Sent by email to: xxxxxxxxxxx@prostatecanceruk.org

xxxxxxxxxxxx
Director of Support and Influencing, Prostate Cancer UK

xxxxxxxxxxxx
Patient Representative, Tackle Prostate Cancer

21 July 2020

Dear xxxxxxx and xxxxxxx

**FINAL APPRAISAL DOCUMENT FOR ABIRATERONE FOR HIGH-RISK HORMONE-SENSITIVE METASTATIC PROSTATE CANCER**

Thank you for your letter of 10 July 2020, lodging Prostate Cancer UK and Tackle Prostate Cancer’s appeal against the above Final Appraisal Document (FAD).

**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 its 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 will make my final decision as to whether each appeal point should be referred on to the Appeal Panel.

**Initial View**

**Ground 1(a): In making the assessment that preceded the recommendation, NICE has failed to act fairly**

*Ground 1(a).* *In making the assessment that preceded the recommendation, NICE has failed to act fairly by neglecting to consider inequalities of healthcare provision caused by its decision.*

I agree this is a valid appeal point. It may also sit in ground 1b, if the alleged failure to consider equalities amounts to a failure by NICE to discharge the public sector equality duty.

**Ground 2: The recommendation is unreasonable in light of the evidence submitted**

*2.1. The recommendation is unreasonable in the light of the evidence submitted to NICE concerning the effectiveness of abiraterone in patients who cannot receive docetaxel.*

I agree this is a valid appeal point 2.

As I have agreed both of your appeal points are valid there is no need to submit further clarification and/or evidence to me within the next 10 working days, and this letter is my final decision on initial scrutiny An oral appeal will be held, although under current circumstances this is likely to be held remotely. There are other appellants, and to assist with preparation for the appeal appellants valid appeal points (including yours) will be shared before the appeal itself.

Many thanks

Yours sincerely

Tim Irish

Vice-Chair

National Institute for Health and Care Excellence