[Company letterhead]

[Insert date]

Dr Mark Chakravarty

Lead non-executive director for appeals

National Institute for Health and Care Excellence

2nd Floor

2 Redman Place

London E20 1JQ

Dear Dr Chakravarty,

# Final Appraisal/Evaluation [delete as appropriate] Document – insert topic name

## Introduction

Please briefly explain why the consultee organisation is making an appeal against the final draft guidance and on which of the following permitted grounds:

### Ground 1(a): NICE has failed to act fairly

A consultee may appeal on this ground if it believes they have not been treated fairly by NICE or the advisory committee because the published process has not been followed. This ground relates only to the fairness of the process followed and not to the content of the final draft guidance.

This ground of appeal does not cover unfairness in the colloquial sense, for instance that it is 'unfair' to patients not to provide a treatment.

### Ground 1(b): NICE has exceeded its powers

A consultee may appeal on this ground if they believe that NICE has acted outside its remit or has acted unlawfully, i.e. outside of the statutory instruments under which it was established and the directions and guidance issued by the Secretary of State for Health and Social Care.

### Ground two: The recommendation is unreasonable in the light of the evidence submitted to NICE.

A consultee may appeal on this ground if they consider that the recommendations in the final draft guidance cannot reasonably be justified from the evidence presented to the committee. This ground means that the guidance is obviously and unarguably wrong, illogical, or so absurd that a reasonable advisory committee could not have reached such conclusions.

For more information on the grounds of appeal please read [section 4.3 'the grounds of appeal' of the appeals process guide.](https://www.nice.org.uk/process/pmg41/chapter/making-an-appeal#the-grounds-of-appeal)

## Ground 1a: NICE has failed to act fairly

### 1(a).1 Insert the appeal point as a subheading

Please provide a summary (no more than 100 words) for this particular appeal point, which can be cut and pasted into a summary of the permitted appeal points in the event this is confirmed as a valid appeal point during the scrutiny stage. (please note the appeal panel will still see the full appeal letter)

Following this summary, please explain in full why you believe NICE has acted unfairly based on this appeal point, clearly stating the section of the health technology evaluation process guide that has allegedly been contravened and in enough detail to demonstrate an arguable case.

### 1(a).2 Insert the appeal point as a subheading

Then, as above, please provide a summary (no more than 100 words) of each appeal point, which can be cut and pasted into a summary in the event this is confirmed as a valid appeal point during the scrutiny stage.

Then as above, please explain in full why you believe NICE has acted unfairly based on this appeal point, clearly stating the section of the health technology evaluation process guide that has allegedly been contravened and in enough detail to demonstrate an arguable case.

### 1(a).3 Insert the appeal point as a subheading

## Ground 1(b): NICE has exceeded its powers

**1(b).1 Insert the appeal point as a subheading**

As above, please provide a summary (no more than 100 words) of each appeal point, which can be cut and pasted into a summary of the permitted appeal points in the event this is confirmed as a valid appeal point during the scrutiny stage.

Then as above, please explain in full why you believe NICE has exceeded its powers based on this appeal point and, in enough detail, to demonstrate an arguable case.

**1(b).2 Insert the appeal point as a subheading**

Then, as above, please provide a summary (no more than 100 words) of each appeal point, which can be cut and pasted into a summary in the event this is confirmed as a valid appeal point during the scrutiny stage.

Then as above, please explain in full why you believe NICE has exceeded its powers based on this appeal point and, in enough detail, to demonstrate an arguable case.

## Ground 2: The recommendation is unreasonable in the light of the evidence submitted to NICE

**2.1 Insert the appeal point as a subheading**

As above, please provide a summary (no more than 100 words) of each appeal point, which can be cut and pasted into a summary of the permitted appeal points in the event this is confirmed as a valid appeal point during the scrutiny stage.

Then please explain in full why you believe the recommendation is unreasonable in light of the evidence submitted to NICE for this appeal point and, in enough detail, to demonstrate an arguable case.

**2.2 Insert the appeal point as a subheading**

Then as above, please provide a summary (no more than 100 words) of each appeal point, which can be cut and pasted into a summary in the event this is confirmed as a valid appeal point during the scrutiny stage.

As above, please explain in full why you believe the recommendation is unreasonable in the light of the evidence submitted to NICE for this appeal point and, in enough detail, to demonstrate an arguable case.

If the context for different appeal points overlaps, it is not necessary to repeat the same points under more than one appeal point, but appellants must set out the argument they wish to make under each ground in detail.

## Conclusion

Provide a final concluding statement and indicate whether your organisation wishes this appeal to proceed as an oral or written appeal.

Your sincerely