

## **NATIONAL INSTITUTE FOR HEALTH AND CARE EXCELLENCE**

### **Medical Technologies Advisory Committee Terms of Reference and Standing Orders**

#### **Terms of reference**

##### **General**

1. The Medical Technologies Advisory Committee (MTAC) will operate as a standing advisory committee of the Board of NICE.
2. The MTAC will advise NICE on:
  - The application of criteria to select for evaluation medical devices which hold the potential to drive significant improvements in outcomes, improvements in patient experience (of treatment and recovery), ease of operator use, and/or improvements in the efficient use of resources;
3. The MTAC will develop guidance, using processes and methods determined by NICE on medical devices, for which the case for adoption in the NHS or social care is based primarily on improvements in the efficient use of resources
4. The MTAC will identify products which require further research prior to making comprehensive recommendations on adoption and, using methods determined by NICE, make recommendations to product sponsors and to NICE on the nature of the research and how it should be undertaken
5. The MTAC will submit its recommendations and advice to the NICE Guidance Executive which will act under delegated powers of the Board in considering and approving the recommendations.

##### **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 committee and the Institute's values of equality and diversity.
7. The committee will have between 15 and 25 voting members including the chair. The number will vary, depending on the needs of NICE and the committee.
8. The membership will be drawn from clinical and non-clinical healthcare professionals working within the health and care sector in the UK, members of the public, health technology assessment professionals, clinical science or engineering professionals, senior NHS

managers (both from commissioning or provider backgrounds), representatives of the medical technologies industry, nursing professionals and allied health professionals.

9. Additional experts and co-opted members may be invited to attend to advise the committee on a topic by topic basis to assist in considering and interpreting the evidence. Co-opted members can be given voting rights at the discretion of NICE and the Chair and if so will count towards the quorum.

## Standing Orders

### General

10. These standing orders (“the SOs”) describe the procedural rules for managing the committee’s work as agreed by NICE. The committee will operate as an advisory committee to NICE. Nothing of these standing orders shall limit compliance with NICE’s Standing Orders so far as they are applicable to this committee.
11. 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.
12. 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
13. Other members who may be co-opted from time to time at the discretion of the committee shall be subject to the same principles.
14. The chair and members of the committee will be appointed in accordance with NICE’s recruitment and selection to advisory bodies and topic expert groups policy and procedure.
15. The chair and members of the committee will be appointed for a period of 3 years in the first instance. This may be extended by mutual agreement for a further period of up to 3 years and up to a maximum of 10 years.
16. 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.
17. All reasonable facilities shall be provided for members to ensure they have the opportunity to participate fully and equitably in the business of

the committee.

### **Interpretation**

18. 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.
19. 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**

20. Meetings will be conducted by the chair or in his/her absence the vice chair.
21. The vice chair will be appointed in accordance with NICE's recruitment and selection to advisory bodies and topic expert groups policy and procedure.
22. The vice chair's appointment will be for 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.
23. 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.
24. 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.
25. On the occasion(s) where the chair or the vice chair is 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**

26. The quorum is set at 50% of the minimum committee membership 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 members.
27. 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.

28. 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. 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.
29. Co-opted members may count towards the quorum when given voting rights as per paragraph 9. Invited experts without voting rights and observers in attendance at committee meetings will not count towards the quorum.

### **Voting**

30. The decisions of the committee will normally be arrived at by a consensus of committee 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.
31. Voting will be anonymous and decisions determined by a simple majority of committee members present at a quorate meeting.
32. 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.
33. Only committee members present at the meeting will be eligible to vote. There will be no proxy voting.
34. Invited experts, co-opted members and observers in attendance at committee meetings will not be eligible to vote.

### **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 academic or commercial-in-confidence material or sensitive personal data.

37. Confidential papers and confidential information disclosed in committee deliberations should not be discussed with colleagues who are not members of the committee, other organisations, the media, or members of the committee who are conflicted for the topic.
38. Experts, co-opted members and observers invited by the committee 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 and they 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. The frequency of the meetings is detailed in the [CHTE Process and methods guide](#).
41. NICE shall determine what matters shall appear on every agenda in advance of each meeting.
42. No other business shall be discussed at the meeting save at the discretion of the chair.
43. Where considered necessary because of the confidential nature of the business to be transacted, the agenda 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 SO 52 will apply.
44. Only members of the committee and NICE staff, co-opted members, observers invited by NICE, and assessment/evidence review groups will be present for part 2 of the meeting. However, at the discretion of the chair, experts such as a clinical, public health, social care service user, patient, and/or manufacturer experts may be invited to remain in order to discuss confidential or personal medical information that was not discussed in part 1. Once the information concerned has been discussed, the experts 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. Meetings will normally commence at 0900 and finish at approx. 1630 unless otherwise advised.
47. Committee 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.

48. 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**

49. Where advisory committee meetings are open to the public, the following provisions will apply.
50. 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.
51. 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].*

52. Notwithstanding the above, the chair will have the discretion to adjourn the meeting at any time if the presence of the public or representatives of the press are 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**

53. 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 .
54. 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.
55. 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**

56. The draft minutes of the committee proceedings shall be drawn up and submitted to the next meeting for approval.
57. 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**

58. All committee members must make an annual declaration of interests in accordance with NICE's Code of Practice on the Declaration of Interests.
59. 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.
60. 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.
61. Experts invited to provide expert testimony, and co-opted members will make a declaration of interest in advance of committee 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**

62. 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.
63. Any decision to suspend standing orders shall be recorded in the minutes of the meeting.
64. No formal business may be transacted while standing orders are suspended.
65. NICE's Audit Committee shall review all decisions to suspend standing orders.

### **Petitions**

66. Petitions from the public will not be received directly by the committee. Anyone wishing to present a petition will be directed to the NICE committee project team.

### **Recording of meetings**

67. The recording of proceedings or the taking of pictures or screen capture at committee meetings is not allowed.

### **Terms of reference**

68. Committee members must comply with the 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 committee members' attendance at committee meetings via the minutes.
70. Members are expected:
- to attend at least 75% of their committee's meetings during a 12-month period.
  - 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 SO 17

### **Review of terms of reference and standing orders**

72. These terms of reference and standing orders will be reviewed every 3 years or sooner if required.

Date: January 2024

Review date: January 2027