

Trust Supplier Representative Policy

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Date	Amendment	Approved by
Oct 2020	Document approved with no amendments	SCSD Governance Meeting
July 2023	Document reviewed with minor addition	AF/RB
28 th November 2023	Document extended for three months whilst under review	Dr Hutchinson
17 th January 2024	Review approved	TACCSS governance
24 th October 2024	Information added to “Summary”, “Objectives” and “Duties” sections.	

Summary

The aim of this policy is to provide a clear, structured and safe pathway for company representatives to engage with Worcestershire Acute Hospitals NHS Trust and its staff. It will also provide the standard that will enable Theatre staff to ensure that the correct personnel are involved in operative procedures.

Introduction

Companies wishing to do business with the Trust have traditionally been unrestricted in accessing employees on Trust premises which has led to inefficient use of employees' time and contributed towards the de-standardisation of products purchased by the Trust.

Such practice may lead staff to enter negotiations and sales which are not in line with Trust Policy, Standing Financial Instructions and EU Procurement Directives, and thus render the Trust at risk of unsafe financial commitments or breach of the governing legislation, guidelines and the Law.

Some companies who have been unsuccessful in a tendering process have been identified as attempting 'back door selling' techniques. This is considered poor practice and has detrimental effects on competition and the viability of NHS contracting.

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, government policies and the Law. 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 Healthcare Industries (ABHI) Code of Business Practice.

Objectives

The objective is to provide a clear, structured and safe pathway for company representatives to engage with Trust staff.

This policy also seeks to put the relationship between the drug industry and Trust Staff on a sound and professional basis to maximise the effectiveness of non-evidence-based information.

To define the procedure to be followed by Company Representatives who wish to engage with Trust staff.

To decrease the amount of management and clinical time lost to unsolicited contact by company representatives approaching clinicians direct.

To provide guidance to staff on how to deal with unsolicited approaches from company representatives.

To prevent trust employees from entering into an agreement to procure products or services outside of those listed as standard or contracted without consultation with the relevant Directorate General Manager and the Trust Procurement Department.

To prevent individuals from entering into an agreement to procure medicinal products directly or to use or recommend medicines outside of the Trust's formulary.

To ensure operative procedures are carried out safely and effectively where Trust approved products and equipment are in use. Also to ensure that Theatre staff are supported in the use of Trust approved products and equipment.

Scope

This policy applies to all staff working in the Trust and who engage with external suppliers.

Duties

Trust Employees

It is the responsibility of each employee of the Trust who engage with external suppliers to always familiarise themselves with the contents of this policy and to practice within the confines of it.

It is the responsibility of the individual who is scheduling the patient for surgery to include a note on Bluesprier that states that a company representative is required to be present for the procedure. For example, this note could be added next to the name of the procedure that the patient is having.

Theatre staff must ensure that appropriate arrangements are in place where support and guidance is required from a company representative in the use of Trust approved products and equipment.

It is important that it is raised at the WHO Team Brief for the theatre list, if a rep is required to be present for a procedure. Where this is the case, theatre staff must ensure that the company representative is present in the theatre department before anaesthetising the patient for their procedure and before any treatment is given to that patient.

Supplier Representatives

All representatives that visit all or any of the three main sites within the Worcestershire Hospitals NHS Trust should be familiar with the contents of this policy and are expected to comply with it. The policy is available from the Procurement Departments or using our key documents page found through the trust intranet.

General Information

All representatives should respect their position as a visitor to Worcestershire Hospitals NHS Trust and recognise that the Trust's interests and priorities may be different from their own.

In addition to providing information to health practitioners, it is recognised that the prime function of commercial representatives is to promote and sell their products and services. This task should be carried out in the proper and ethical manner as described within the ABHI Code of Business Practice and should not contravene Trust, NHS, government policies and the Law.

All representatives on site must comply with any instructions given to them by an authorised member of staff in the event of any emergency e.g. a fire or major incident.

When on site all supplier representatives would be expected to comply with the no smoking policy, car parking policy and any other such policies or guidance that might be relevant at the time.

Representatives may not visit clinical areas, the Procurement staff and Estates & Facilities staff without an appointment. Any representatives that do attend any part of our theatre department must sign in to the intellicentrics system

To make an appointment to see a member of staff, please see Appendix A. All representatives working at Worcestershire Hospitals NHS Trust should be familiar with the contents of this policy and are expected to comply with it. The policy is available from the Procurement Department.

All representatives should be well informed about the products that they are promoting. In addition to standard, technical and clinical data including information on comparative efficacy, staff should expect to know the basis for the promotion and the specific place the product is intended to have in therapy. Price comparisons should not be used unless they have been approved in advance.

