Review extended until December 2020

University Hospitals of Derby and Burton NHS Foundation Trust

GUIDELINES FOR THE CONDUCT OF COMPANY REPRESENTATIVES AND SERVICE ENGINEERS ON TRUST PREMISES

Contents:

Section		Page no
1	**Introduction**	**2**
2	**Purpose and outcomes**	**2**
3	**Definitions**	**2**
4	**Key Responsibilities/Duties**	**3**
5	**Suppliers representatives/service engineers on site**	**4**
5.1	Visits to hospital sites	4
5.2	Personal Appointments	5
5.3	Procurement Department	5
5.4	Promotional Activity	5
6	**Samples – Medicines and medical devices**	**5**
6.1	Medicines	5
6.2	Introduction of new medicines	6
6.3	Medical Devices/product samples	6
7	**Medical product/devices evaluations**	**6**
7.1	Product evaluation	6
7.2	Medical Equipment evaluations	7
7.3	Cleaning and Decontamination of Equipment	7
8	**Suppliers representatives/service engineers in the Operating Theatre**	**9**
8.1	On arrival	9
8.2	Theatre dress code	9
8.3	Conduct in the operating theatre	10
9	**NHS Conditions of Contract**	**11**
9.1	Purchase orders	11
9.2	Signing of Contracts/agreements	11
9.3	Consignment Stock Agreements	11
9.4	Pricing	11
10	**Code of Ethics/sponsorship**	**12**

Appendices'		**Page no**
Appendix 1	Code of Conduct key points for Suppliers representatives/service engineers	14

COMPANY REPRESENTAIVES CODE OF CONDUCT

1. Introduction

The University Hospitals of Derby and Burton NHS Foundation Trust appreciates the role that Healthcare companies play to assist health practitioners in providing safe, effective, evidenced based products and services to the patients in their care.

The aim of these guidelines is to enhance the relationship between The University Hospitals of Derby and Burton NHS Foundation Trust and its Suppliers ensuring a collaborative professional approach.

2. Purpose and Outcomes

The purpose of this document is to outline the expectations of the Trust when supplier's representatives/service engineers are present on the Trusts premises. It is recognised that, in addition to providing information to health practitioners, the prime function of supplier's representatives/service engineers 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. Representative's behaviour must not interrupt or affect clinical activities.

If the principles of these guidelines are not followed, Representatives/service engineers may be removed or barred from **all** University Hospitals of Derby and Burton NHS Foundation Trust sites 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), then the relevant organisation will be informed.

These guidelines demonstrate how the Trust will meet one of the required standards within the document - NHS Standards of Procurement (DoH 2013)

"2.6 All non-pay expenditure is governed by and subject to proficient procurement
Measure = Policies and procedures are in place to assist with the control of Commercial / Sales representatives/service engineers on-site"

3. Definitions Used

ABPI	Association of British Pharmaceutical Industry
ABHI	Association of British Healthcare Industries
CE	Conformite Europeene
CPAG	Clinical Products Advisory Group
DoH	Department of Health
DBS	Disclosure and Barring Service
F&I	Finance and Investment Committee
MIA	Medical Industry Accredited
Commercial sponsorship	NHS funding from an external source, including funding of all or part of the costs of a membership, NHS research, staff, training, pharmaceuticals, equipment, meeting rooms, cost associated with meetings, meals, gifts, hospitality, hotel and transports costs (including trips abroad), provision of free services (speakers), building or premises.

4. Key Responsibilities/Duties

All Trust Staff	Members of staff arranging to see supplier's representatives/service engineers must do so within the principles of these guidelines and ensure that all times the Suppliers representatives/service engineers act within a professional manner whilst on Trust premises. Staff must not reveal financially sensitive information to suppliers representatives/service engineers
Consultants	Inform theatre staff when a representative will be present in theatre To engage with Procurement in a timely fashion when entering into negotiations with suppliers representatives/service engineers.
Theatre and Nursing Staff	To maintain the principles of patient privacy and dignity and Information governance.
Procurement Staff	To act as the first point of contact for suppliers representatives.
Clinical Procurement Advisory Group	Respond to any issues raised in regard to Representative behaviour on Trust premises. Provide an annual report to the Trusts Finance and Investment committee detailing any concerns raised and actions taken.
Suppliers representatives/service engineers	To abide by the principles contained within this document.

