

NHS England
Specialised services
NHS England
Skipton House
London SE1 6LH

By email to: [REDACTED]

27 January 2016

Dear [REDACTED]

Final Appraisal Determination: immunosuppressive therapy for kidney transplantation in adults

Thank you for lodging NHS England's appeal against the above Final Appraisal Determination. I am replying in place of Dr Helliwell as I am the new vice chair of NICE.

Introduction

The Institute's appeal procedures provide for an initial scrutiny of points that an appellant wishes to raise, to confirm that they are at least arguably within the permitted grounds of appeal ("valid"). The permitted grounds of appeal are:

- 1(a) NICE has failed to act fairly, or
- 1(b) NICE has exceeded powers;
- (2) the recommendation is unreasonable in the light of the evidence submitted to

NICE

This letter sets out my initial view of the points of appeal you have raised: principally whether they fall within any of the grounds of appeal, or whether further clarification is required of any point. Only if I am satisfied that your points contain the necessary information and arguably fall within any one of the grounds will your appeal be referred to the Appeal Panel.

You have the opportunity to comment on this letter in order to elaborate on or clarify any of the points raised before I make my final decision as to whether each appeal point should be referred on to the Appeal Panel.

I can confirm that there will be an oral hearing of the appeal.

Initial View

Ground 2

I agree these are valid appeal points.

It may assist if I comment that an appeal panel's approach to the question of whether a recommendation is unreasonable is likely to be that points that demonstrate unreasonableness, as opposed to a disagreement between experts, tend to be, if not obvious on the face of the document, then at least capable of fairly short explanation. Of course some technical detail is sometimes unavoidable, but you will appreciate that an appeal is not a re-run of the appraisal and we do hope that it can be kept to a reasonable minimum.

As I agree your appeal points are valid they will be passed to an appeal panel for consideration. There will be an oral hearing.

Yours sincerely

Andy McKeon
Vice Chair
National Institute for Health and Care Excellence