

REPRESENTATIVE POLICY

RELATING TO CONTACT BETWEEN STAFF AND COMPANY REPRESENTATIVES

This procedural document supersedes: CORP/PROC 2 v.3 – Representative Policy

The Doncaster & Bassetlaw Hospitals NHS Foundation Trust appreciates the role that Healthcare companies play to assist health practitioners in providing safe, effective and economic products and services to the patients in their care.

The aim of this Policy is to put the relationship between the Doncaster & Bassetlaw Hospitals NHS Foundation Trust and its suppliers on a sound and professional basis.

This Policy should be read in conjunction with the Policy for use of Medical Equipment used On-Trial/On-Loan, the Policy on the Selection and Procurement of Medical and Surgical Products, Standards of Business conduct and Employees declaration of Interest Policy and the Policy for Safe and Secure Handling of Medicines (PAT/MM 1), copies of which are available in hard copy from the Supplies Department or via the Trust's website www.dbh.nhs.uk.

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WARNING: Always ensure that you are using the most up to date approved procedural document. If you are unsure, you can check that it is the most up to date version by looking on the Trust Website: www.dbh.nhs.uk under the headings → 'Freedom of Information' → 'Information Classes' → 'Policies and Procedures'

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Amendment Form

Please record brief details of the changes made alongside the next version number. If the APD has been reviewed **without change**, this information will still need to be recorded although the version number will remain the same.

Version	Date	Brief Summary of Changes	Author
Version 4	January 2010	<ul style="list-style-type: none"> • Policy dates – page 1 • Standards of Business Conduct and Employees declaration of Interests Policy added to paragraph 3 - page 1 • Amendment form and contents page added • Visits to Hospital Sites - paragraph 3 deleted – page 4 • Medical Equipment – policy date change – page 6 • Team Leader changed to Theatre Coordinator – page 7 • NHS Conditions of Contracts – final paragraph deleted – page 8 • Code of Ethics – paragraph 3, value changed to £25.00 – page 9 • Contact details – page 10 • Equality Impact Assessment added – Page 11 • Monitoring of Policy added – page 11 	Ian Allcock
Version 3	June 2007	<ul style="list-style-type: none"> • Policy dates - page 1 • 'Medical Devices' section - PPQ - page 3 • Policy dates - page 4 • Contact details - page 8 	Ian Allcock

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1. General Information

It is recognised that, in addition to providing information to health practitioners, the prime function of company representatives is to promote and sell their products and services. This function should be carried out in a proper and ethical manner and must not contravene Trust, NHS or government policies.

If this policy is breached, Representatives may be removed or barred from site or, reported to company, commercial / professional organisations if codes of practice are breached, e.g., Association of British Pharmaceutical Industry (ABPI) and Association of British Healthcare Products Industry (ABHI).

2. Visits to Hospital Sites

Representatives may not enter any clinical or non-clinical areas (*including wards and out-patient areas*) or visit the Supplies Department without an appointment. To make an appointment with a member of the Supplies Department, please see contact points/details listed at the end of this document.

A Representative arriving for an appointment must arrange to be met by the host.

Medical representatives wishing to make an appointment with Pharmacy staff are asked to complete a 'Request an Appointment' form detailing the reasons for the appointment; forms available from the pharmacy receptions. The forms should be forwarded to the Clinical Director or Deputy Director of Pharmacy and Medicines Management for consideration. Where an appointment is granted the representative will be contacted within two weeks.

Should any emergency situation arise whilst on a hospital site, e.g.: fire alarm, all Representatives must obey any instructions given to them by Trust staff.

3. Personal Appointments

Representatives may only seek an appointment where there is a valid reason for the visit, to meet with departmental managers, clinical and medical staff or an open meeting with medical and/or nursing/pharmacy staff in a group. The Trust's expectation is that such meetings are educational and not entirely promotional. Junior Doctors and Pharmacists should not be bleeped to make appointments.

4. Promotional Activity

Representatives should be well informed about the products that they are promoting. In addition, standard technical, and where appropriate, clinical data, including information on product effectiveness should be available.

Where any teaching and/or promotional activity is planned, Representatives must advise the Department Manager and General Manager Supplies & Procurement. The intent of the meeting must not contravene/challenge existing Trust policies.

Leaflets and posters produced by Representatives may not be distributed or displayed in clinical areas unless approved by the General Manager for that area.

5. Samples – Medicines and Medical Devices

Medicines

Free samples of Medicines will only be requested by:

- Prescribers who carry overall clinical responsibility for the patient(s) the medicines will be administered or supplied to.
- Directorate Pharmacists acting with the knowledge of the Clinical Director of the Directorate concerned.

Free samples of medicines will be received solely through the Pharmacy, and will only be accepted where prior notification of their delivery has been supplied by one of the individuals requesting the supply.

Medical Devices

Medical device samples must only be left on wards with the express permission of the General Manager.

All medical device samples must be CE marked (Conformite Europeene). 'CE' markings are an indication that the product has undergone some form of verification and validation process acceptable to the EC. In addition, a Pre-Purchase Questionnaire may be required before a device can be left on the Trust's premises.

