

British Association for Paediatric Nephrology
And British Transplantation Society

By email to: [REDACTED] & [REDACTED]

28 January 2016

Dear [REDACTED] and [REDACTED]

**Final Appraisal Determination: immunosuppressive therapy for kidney transplantation
in Children and Young People**

Thank you for lodging the BAPN's and BTS' appeal against the above Final Appraisal Determination. I am replying in place of Dr Helliwell as I am the new vice chair of NICE. Although the appeal was submitted jointly with other organisations, it has been accepted as being only from the BAPN and the BTS as only those organisations played an active part in the appraisal process.

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

Could you confirm that your appeal concerns all of the drugs referred to in FAD 1.4, including everolimus and belatacept?

Ground 2

I agree your appeal points are valid, with one caveat concerning your remark concerning NHS England's processes and switching therapies. The effect of positive NICE guidance is that a commissioner must ensure that funding is available for the treatment concerned, but NHS England's processes and policies are otherwise a matter for it. NICE would not be well placed and does not have a remit to assess the fitness for purpose of NHS England's processes, nor would that seem to bear on the cost efficacy of the drugs being assessed.

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