Sent by e-mail only: [XXXXXXXXXXXXXX](mailto:m.linch@nhs.net)X

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6 September 2021

Dear XX XXXXX

**Re: Final Appraisal Document –** **avelumab for maintenance treatment of locally advanced or metastatic urothelial cancer after platinum-based chemotherapy [ID3735]**

Thank you for your letter of 2 September 2021. This is my final decision on initial scrutiny.

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

* 1. *A stopping rule was rejected but one has been proposed in past appraisals without difficulty*

Your letter points out that the previous appraisals relied on as a guide by the committee are in different diseases to metastatic urothelial cancer, and that in ACP’s view atezolizumab therapy for patients with urothelial carcinoma is the only or the most relevant past appraisal.

This goes to the substance of what the committee did and the reliability of their judgement rather than how they reached their conclusions, and so would be a matter of reasonableness rather than fairness (which looks at process). I am however happy that it is a valid appeal point under ground 2, reasonableness.

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

*2.1 It is unreasonable to conclude that the short life expectancy criterion of the end of life policy is not met.*

Already accepted as valid.

Therefore, the valid appeal points are 1.1 and 2.1, both under ground 2.

Yours sincerely

Dr Mark Chakravarty

Lead Non-executive Director for Appeals

National Institute for Health and Care Excellence