5. Representative's conduct on site

5.1 Visits to Hospital Sites

Supplier's representatives/service engineers may not enter any clinical or non-clinical areas (including wards, theatres and out-patient areas) or visit the Procurement, Clinical Engineering and Pharmacy Departments without an appointment.

Supplier's representatives/service engineers must sign in via the appropriate department on arrival in the Trust. Main reception at RDH to be notified by the department (lorraine.askey@issglobal1.onmicrosoft.com) in advance of Suppliers representatives attending for an appointment at RDH

- Suppliers Representatives – Main reception Royal Derby Hospital /or main reception London Road Community Hospital/Queens Hospital, Burton/ Samuel Johnson Community Hospital/ Sir Robert Peel Community Hospital
- Service Engineers – Clinical engineering at Royal Derby Hospital or Queens Hospital Burton
- Pharmaceutical Representatives – Pharmacy at Royal Derby Hospital or Queens Hospital Burton

Representatives/service engineers arriving for any appointment must arrange to be met by the host.

Supplier's representatives/service engineers must wear company identity badges and/or uniforms at all times when on Trust premises, and be prepared to identify themselves when challenged by any member of Trust staff**.** ***The Trust reserves the right to refuse access to representatives/service engineers without company identification***.

Any Supplier's representatives found to be 'cold calling' in clinical or non-clinical areas may be refused admission to Trust premises.

If Trust staffs have any concerns regarding a supplier's representative/service engineer presence in their areas then staff will be expected to re-direct the supplier's representative/service engineer to the appropriate department

- Pharmaceutical Representatives to Pharmacy
- Service Engineers to Clinical Engineering
- Supplier's representatives to Procurement.

Should any emergency situation arise whilst on a hospital site, e.g. fire alarm, all suppliers' representatives/service engineers must follow instructions given to them by Trust staff.

The Trust considers it to be good practice for suppliers to ensure their representatives/service engineers have had or attended the following prior to entering our premises.

- DBS (Disclosure and Barring Service) check
- Current Hepatitis B vaccination
- Evidence of Information Governance training including Patient Confidentiality
- Evidence of completion of an Accredited Theatre Access Course
- Registration on the Medical Industry Accredited (MIA) database (Registration details to be available for verification) www.miaweb.co.uk

Suppliers' representatives/service engineers may not visit the Trust if they are suffering from, or may be incubating, any infectious disease, e.g. chickenpox, or are suffering from mild infections e.g. colds and flu. Similarly, they must not enter the hospital environment should they be experiencing symptoms of diarrhoea and vomiting. Where representatives/service engineers have been suffering from such symptoms, they should not enter the hospital environment until they have been free of symptoms for at least 48 hours. Supplier's representative/service engineer may also be expected to inform the infection control team should it subsequently transpire that a they were incubating a notifiable disease during their visit to the Trust, and to state which areas had been visited.

5.2 Personal Appointments

Supplier's representatives may only seek an appointment where there is a valid reason for the visit, to meet with departmental managers, clinical and medical staff. Open meetings with medical and/or nursing/pharmacy staff, should in the main, be educational and not promotional. Junior Doctors and Pharmacists should not be bleeped to make appointments.

5.3 Procurement Department

Staff within the procurement department will not see supplier representatives without prior appointments. Representatives should contact the department via email stating the nature of their enquiry in the subject matter and contact details in the body of the message. A member of the procurement team will then contact as deemed appropriate. The email address is dhft.supplies@nhs.net. for Royal Derby Hospital and uhdb.queenspurchasinghelpdesk@nhs.net for Queen's Hospital, Burton

5.4 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 Departmental Manager and the Clinical Procurement Nurse / Procurement Manager. The intent of the meeting must not contravene/challenge existing Trust policies.

