

Sent via email: [REDACTED]

[REDACTED]  
Royal College of Radiologists  
63 Lincoln's Inn Fields  
London  
WC2A 3JW

18 October 2017

Dear [REDACTED]

**Appeal against Final Appraisal Determination (FAD): Intrabeam radiotherapy system for adjuvant treatment of early breast cancer**

Thank you for your letter of 11 October 2017. This is my final decision on initial scrutiny.

Ground 1 (a)

**1a.1 NICE based its judgement on incomplete evidence**

and

**Ground 2**

**2. The AC took clinical evidence out of context**

I note from your letter that your concern is that the model used in the appraisal showed that outcomes for some women might be different at five years in terms of mastectomy, but that in your view the evidence shows that there was instead or additionally a risk of death from local recurrence that was not taken into account. I agree that that is a valid appeal ground under ground 1(a) or ground 2 or both, depending on what exactly an appeal panel finds to have happened.

I note you have not provided further comment on your other appeal points and so confirm that I do not find them valid.

You have asked for an oral appeal hearing and I can confirm this will be arranged to consider the point above under each of ground 1(a) and 2. NICE will be in contact to make arrangements in due course.

Yours sincerely

Dr Rosie Benneyworth  
Vice Chair  
National Institute for Health and Care Excellence