Visits to Trust Premises

Company representatives must make an appointment in advance to see their contact. The purpose of the visit should also be clearly stated from the outset. Any company representative attempting to visit a Trust employee without having agreed a pre-arranged appointment time should be politely but firmly refused and advised to e-mail and make an appointment as per Appendix A.

Representatives must always wear a company identification badge whilst on Trust premises.

Representatives are not permitted to tour Trust premises and are not allowed to enter clinical areas without a definite appointment with a Consultant, Senior Nurse Manager, or Professional Head of Department.

Any company who attempts to make repeated contact with any individual, department, or ward without having first obtained authority from the Procurement Department should be reported to the Procurement Department in writing (e-mail, fax are acceptable forms). As a result, such representatives WILL be refused further access to any Trust premises.

Trust Employees contact with Company Representatives

Representative Meetings

Only senior Trust staff i.e. Consultants, Senior Nurses and Senior Managers (i.e.: General, Directorate Managers or equivalent/above) may authorise meetings with Company Representatives. Such meetings should be organised in advance, and should be attended by a senior member of Trust staff and must fulfil one of the criteria below-

- To receive training and education on Trust approved products and equipment
- To obtain technical advice regarding a specific product.
- To discuss and receive updated literature and research around a company's products or specialist area.
- In connection with a current contract or purchasing agreement.

Such meetings should not involve detailed commercial information (e.g. agreement of price or discussion of existing contract prices). All matters regarding commitment to purchase, agreement of price and similar financial and procurement issues should be conducted by the Procurement Department or Pharmacy Department or the Trust's Procurement Partners (i.e. HTE) in conjunction with the budget holder. Other staff are not authorised to make purchasing commitments on behalf of the Trust. The template included in Appendix B must be completed by Trust staff wishing to meet sales representatives. It should be authorised by a senior member of staff (i.e. Consultant, Senior Nurse or Senior Manager) and copied to the Procurement & Supplies Department at least two days before any visit.

Urgent Representative Contact

It is recognised that occasionally, representatives can be a useful source of replacement equipment, disposables or advice in an urgent situation. It is permissible for senior staff (i.e. Consultant, Senior Nurse or Senior Manager as above) to arrange such contact with company representatives with the following provisos:

- The situation must be urgent and unable to wait for completion of the process outlined in 6.3.1
- The equipment necessitating the urgent visit should be currently approved for use in the Trust.
- No previously unapproved equipment and/or disposables can be introduced to the trust because of such a visit (irrespective of cost).

No member of staff is authorised to make a financial commitment because of such a meeting in the absence of input from the Procurement Department or its procurement partner Health Trust Europe (HTE).

The template included in Appendix B must be completed following an urgent meeting with a company representative. The completed form should be authorised by a senior member of staff (i.e. Consultant, Senior Nurse or Senior Manager) and copied to the Purchasing & Supplies Department within 48 hours of the visit.

Code of Ethics

The Trust staff are subject to standards of conduct in line with national guidance. Staff should also be aware of the Trust's Standing Orders and Standing Financial Instructions.

Business gifts, other than items of very small intrinsic value such as diaries or calendars must not be accepted. The Trust's 'Standards of Business Conduct Guidelines Policy' gives further instruction on gifts and hospitality.

Suppliers must not attempt to influence business decision making by offering hospitality to Trust Staff. The frequency and the scale of any 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 a part on an education/training course and is approved by the appropriate accountable manager of the Trust.

Trust Staff & Commercial representatives must not enter into any agreement in relation to carrying out product trials without initiation and approval from the Trusts Procurement Department.

Samples must not be left on the wards or departments and product trials must be arranged through the Procurement Department to ensure that:

- Trials are carried out in accordance with the Trust rules and regulations (Trust Standing Orders and Standing Financial Instructions)
- Trials are carried out on a controlled basis.
- The product in question meets the appropriate safety standards
- Trials are not duplicated

Points that will be considered when product trials are being carried out.

- 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 is required to be involved
- Current safety regulations and quality standards
- How the trial will be assessed
- Whether the suppliers need to be involved
- The implications for existing contracts or purchasing agreements
- How the results of the trial will be disseminated
- Individual trial must be managed by a named person

Conflict & Declaration of Interest

All Worcestershire Acute Hospitals NHS Trust staff must operate within the confines of the Trust Standing Orders, Standing Financial Instructions and EU Procurement Directives and must ensure compliance with the Conflict of Interest and Code of Conduct Policies. Business gifts, other than items of low intrinsic value, should not be accepted. Employees with dealings or interests with external organisations that could lead to conflict of interests are required to declare these in the Trust's Register of Interests.