Clinical areas should maintain a register of all training delivered by supplier's representatives where products are being promoted or as part of the implementation process. This should include a list of staff that attended or have completed training on a new product. This information should be retained at department level and if requested copies provided to departments such as procurement, professional education, risk.

Leaflets and posters produced by Representatives may not be distributed or displayed anywhere in the Trust unless approved by the Head of the appropriate Clinical Management Team and the Communications and Marketing Department

There must not be any form of advertising in public/patient areas e.g. table top demonstrations, posters or leaflets.

6. Samples – Medicines and medical devices

6.1Medicines

Samples of medicines must not be offered to or left for any Trust member of staff or Non Trust staff i.e. Staff employed by Boots, Staff on Honorary or University contracts. Only medicines that have been approved by the Trust Drug and Therapeutics Committee may be prescribed by Trust prescriber's and, must only be issued from the Trust Pharmacy.

6.2 Introduction of new Medicines

Guidance will be found on the Trusts' formulary website pages in relation to this point. Contact pharmacy for further information.

6.3 Medical Devices/product samples

Medical device/product samples must only be left on wards with the express permission of the Clinical Procurement Nurse Specialist, appropriate Clinical Lead, or the Lead Nurse: Risk and Clinical Governance.

All medical device samples must be CE marked (Conformite Europeene) and fit for stated/identified purpose, with evidence of any relevant international standards.

In addition, a Pre-Purchase Questionnaire and form of indemnity may be required before a device can be left on the Trust's premises, please contact the Medical Engineering department for clarification.

All free of charge medical device samples must be recorded in the 'Equipment on Loan' register which is maintained by the Procurement Department administration team. Contact the Procurement Department administration team on 01332 786732 who will advise on the process to be followed.

7. Medical product/devices evaluations

Any evaluations of medical devices and products must be advised through the Procurement Department to ensure that:

- evaluations are carried out in accordance with Trust guidelines
- evaluations are carried out on a controlled basis
- the product in question meets the appropriate safety standards
- evaluations are not duplicated
- there is a protocol to return unused products following the evaluation period

Where the products are part of a research project the Trusts Research and Development department will ensure that the above criteria a re met.

7.1 Product evaluations

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

- how the evaluation is to be administered
- how the evaluation is to be financed
- how samples are to be provided
- how long the evaluation will last
- whether technical staff need to be involved
- current safety regulations and quality standards
- how the evaluation 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 evaluation will be disseminated

For further information, please contact the Procurement Department at either of the sites dhft.supplies@nhs.net. for Royal Derby Hospital and uhdb.queenspurchasinghelpdesk@nhs.net for Queen's Hospital, Burton

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

7.2 Medical Equipment evaluations

The Trust requires that **all** medical equipment is delivered via the Clinical Engineering Department. This includes all equipment on loan (including for evaluation or testing): free issues (including for evaluation and testing).

The Procurement Administration team (01332 786732) must be contacted to ensure that all equipment on loan is recorded on the 'Equipment on loan register' and that appropriate indemnity forms are completed.

Under no circumstances should medical equipment be delivered directly to a ward/ department without the prior knowledge of the Clinical Engineering Department. All equipment must be tested and approved prior to use in the Trust.

The Trust will **not** be liable for any supplier's property left on hospital premises.

For further information please contact Clinical Engineering Department, Royal Derby Hospital on 01332 788031. Or Queens Hospital, Burton on 01283 593148 Ext. 5411

7.3 Cleaning and Decontamination of Equipment

Any medical equipment supplied to the Trust for evaluation must be decontaminated and a certificate of decontamination provided prior to being brought into the clinical environment. Cleaning must be sufficient not only to remove visible soiling, but also to remove and reduce micro-organisms. For this reason, even equipment that does not come into contact with the patient needs to be cleaned and decontaminated.