Any commercially sponsored trials/agreements of medical devices must be advised through to the Supplies Department to ensure that:

- trials are carried out in accordance with Trust guidelines and Standing Financial Instructions for trials
- trials or research carried out within the Trust should be notified to the Clinical Audit Department

- trials are carried out on a controlled basis
- the product in question meets the appropriate safety standards
- trials are not duplicated
- there is a protocol to return unused products following the trial period

In any product trial, the following points will be considered and recorded:

- how the trial is to be administered
- how the trial is to be financed
- how samples are to be provided
- how long the trial will last
- whether technical staff need to be involved
- current safety regulations and quality standards
- how the trial will be assessed
- whether the other criteria (e.g. packaging) need to be taken into account
- whether the supplier should be involved
- the implications for existing contracts and purchasing agreements
- how the results of the trial will be disseminate

For further information, please contact any member of the Supplies Department as detailed at the end of this document.

Products brought into the Trust by Representatives, which are not on contract, or without an official Purchase Order number will be considered 'Free of Charge'.

6. Medical Equipment

The Trust requires that **all** medical equipment is delivered via the Medical Technical Services Department. This includes all equipment on loan (whether for trial or testing or not): free issues and free issues for trial and testing.

Under no circumstances should medical equipment be delivered directly to a ward/department without the prior knowledge of the Medical Technical Services Department. Please refer to the Policy for Use of Medical Equipment On Trial/On Loan (June 2010)

For further information please contact the Medical Technical Services Department on tel. 01302 366666 ext 3025.

7. Supplier Representatives and Operating Theatre Department

The aim of the Operating Theatre and staff is to provide and maintain high standards of patient care during surgical procedures. Supplier representatives must appreciate and recognise this as a priority. This policy is an effective risk management tool, which will control the access of supplier representatives to the Operating Theatre Department.

- All Supplier representatives will gain permission prior to entering the Operating Department, from the Theatre Coordinator or Lead Practitioner.
- On arrival to the Operating Department, Supplier representatives will report to the Theatre Coordinator/Lead Practitioner of the Theatre, stating who they are and with whom their visit has been authorised. Identification must be produced at this stage.
- All the Trust's Theatre departments have implemented the use of a Theatre Visitors' Signing-in-book. This will be signed by all Supplier representatives (time in and out of the theatre department) in order to comply with fire safety regulations.
- Supplier representatives will be provided with appropriate theatre attire and instructed on how it should be worn. Representatives must NOT wear their own theatre attire for infection control reasons.
- Supplier representatives will be supervised by a named member of the Theatre staff throughout their visit to the theatre department.
- Supplier representatives are reminded that all procedures within the Operating Theatre Department are confidential in nature and that any information, discussions, technical details or documentation must be treated as such. **(They will only enter the theatre room once the patient is asleep and draped, in order to maintain the patient's dignity.)**
- If the Supplier representative is required to scrub, for whatever reason, this must be authorised by both the Theatre Coordinator/Lead Practitioner and the attending surgeon. Informed Patient consent must be obtained (before the anaesthetic) authorising the Supplier representative to be present in the Operating Theatre observing/demonstrating/commissioning equipment and giving explicit consent if the Supplier is to scrub up.
- Any Supplier representatives gaining access to Theatre, to provide technical assistance during a surgical procedure, to observe, demonstrate, in service or commission equipment or products, must produce evidence of a recognised qualification, e.g. TAQ (Theatre Access Qualification), which states that they are competent to do so, prior to entry. They must also produce a company Indemnity Insurance certificate, before they will be allowed to scrub-up.

A member of the theatre scrub team must be present while the Supplier representative "scrubs up" to assure that aseptic techniques are adhered to at all times.
- Whilst in Theatre, Supplier representatives must seek permission to speak to the surgeon via the scrub nurse. Noise levels, including communication should otherwise be kept to a minimum. All medical products must be handed to scrub nurse and not directly to the surgeon.
- In the event of surgical emergency, the Supplier representative will be asked to leave the Theatre.
- The supervising member of the theatre staff will ensure that the Supplier representative does not act or move in such a way as to contaminate the sterile field.

- Should a Supplier representative feel unwell, they should immediately inform a member of the theatre who will take the appropriate form of action.
- Supplier representative should behave professionally at all times. If their behaviour is deemed unprofessional, by the nurse in charge, at any time, they will be asked to leave the theatre department.

8. NHS Conditions of Contract

All goods (donated or otherwise) and services offered to the Trust will be procured against the standard NHS Conditions of Contract; these include the following conditions, which are also applicable to items supplied on loan that will require Indemnity Agreement being signed by both the supplier and the Trust.

Condition 28 – Indemnity

This ensures that the Trust is given protection of an unlimited obligation on the part of the supplier to pay compensation for damage or injury to persons or property. This is in addition to any specific rights under the contract or under statute or common law. Condition 28 covers consequential loss and relates only to defective goods, delivery and unloading.

