

Sent by email

████████████████████
Chief Executive
Beating Bowel Cancer

22 November 2013

Dear ██████████

Final Appraisal Determination: aflibercept for the treatment of metastatic colorectal cancer

Thank you for lodging Beating Bowel Cancer's appeal against the above Final Appraisal Determination. I have been informed by NICE's staff that the appeal was received slightly after the deadline for the appeal of 5pm on 14 November 2013. On this occasion I have agreed the appeal should be accepted, but for the future may I gently remind Beating Bowel Cancer of the importance of adhering to deadlines.

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:

- Ground 1: The Institute has failed to act fairly
- Ground 2: The recommendation is unreasonable in the light of the evidence submitted.
- Ground 3: The Institute has exceeded its powers.

This letter sets out my initial view of the point 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 point contains the necessary information and arguably falls 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 the appeal point should be referred on to the Appeal Panel.

Initial View

I note your concern that there was limited patient, carer or public involvement in this appraisal. I also note that you sent your submission to NICE two days after the committee meeting at which the FAD was finalised.

As I am sure you would agree, NICE's committee dates and deadlines for submissions are published well in advance. A NICE technology appraisal is a complex process with large volumes of evidence to manage, and a wide range of stakeholders to engage with. In the interests of transparency and proper preparation, it is very important that committee members have a defined body of evidence to engage with, and time to engage with it.

It is also vital that committee decisions are taken at the committee meeting, where members can speak and listen to other members, and a consensus can be reached. As you know the meeting is held in public.

I am afraid it is simply impossible to circulate a document after the committee has met and taken its decision. At that point the matter has left the committee's hands. Although I have no doubt the committee would have welcomed your input if it had been sent at the correct time, this is not a case of an arbitrary deadline or process for process's sake. Rather, it is to ensure that the committee can be properly prepared for a decision and that all stakeholders fully understand what the committee had before it when it took its decision.

With regret therefore I do not feel what took place in this appraisal can be said to be arguably unfair. However I would be grateful to receive any further comments within 10 working days of this letter, no later than 5pm on **Friday 6 December 2013** whereupon I will take a final decision.

Yours sincerely


Appeals Committee Chair
National Institute for Health and Care Excellence