Manufacturers should give recommendations as to the cleaning and decontamination methods for their equipment. However, if these are not given, the following guidelines can be followed for the cleaning and decontamination of equipment:

Equipment	**Decontamination method**
Syringe drivers **Intravenous Infusion pumps** **Enteral feeding pumps** **PCA pumps** **Ventilators**	˅ Wear a plastic apron and disposable examination gloves. ˅ Use disposable Sani-cloth detergent cloths to clean the piece of equipment, being careful to reach all the corners and paying particular attention to the parts most frequently touched e.g. controls switches and panels. ˅ DRY all parts thoroughly ˅ Alcohol wipes can be used only after removing organic soiling as above, e.g. blood, body substances, IV infusate, enteral feed etc. If the equipment is splashed with blood or bodily fluids the manufacturer's recommendations need to be adhered

	to.
Invasive and non-invasive monitoring equipment **Diagnostic equipment**	˅ All single use components must be disposed of as clinical waste. ˅ Clean as recommended by the manufacturer, paying attention also to leads and additional components. ˅ Re-usable invasive equipment, e.g. scopes must be autoclaved or sterilised by suitable chemical means.

8. S upplie r's re pre s e ntati ve s /s e rvic e e ngineers in the Operating Theatre Department

NB: This section of the guidelines is specific to Operating departments however representatives visiting the following departments should check on the department's specific requirements.

- Endoscopy
- Cardiac Catheter Lab
- X-ray
- Nuclear Medicine
- Pathology

Supplier representatives/service engineers must appreciate and recognise this as a priority and respect patient confidentiality at all times. This policy is an effective risk management tool, which will help to control the access of Supplier Representatives/service engineers to the Operating Theatre Department.

8.1 On arrival

On arrival to the Operating Department, Supplier Representatives/service engineers will report to:
ROYAL DERBY HOSPITAL General
Theatres – Reception Orthopaedic
Theatres – Theatre Stores
Gynaecology and Paediatric theatres – Theatre manager's office
Kings Treatment Centre Theatres ie Urology, Daycase, Hands, Opthalmics – Reception desk in the separate departments.
Private Patients - Reception
QUEENS HOSPITAL BURTON
Main Theatres - Reception
Orthopaedic Theatres - Reception
Treatment Centre – Reception

All the Trust's Theatre departments have implemented the use of a Theatre Visitors Signing in book. Company identification must be produced at this stage and details of who has authorised the visit. The Trust considers it to be good practice that any Supplier Representatives gaining access to the Theatre suites, to provide technical assistance during a surgical procedure; to observe, demonstrate in-service or commission equipment or products, must produce evidence of completion of an accredited Theatre Access Course prior to entering the theatre suite. This should be recorded in the signing-in book.

If MIA registration is produced the MIA number will be recorded in the visitor's book. The Trust deems it to be good practice for the member of staff to verify identification via the MIA database www.miaweb.co.uk.

8.2 Theatre Dress Code

Supplier Representatives/service engineers will be provided with appropriate theatre attire and instructed on how it should be worn. Representatives/service engineers must NOT wear their own theatre attire for infection control reasons. Representatives/service engineers must comply with the Trusts Hand Hygiene policy and 'Bare below the Elbow' including no wristwatches, bracelets or rings. The Trust also considers the following to not be acceptable in the theatre environment long nails, coloured nail polishes, earrings other than small studs

or sleepers and elaborate necklaces. The Trust accepts no responsibility for any personal items brought on to Trust premises.

8.3 Conduct in the Operating Theatre

Supplier Representatives/service engineers will only enter the theatre room once the patient is anaesthetised and draped in order to maintain the patient's dignity. Where the representative is attending to support the surgeon in the use of equipment/ loan kit during a procedure patient consent to the presence of the company representative is not required. However, if the representative is attending for their own personal development then patient consent should be obtained. If a member of staff needs further guidance on this matter please contact the Medical Directors office.

Supplier Representatives/service engineers 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.

Supplier Representatives/service engineers will be under constant supervision throughout their visit to the Theatre department. Trust medicines must never be handled by supplier representatives/service engineers.