Condition 29 – Insurance

This follows on from condition 28 and imposes an obligation to insure against the liabilities resulting from that indemnity. It specifies a minimum sum for insurance cover in respect of each year.

9. Purchase Orders

Commitment to purchase goods and services is only entered into by the raising of an official Trust Purchase Order. Suppliers must not deliver goods or provide a service without first receiving an official Trust Purchase Order unless it is part of a Trust approved trial and complies with laid down procedures for trials.

Any goods or services received without an official Purchase Order will be accepted on the basis of “Free Goods” and any subsequent invoices will be returned for a full credit.

10. Signing of Contracts/Agreements

The nominated officers with the authority to sign contracts and agreements on behalf of the Trust are: Executive Directors and Chief Executive.

11. Introduction of new Medicines

New medicines will be considered for inclusion into the Trusts Formulary only after a written request from a Consultant. Initial requests should be made to the Director of Pharmacy & Medicines Management. The Consultant may be required to make a formal presentation to the Drugs and Therapeutics Committee.

Supplier representatives must keep the Pharmacy informed of which products, with reference to clinical indication, currently being promoted.

12. Pricing

Staff and suppliers are reminded that commercial information is confidential. This must be borne in mind especially when discussing rival suppliers and their products and prices. Prices from rival Suppliers must not be disclosed.

13. Code of Ethics

Business gifts, other than items of very small intrinsic value such as business diaries or calendars, should not be offered.

Representatives must not attempt to influence business decision making by offering hospitality to Trust staff. The frequency and scale of hospitality accepted will be managed openly and with care by the Trust.

Commercial sponsorship relating to conferences or courses is only acceptable if the attendance of the Trust's staff:

- Forms part of an educational/training course, the sponsorship policy if applicable, and be approved by an accountable manager of the Trust; or,
- Is with the prior written authorisation of an Executive Director or appropriate senior officer.

It is incumbent on Trust staff, for reasons of probity, to declare any hospitality of a value greater than £25.00 in the Hospitality Register, which is held on behalf of the Trust by the Director of Finance and Information.

All other offers of hospitality or entertainment will be refused unless the prior written permission of an Executive Director has been obtained.

For the purposes of this policy, commercial sponsorship is defined as including:

NHS funding from an external source, including funding of all or part of the costs of a member, NHS research, staff, training, pharmaceuticals, equipment, meeting rooms, cost associated with meetings, meals, gifts, hospitality, hotel and transport costs (including trips abroad), provision of free services (speakers), building or premises.

14. Travel Costs

Any travel arrangements for conferences or for viewing equipment and services should be paid for by the Trust unless the Chief Executive or Executive Director gives written approval for the supplier to take responsibility for travel arrangements or travel costs.

15. Hard copies of this Policy are available from the Main Entrance at Doncaster Royal Infirmary, Main Entrance, Bassetlaw District General Hospital, Main Entrance, Mexborough Montagu Hospital or the Supplies Department at Doncaster Royal Infirmary.

In addition to the above this Policy is also available via the Trust's Website www.dbh.nhs.uk.

16. Contact Names and Numbers (For Representative use)

Ian Allcock, General Manager Supplies & Procurement	Tel: 01302 381426 E-mail : Ian.Allcock@dbh.nhs.uk
Peter Allen, Contracts Manager	Tel: 01302 381428 E-mail: Peter.Allen@dbh.nhs.uk
Allison O'Donnell, Clinical Procurement Specialist	Tel: 01302 381427 E-mail: Allison.Odonnell@dbh.nhs.uk
Sharon Wriglesworth, Procurement Manager	Tel: 01302 381437 E-mail: Sharon.wriglesworth@dbh.nhs.uk
Ann Wilson, Capital Buyer	Tel: 01302 381429 Tel: 01909 500990 ext 2782 E-mail: Ann.Wilson@dbh.nhs.uk
Wilson Grant, Materials Manager	Tel: 01302 366666 Ext. 3983 E-mail: Wilson.Grant@dbh.nhs.uk
Andrew Leverton, Medical Technical Service Manager	Tel: 01302 366666 Ext. 3025 E-mail: Andrew.Leverton@dbh.nhs.uk
Roger Hancocks, Deputy Director of Pharmacy & Medicines Management	Tel: 01909 502473 E-mail: Roger.Hancocks@dbh.nhs.uk

17. Comments

If there are any comments to be made regarding this policy, please email Ian Allcock, General Manager Supplies & Procurement as above.

18. Equality Impact Assessment

As part of its development, this policy and its impact on equality have been reviewed in consultation with the Equality Impact Assessment Group. An Equality Impact Assessment (EIA) has been conducted in line with the principles of the Equality Impact Assessment Policy and the Fair Treatment For All Policy.

The purpose of the EIA is to minimise and if possible remove any disproportionate impact on employees on the grounds of race, sex, disability, age, sexual orientation or religious belief. No detriment was identified.

A copy of the EIA is available on request from the HR department.

19. Monitoring of Policy

This policy will be reviewed at the meetings of the Theatre Procurement Group and the Medical and Surgical Group.