

Achieving and demonstrating compliance with NICE TA and HST guidance

The NHS and patients need evidence that commissioners are funding medicines and treatments approved through the NICE Technology Appraisal (TA) or Highly Specialised Technologies Evaluation (HST) so they are available for use by NHS healthcare providers, in line with NICE recommendations, the NHS Constitution and within the defined timeframe.

A number of NHS professionals and organisations have asked NICE for clarification about how to demonstrate that patients are able to access clinically appropriate medicines and treatments recommended by NICE TA or HST guidance. This page sets out NICE's definition of what constitutes compliance. It suggests how commissioners and providers might demonstrate that medicines and treatments are available to clinicians to consider as an option for use with their patients, and also show that the associated funding is in place without any local restrictions.

Compliance with a NICE-approved medicine or treatment

Commissioners have a statutory responsibility to make funding available for a drug or treatment recommended by a NICE TA or HST within the timeframe recommended in that guidance. Compliance is therefore achieved if a clinician and their patient think a health technology is the right treatment and it is available on the NHS, as described in the NHS Constitution, and without any local funding or local formulary restrictions.

For the avoidance of doubt, when NICE recommends a drug as 'an option', this is an option for the clinician and patient to consider alongside other potential treatments, not an option for commissioners or providers to not make the treatment available.

How to evidence compliance with guidance, and its use in the delivery of care

Organisations wanting to evidence compliance with guidance and its use in the delivery of care might do so in the following ways:

- Commissioners publish policy statements, service level agreements and/or contracts which demonstrate funding is in place and that they require medicines and treatments recommended by NICE TA and HST guidance to be available for use, in consultation with the patient, and when recommended as part of their treatment
- Providers publish their formulary, policies and care pathways to demonstrate that medicines and treatments recommended by NICE TA and HST guidance are available for use, in consultation with the patient, and when recommended as part of their treatment.
- Organisations publish audit data and patient surveys to demonstrate the use of NICE TA and HST guidance by clinical indication. This would include evidence that patients believe treatment options were discussed with them and their preferences taken into account

Further information available at

<https://www.nice.org.uk/about/what-we-do/our-programmes/nice-guidance/nice-technology-appraisal-guidance/achieving-and-demonstrating-compliance>