NHS Lanarkshire

COMPANY REPRESENTATIVE GUIDELINE

RELATING TO CONTACT BETWEEN
NHS LANARKSHIRE STAFF
AND COMPANY REPRESENTATIVES

NHS Lanarkshire 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 Guideline is to put the relationship between NHS Lanarkshire (NHSL) and its suppliers on a sound and professional basis.

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 NHSL or government policies.

If this Guideline is breached, Representatives may be removed or barred from site or, reported to their company and 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).

1. Visits to hospital sites

Representatives may not enter any clinical or non-clinical areas *(Including wards and out-patients areas)* or visit the Procurement/Supplies Department without an appointment. To make an appointment with a member of the Procurement/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.
Should any emergency situation arise whilst on a hospital site e.g. fire alarm, all Representatives must obey any instructions given to them by NHSL staff.

2. 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. NHSL’s expectation is that such meetings are educational and not entirely promotional. Junior Doctors and Pharmacists should not be bleeped to make appointments.

3. 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 the General Manager - Procurement. The intent of the meeting must not contravene/challenge existing NHSL 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.

4. Samples

Medical Devices

Medical device samples must only be left on Wards/Departments with the express permission of the site General Manager/Head of Medical Physics.

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 to the EC. In addition, a Pre-Purchase Questionnaire may be required before a device can be left on NHSL premises.

Any commercially sponsored trials/agreements of medical devices must be advised through to the Procurement Department.:
Medicines

Free samples of medicines must be received solely through the appropriate site Pharmacy, and will only be accepted where prior notification of their delivery has been supplied by the individual requesting the supply. Any proposals regarding medicines must be discussed in advance with the Head Pharmacist on each site. 

UNDER NO CIRCUMSTANCES SHOULD FREE SAMPLES OF MEDICINES BE LEFT IN ANY WARD OR DEPARTMENT.

5. Trials

Trial will only be sanctioned if they meet the following criteria:-

- Trials are carried out in accordance with NHSL guidelines and Standing Financial Instructions for trials
- Trials or research projects are approved by the NHSL Ethics Committee where appropriate
- Trials or research carried out within NHSL 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 has to be administered
- How the trial has to be financed
- How samples are to be provided
- How long the trials will last
- Whether technical staff need to be involved
- Current safety regulations and quality standards will be considered within the trial assessment process.
- Whether 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 the NHSL General Manager – Procurement as detailed at the end of this document.

Products brought into NHSL by Representatives, which are not on contract or without an official Purchase Order number will be considered ‘Free of Charge’.
6. Medical Equipment

NHSL requires that all medical equipment is delivered via the Hospital Medical Physics Departments. This includes all equipment on loan (whether for trial or testing or not): and free issues for trial and testing.

Under no circumstances should medical equipment be delivered directly to a ward/department without prior knowledge of the Medical Physics Department.

For further information regarding Loan Equipment Procedures please contact the appropriate site Medical Physics Department (refer to contact numbers on last page).

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 Guideline 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 Manager or Deputy.
- On arrival at the Operating Department, Supplier representatives will report to the Theatre Manager/Deputy of the Theatre, stating who they are and by whom their visit has been authorised. Identification must be produced at this stage.
- All the NHSL 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 the appropriate theatre attire and instructed on how it should be worn. Representatives must NOT wear their own theatre attire.
- 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 Manager/Deputy and the attending surgeon. Informed Patient consent must be obtained (before the anaesthetic) authorising the
supervisor 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 representative 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. (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 representative 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 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 NHSL 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 NHSL.

**Condition – Indemnity**

This ensures that NHSL is given protection of 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 right under the contract or under statute or common law. Condition covers consequential loss and relates only to defective goods, delivery and unloading.
**Condition – Insurance**
This follows on from condition 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 NHSL Purchase Order. Suppliers must not deliver goods or provide a service without first receiving an official NHSL Purchase Order unless it is part of an 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. **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.

11. **Please see the guidelines below from NHSL Standing Financial Information on Acceptance of Financial Assistance, Gifts and Hospitality, and Declaration of Interest**
The Board is committed to ensuring there are no breaches of the Bribery Act (2010) and that no employee acts in a way that could be reasonably construed as limiting their independence in the fair award of Board business. The Standards of Business Conduct for Board Members and for other staff shall set out the principles that apply.

The main measures to be taken are as follows:

a) The responsibility for ensuring that a register is maintained for recording of interests in contracts or receipts of gifts/hospitality rests with the Chief Executive who may devolve responsibility for sections of it as set out in the Scheme of Delegation.

b) Managers and officers must ensure that they comply fully with the guidance and limits specified by the Director of Finance, and that no order shall be issued for any item or items to any firm which has made an offer of gifts, reward or benefit to directors or employees, other than:

(i) isolated gifts of a trivial character or inexpensive seasonal gifts, such as calendars;
(ii) conventional hospitality, such as lunches in the course of working visits.

Any officer receiving such an offer shall notify his/her senior officer as soon as is practicable.

c) The Director of Finance shall be responsible for ensuring there are detailed procurement procedures for dealing with potential conflicts of interest. Where an employee supplies services to a potential bidder or where they, or any family member, could be seen to benefit from the award of business to a particular supplier they must be excluded from the procurement decision. In other circumstances any potential interest in a particular supplier must be declared and recorded and there must be a written risk assessment establishing there is no risk to fair process and the benefits of including them outweigh any perceptual issues.

d) Visits at supplier’s expense to inspect equipment, etc. should only be undertaken in exceptional circumstances and must have the prior written approval of the relevant Executive Director.

There may be circumstances where hospitality is offered which clearly has no connection to any potential award of business. In deciding whether to accept the following must be taken into account:

- Is the event supporting the Heath Board’s objectives e.g. representing the Board at a Health awards ceremony.
- Is it modest and proportionate
- Could attendance bring reputational damage or a perception of bias towards a particular supplier

Attendance at a sporting event may be acceptable if it is part of a public sector sponsored attempt to promote exercise. Tickets to a commercial sporting event (e.g. a football or golf match) would not generally be appropriate to accept. If in doubt staff should consult their line manager and in all cases it must be declared.

Hard copies of this Guideline can be obtained from NHSL Procurement Department upon request.
<table>
<thead>
<tr>
<th>CONTACT NAMES AND NUMBERS (For Representative use)</th>
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| **Head Pharmacist**  
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