



Process for appealing recommendations made by the Northern (NHS) Treatment Advisory Group (NTAG)

The Northern Treatment Advisory Group (NTAG) will issue recommendations for treatments which have been fully appraised by the group. These recommendations can take one of four types:

1. Positive recommendation – i.e. treatment is recommended for the indication(s) or use(s) for which the appraisal was conducted.
2. Restricted positive recommendation – i.e. treatment is only recommended for a specific and explicitly defined patient sub-group relating to the indication(s) or use(s) for which the appraisal was conducted. This may relate to certain patient demographic characteristics such as age, or disease characteristics such as severity of disease, or treatment characteristics such as prior treatments.
3. Negative recommendation – i.e. treatment is not recommended for the indication(s) or use(s) for which the appraisal was conducted.
4. Treatment recommendation is deferred pending further information.

Any of the outcomes 1, 2 or 3 can be appealed against.

Appeals can only be made by NHS employees within the region covered by NTAG or by a clinician outside of the region who has responsibility for a patient residing within the above region and for the indication or use for which NTAG or NETAG considered the treatment.



1. Application to appeal

1. An appeal can be made of the decision making process or of the actual recommendation. Appeals against **NTAG processes** will be considered by CCG Chief Officers via the Northern CCG Forum (NCCGF) however all appeals should be made to the officers of NTAG in the first instance. Any process appeals will be forwarded by NTAG officers to the NCCGF for evaluation as necessary. Please note that all process appeals must be made within one month of the meeting taking place.

Notice of an appeal against a recommendation must adhere to the following process:

- 1.1 An application to appeal must be made to the group secretary in writing, including via e-mail if preferred. Notice of intent to appeal can be made verbally although this must be followed with an application in writing. The appellant should indicate the basis or grounds of the appeal (see section 2).
- 1.2 There are no time limits on making an appeal of a NTAG or NETAG recommendation however it should be noted that NTAG recommendations are automatically superseded by relevant NICE guidance when these become available and finalised. In addition after a period of two years a review for new evidence will be carried out and a re-review triggered if data is available that may affect the previous decision.
- 1.3 There are no limits on the number of appeals that can be made of a NTAG recommendation. In considering an appeal each application will be judged on its own merits and in isolation of all previous applications to appeal the same recommendation.
- 1.4 If so requested, the secretary will act as an impartial adviser to prospective appellants regarding the process and other aspects.
- 1.5 An application to appeal a NTAG recommendation will be considered by the officers of NTAG (chair, deputy-chair, and secretary) and the appellant will be notified of the decision at the earliest opportunity.
- 1.6 All confirmed applications to appeal a NTAG recommendation will be relayed to group members at the next meeting.
- 1.7 If an application to appeal is rejected and the applicant is not satisfied with this decision the application will be considered by NTAG at their next available meeting and the appellant will be informed of the decision following that meeting.

2. Appeal criteria

An application to appeal a NTAG treatment recommendation must have some basis or cogent argument to be accepted. It is worth noting that an automatic re-review process is triggered 24 months post recommendation. The criteria below are intended as a guide and are not exhaustive:

- 2.1 A factual inaccuracy in the appraisal report or in other evidence considered by the group that, in the opinion of the officers of NTAG, could have had a substantive effect on the recommendation.
- 2.2 Substantive change to data included in the appraisal report since publication of the report, for example:
 - Important and relevant new clinical evidence.
 - Change in price of treatment or overall cost (e.g. changes to applicable tax rates, changes to cost of acute care).
- 2.3 Change in the availability or cost-effectiveness of alternative or comparator treatments, for example:
 - Withdrawal from market, or otherwise restriction of access.
 - Change in cost-effectiveness, e.g. due to new clinical evidence altering the risk: benefit ratio, or change in price of treatment either from hardware or health care utilisation.
 - New guidance or regulations that alter access.
- 2.4 Submission of a guideline or treatment protocol or treatment pathway that specifically and explicitly identifies a patient sub-group for whom the clinical evidence of efficacy and safety, and therefore the parameters of cost-effectiveness, will reasonably and confidently be different to the patient group on which the recommendation was based.
- 2.5 Inconsistency or discordance with existing treatment pathways, for example:
 - Relevant NICE guidance or other recognised national or local guidance.
 - Identification of existing treatments which share specific similarities but which are handled under different conditions from those imposed on the appraised treatment by the group's recommendation.



3. Appeal hearing process

- 3.1 If an application to appeal a NTAG recommendation is granted the secretary will arrange for the appeal to be considered at the next mutually convenient meeting.
- 3.2 If an appeal is considered to be urgent then an extraordinary meeting of NTAG may be convened specifically to hear the appeal. This decision is at the discretion of the chair or deputy-chair of NTAG, or at the direction of the CCG Chief Officers via the Northern CCG Forum.
- 3.3 An appellant, or their named deputy, will be invited to:
 - Submit any supporting evidence or documentation to the secretary for circulation to group members prior to the meeting at which the appeal is scheduled. Declarations of interest must also be submitted at this stage.
 - Attend the meeting at which the appeal is scheduled only for that part of the meeting pertaining to the appeal.
 - The appellant will have the opportunity to present any data or points of argument that they wish during the meeting. Such a presentation can take any form, for example a visual presentation using digital projection, or a verbal presentation, or a less formal open discussion with group members.
 - Stay in attendance at the meeting immediately following their presentation and inform further discussion and answer any questions.
 - Appellants will then be requested to depart the meeting to permit the group to continue discussion and deliberation *in camera*.
- 3.4 As a guide, it is envisaged that 30 minutes will be scheduled for an entire appeal hearing, approximately broken down into 10 minutes for each of presentation, discussion and deliberation as described previously.

Appellants and their deputies must:

- Inform the secretary as to who will be attending the NTAG meeting to present the appeal, if indeed anyone is to attend. A mutually convenient time slot will then be arranged so that the appellant need



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only attend for that part of the meeting pertaining to their appeal.

- Provide an electronic copy of any presentation that they wish to make during the meeting, at least seven days prior to the meeting for circulation to NTAG members. Any confidential data should be clearly indicated.
- Complete a declaration of interest form, or otherwise declare any potential competing interests.

3.5 Once an appeal has been heard the group may opt to:

- Reject the appeal and leave their recommendation unchanged.
- Accept the appeal or any part of it and amend their recommendation accordingly.
- Defer their recommendation, leaving the current recommendation unchanged and valid, pending further information.

3.6 The outcome of the appeal will be communicated to the appellant and to all NHS organisations within seven days of the appeal hearing.

3.7 No further appeals can be made based on the same points. If the appellant is not satisfied with the outcome of the appeal they must cease dialogue with NTAG and the issue should be taken up with the CCG Chief Officers via the Northern CCG Forum.

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Based on previous NETAG appeals process