Failure to Follow Policy

Worcestershire Hospitals NHS Trust staff must report any contravention of these guidelines to Procurement. Such contraventions will be treated very seriously. Individual representatives and/or companies may be denied access to the Trust on either a temporary or a permanent basis.

By adhering to this policy, it is hoped that the association between Worcestershire Hospitals NHS Trust and its suppliers will be a constructive one.

Monitoring/Audit

Key process/part of this policy for which compliance or effectiveness is being monitored	Monitoring method (i.e. audit report, on-going committee review, survey)	Job title and department of person responsible for leading the monitoring	Frequency of the monitoring activity	Monitoring committee responsible for the receiving the monitoring report/audit results	Committee responsible for ensuring that action plans are completed
Trust staff and Suppliers are aware and conversant with Worcestershire Acute Hospitals NHS Trust policy	Audit of the policy knowledge amongst Trust Staff and Suppliers	Head of Procurement	Annual	Procurement Strategy Group	Executive Board
Trust Managers and Suppliers have arrangements in place to ensure compliance with the policy	Audit of the policy compliance amongst Trust Staff and Suppliers	Head of Procurement	Annual	Procurement Strategy Group	Executive Board
That all instances of Suppliers approaching the Trust are being reported under the policy	Audit of records of suppliers approaching the Trust	Head of Procurement	Annual	Procurement Strategy Group	Executive Board
Areas where strict application of the policy may be impractical	Report on instances when the policy with reasons	Head of Procurement	Annual	Procurement Strategy Group	Executive Board

References

- Associated British Industries Code of Business Practice November 2009:
<http://www.abhi.org.uk/code-of-practice/code-of-business-practice.aspx>
- Worcestershire Hospitals NHS Trust Standing Financial Instructions
Worcestershire Hospitals NHS Trust Standing Orders
- Worcestershire Hospitals NHS Trust Standards of Business Conduct Guidelines

The above three documents can be obtained from Worcestershire Hospitals NHS Trust 'intranet'.

Appendix A

COMPANY REPRESENTATIVE PROCEDURE (If a Supplier Representative wishes to initiate a meeting):

- 1 Suppliers will be informed of this policy by the following means:
 - Email shot to key suppliers to the Trust to advise them of the policy and the necessity for adherence to the policy by their representatives.
 - Inclusion of requirement to adhere to policy in all future contracts let by the Procurement Department and its procurement partner Health Trust Europe (HTE).
 - Referral of Supplier Representatives to the policy by Trust staff who engage with external suppliers
 - Publication of the Policy on the Worcestershire Hospitals NHS Trust intranet and web site
- 2 All supplier representatives must send an e-mail to the Procurement Department at the following address: wah-tr.purchasing@nhs.net
- 3 This will be acknowledged within three working days.
- 4 The e-mail must set out an agenda listing items you wish to discuss, who you would like to see and as much information as possible so that we can study the request internally.
- 5 A decision on whether this request will be agreed will be notified to you.
- 6 If the request has been agreed, then an authorisation notice will be e-mailed to you. This will need to be on your person when on Trust Premises. This will state the date, time and the person who you are visiting.
- 7 Company identification badge should include a photograph and will clearly state his/her name, company and position. Where appropriate the representative should also have the authorisation letter.

Appendix B

APPROVAL TO INVITE COMPANY REPRESENTATIVES TO WORCESTERSHIRE ACUTE HOSPITALS NHS TRUST

1 Trust staff to arrange with supplier representative, time, date and reason for visit and have gained authority from a senior member of staff e.g. Consultant, Senior Nurse or Senior Manager.

2 Trust Staff member to complete and send this template e-mail to the following email address wah-tr.purchasing@nhs.net at Procurement Department as well as their Directorate Manager and the Supplier Representative at least two days before visit. If the visit is urgent the form must be completed and forwarded as above within 48 hours of the urgent visit.

3 Supplier representative to bring a copy of this e-mail with them when entering Trust premises (if applicable).

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- ☐ Date and time of Visit:
 - ☐ Hospital to be visited:
 - ☐ Staff Member:
 - ☐ Company Name:
 - ☐ Name of Individual(s) visiting:

Reason for Visit (Please delete as appropriate)

- a) Arrange and request training and education on Trust approved products and equipment.
- b) To obtain technical advice regarding a specific product.
- c) Request for updated literature and research around that company's products or specialist area.
- d) In connection with a current contract or purchasing agreement.
- e) Urgent.

If urgent identify reason for urgency below:

Details of senior member of staff approving of visit:
Name:

Title:

Date: