair's absence, may take action on behalf of the committee outside of the scheduled committee cycle when urgent decisions are required, and it is impracticable to convene a special meeting of the committee.

26. On the occasion(s) where the chair and vice chair are absent, another member of the committee can be used as proxy to fulfil the role. The proxy vice chair of

the meeting will be appointed by the associate director (or an appointed deputy) and the chair of the meeting.

## **Quorum**

27. The quorum is set at 50% of the membership of the committee for that topic, in accordance with ToR paragraph 7. The quorum should be rounded up to the next whole number in the event of there being an odd number of committee members.
28. No business relating to the development of quality standards 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 should be delayed where the meeting is not quorate.
29. The quorum must be achieved for the meeting to proceed. However, the needs of the committee are such that even if the meeting is quorate, an appropriate spread of members' interests should be represented at each meeting. It is also important that the mix of standing, and specialist members is appropriate, and specialist members are not in a majority. If, in the view of the chair the spread of interests, and balance of core and expert members is inappropriate for the business under consideration, the meeting may be suspended or adjourned until a later date.
30. Topic expert advisers and observers in attendance at committee meetings will not count towards the quorum.

## **Voting**

31. The decisions of the committee 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 a consensus.
32. Voting will be anonymous and decisions determined by a simple majority of those members present at a quorate meeting.
33. 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.
34. Topic expert advisers invited to provide expert testimony and observers in attendance at the committee will not have the right to vote. Any voting that occurs when either co-opted experts or observers have participated will be deemed as ineligible.

## **Collective responsibility**

35. All members of the committee shall abide by the principle of collective responsibility, stand by the recommendations of the committee and not speak against them in public.

## **Confidentiality**

36. On appointment, committee members will be required to sign a confidentiality agreement with NICE relating to any information designated confidential by NICE such as commercial in confidence material or sensitive personal data.
37. Confidential papers and other confidential information disclosed in committee deliberations should not be discussed with colleagues who are not members of the committee, other organisations or the media.
38. Topic expert advisers and observers in attendance at committee meeting will sign a confidentiality agreement in advance and be subject to the same confidentiality regulations as committee members.

## **Arrangements for meetings**

39. NICE will ensure that committee meetings will take place in venues or online that are accessible, and have facilities for, persons with disabilities.
40. Meetings of the committee shall be held at such times and places as NICE may determine to facilitate the conduct of its business.
41. NICE shall determine what matters shall appear on every agenda in advance of each committee meeting.
42. No other business shall be discussed at the meeting save at the discretion of the chair.
43. Where considered necessary due to the confidential nature of the business to be transacted, the agenda item will be divided into two parts. Part 1 will be open to the public and part 2 will be closed to the public to enable the committee to discuss confidential information whereupon paragraph 50 will apply.
44. Only members of the committee (standing members and specialist committee members) and NICE staff will be in present for part 2 of the meeting. However, at the discretion of the chair, expert advisers may be invited to remain in order to discuss confidential or personal information that was not discussed in part 1. Once the information concerned has been discussed, the expert advisers will leave the meeting and will take no further part in its deliberations.

45. At least 20 working days before each meeting of the committee, a public notice of the time and place of the meeting, along with the public part of the agenda, shall be displayed on NICE's website. The final agenda will be displayed on the NICE website at least 5 working days before the meeting.
46. Members will be expected to attend for the full session unless agreed in advance with the chair.
47. The NICE committee project team will make all reasonable attempts to agree each meeting date in advance and committee members are expected to keep these dates free until they are released.

### **Admission of members of the public**

48. Where advisory committee meetings are open to the public, the following provisions will apply.
49. The public and representatives of the press shall be afforded facilities to observe all formal meetings of the committee for part 1 of the agenda but shall not be entitled to ask questions or otherwise engage in the business of the committee.
50. The public and representatives of the press shall be excluded from part 2 of the committee meeting upon the chair moving the following motion:  
  
*"That representatives of the press and other members of the public be excluded from the remainder of this meeting having regard to the confidential nature of the business to be transacted, publicity in which would be prejudicial to the public interest" [section 1(2) Public Bodies (Admissions to Meetings) Act 1960].*
51. Notwithstanding the above, the chair will have the discretion to adjourn the meeting at any time if the presence of the public is considered prejudicial to the effective conduct of the business of the meeting upon moving the following motion:  
  
*"That in the interests of public order the meeting adjourn for (the period to be specified by the chair) to enable the committee to complete business without the presence of the public" [section 1(8) Public Bodies (Admission to Meetings) Act 1960].*

### **Other observers**

52. NICE staff and invited guests (for example, NICE appeal panel members or visiting academics) may attend committee meetings as observers, with the permission of the programme manager or associate director.

53. Observers need to register via the website. Observers should usually attend virtually and should not enter into committee discussions unless invited to do so by the chair.

54. Observers can attend part 2 of the meeting if the chair and programme manager or associate director agree. Observers who are not NICE staff or are not commissioned to provide a service to NICE should sign a confidentiality agreement if they wish to attend part 2 of the meeting.

## **Minutes**

55. The draft minutes of the committee proceedings shall be drawn up and submitted to the next meeting for approval.

56. 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 approval.

## **Declarations of Interest**

57. All committee members must make an annual declaration of interests in accordance with NICE's policy on declaring and managing interests for advisory committees.

58. 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.

59. During the course of the meeting if a conflict of interest arises with matters under consideration the member concerned must withdraw from part of, or the entire meeting as appropriate.

60. Topic expert advisers invited to provide expert testimony, specialist committee members and co-opted members, will make a declaration of interest in advance of committee meetings and in accordance with NICE's policy on declaring and managing interests for advisory committees. These will be recorded in the minutes and published on the NICE website.

## **Suspension of standing orders**

61. 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.

62. Any decision to suspend standing orders shall be recorded in the minutes of the meeting.

63. No formal business may be transacted while standing orders are suspended.

64. NICE's Audit Committee shall review all decisions to suspend standing orders.

## **Petitions**

65. Petitions from the public will not be received directly by the committee and anyone wishing to present a petition will be directed to the committee project team.

## **Recording of meetings**

66. The recording of proceedings or the taking of pictures at committee meetings is not allowed.

67. The chair of the committee will have discretion to ask any member of the public gallery to leave if, in their opinion, they are acting in a manner prejudicial to the effective conduct of the meeting.

## **Terms of reference**

68. Committee members must comply with the committee's terms of reference which set out the scope of the committee's work and its authority.

## **Record of attendance**

69. A record will be kept of members' attendance at the committee.

70. Members are expected:

- a. to attend at least 75% of their committee's meetings during a 12 month period;
- b. not to miss more than 2 consecutive committee meetings.

71. Members who are unable to meet either of these expectations may be asked to stand down from the committee in accordance with paragraph 17.

## **Review of standing orders**

72. These standing orders will be reviewed every 3 years or sooner if required.

Date: September 2024



Review date: September 2027