Sent by e-mail only: XXXXXXXXXXXXXX

FAO XXXXXXXXXX

Incyte Biosciences UK Ltd

27 August 2024

Dear XXXXXX

**Re:** **Final Draft Guidance For Ruxolitinib Cream For Treating Non-Segmental Vitiligo In People 12 Years And Over [ID 3998]**

Thank you for your letter of 21 August 2024 responding to my initial scrutiny views. This is my final decision on initial scrutiny.

I assess each of your points in turn.

***Ground 1(a): In making the assessment that preceded the recommendation, NICE has failed to act fairly***

**Appeal point 1(a).2: A third meeting of the Appraisal Committee should have been scheduled in view of the issues which were unresolved at the second meeting and in order adequately to consider data requested by the Committee and submitted by Incyte in response to the draft guidance**

I agree that this is a valid appeal point and I will refer the point to the Appeal Panel covering the arguments made in your appeal letter, including whether sufficient time was permitted at ACM2 for consideration of the data and whether Incyte was unfairly denied the opportunity to respond to the EAG's critique of that data. I expect the Panel will wish to explore how the new data was handled by the Committee and EAG, what might have been achieved by spending more time and/or inviting stakeholder feedback on the EAG's critique of that data and whether fairness required more time and/or opportunity for comment (by way of a third committee meeting or otherwise).

**Appeal point 1(a).4:** **The Committee has failed to give adequate consideration to its duty under the Equality Act 2010**

Having considered the additional arguments made in your letter of 21 August, I agree that it is arguable that the Committee provided inadequate explanation of how it had taken into account the equalities issues listed at paragraph 3.20 of the FDG and reached the conclusion that there were no equality issues relevant to the recommendations.

I will therefore refer your point 1(a).4 as a valid appeal point under ground 1(a).

I will amend the heading of this point (which should be a one-sentence description of the appeal point: see s4.6 of the NICE appeals process guide) to:

**"The Committee has failed to give an adequate explanation of how it has complied with the Equality Act 2010".**

Conclusion

Therefore the valid appeal points are:

* 1(a).1;
* 1(a).2;
* 1(a).3;
* 1(a).4 (amended to: 'The Committee has failed to give an adequate explanation of how it has complied with the Equality Act 2010');
* 2.1.

NICE shares the valid appeal grounds of each appellant with the other appellants to assist with preparation for the hearing.

NICE will be in contact with you regarding the administration of the appeal, which will be held orally.

Yours sincerely

XXXXXXXXXXXXXXXXX

Dr Mark Chakravarty

Lead Non-Executive Director for Appeals & Vice Chairman

National Institute for Health and Care Excellence