

Sent by email

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Hon. Treasurer
Tackle Prostate Cancer
Prostate Cancer Support Federation

12 May 2014

Dear ██████████

Final Appraisal Determination: Degarelix for treating advanced hormone dependent prostate cancer

Thank you for your letter to Professor McVeigh. I should introduce myself as the Vice Chair of NICE. We have clarified with you that you wish to make a formal appeal. Your original letter was not completely clear as to the specific points you wished the Appeal Panel to consider but I hope that this reply allows you to clarify your appeal into our process which will give me further opportunity to respond.

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

¹ Formerly ground 1

² Formerly ground 3

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 1 (a)

I consider that your initial point in respect of the clear difference between the wording of the recommendation between the ACD and the FAD could fit under this ground and I would invite you to make a more specific request concerning this specific point for me to consider.

I am afraid that the further points you have made currently do not fit clearly into any of the 3 grounds. If you wish to reconsider these points and reframe them within the formal appeal process I will also reconsider them in my second scrutiny.

I would be grateful to receive your comments on the points I am presently not minded to treat as valid within 14 days of this letter, no later than **Tuesday 27 May 2014**, whereupon I will take a final decision.

Yours sincerely

Dr Maggie Helliwell
Vice Chair of NICE
National Institute for Health and Care Excellence