Whilst in Theatre, Supplier Representatives must seek permission to speak to the surgeon via the Scrub Practitioner. Noise levels, including communication should otherwise be kept to a minimum. All medical products must be handed to a member of Trust Staff who will then hand it to the Scrub Practitioner and not directly to the surgeon.

The supervising member of Theatre staff will ensure that the Supplier Representative does not act or move in such a way as to contaminate the sterile field. The Theatre Manager or Lead Practitioner reserves the right to limit the numbers of Supplier Representatives/service engineers in the theatre in order to reduce airflow disturbance.

In the event of surgical emergency, the Supplier Representative/service engineer will be asked to leave the Theatre.

Should a Supplier Representative/service engineer feel unwell, they should immediately inform a member of the Theatre staff who will take the appropriate form of action.

The Supplier Representative/service engineer should behave professionally at all times. If their behaviour is deemed unprofessional by the Practitioner in charge, at any time, they will be asked to leave the Theatre Department.

9. NHS Conditions of Contract

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

Indemnity - this ensures that the Trust is given protection of an 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.

Insurance - this follows on from the above 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.

Copies of the NHS Conditions of Contract can be downloaded via the following link:

https://www.gov.uk/government/publications/nhs-standard-terms-and-conditions-of-contract-for-the-purchase-of-goods-and-supply-of-services

9.1 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 evaluation and complies with laid down procedures for evaluations.

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

9.2 Signing of Contracts/Agreements

The nominated officers with the authority to sign contracts and agreements including NHS Supply Chain on behalf of the Trust are: Chief Executive, Director of Finance, Procurement Managers and Chief Pharmacist.

9.3 Consignment Stock Agreements

No Consignment Stock Agreements will be considered legally binding upon the Trust unless authorised by the Procurement Department

Any Amendments, Additions or Deletions of Stock or Instrumentation must first be agreed with the Theatre Manager and then notified in writing, to the Procurement Department before Delivery or Removal of Stock from the Trust. Arrangements to undertake Consignment stock checks undertaken by the supplier will be agreed with the theatre manager and the Procurement Department notified prior to any Consignment Stock-check being carried out by a Supplier. On completion of the stock check, the results shall be made available to the theatre manger to confirm accuracy before forwarding the details to the Procurement Department.

Any product delivery which does not comply with these guidelines will be considered Free of Charge.

9.4 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.

10. Code of Ethics/Sponsorship

For the purposes of these guidelines, Commercial Sponsorship is defined as including:

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

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; as per the Trust Training and Development Policy.

Has the prior written authorisation of an Executive Director or appropriate senior officer.

All such payments should in the first instance be paid to and receipted by the Trust.

Any payments made in error directly to an individual must be declared on a hospitality register form to the Director of Finance for approval and will be subject to Freedom of Information requests.

It is incumbent on Trust staff, for reasons of probity, to declare any hospitality or gift of a value greater than £50.00 in the Hospitality Register, held on behalf of the Trust by the Director of Finance. Staff should also make appropriate 'conflict of interest' declarations at relevant meetings.

Please note any such payments or gifts will be subject to Freedom of Information requests and will be declared as such if requested under an FOI.

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

Suppliers Representatives/service engineers 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.

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

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.

Appendix 1

Code of conduct (summary)

1. Representatives/service engineers will only be seen by prior appointment. Representatives found to be cold calling will be asked to leave the Trust
2. Representatives/service engineers will act in a professional manner and respect patient confidentiality at all times.
3. The Trust considers it to be good practice for companies to ensure their representatives/service engineers have had or attended the following prior to entering our premises.
    a. DBS (Disclosure and Barring Service) check
    b. Current Hepatitis B vaccination
    c. Evidence of Information Governance training including Patient Confidentiality
    d. Evidence of completion of an accredited Theatre Access Course
    e. Registration on the Medical Industry Accredited (MIA) database (Registration details to be available for checking)
4. Suppliers and their representatives/service engineers must sign in, wear company identity badges and/or uniforms at all times on Trust premises, and be prepared to identify themselves when challenged by any member of Trust staff**.**
5. Representatives/service engineers must not enter Trust premises if suffering from or incubating any infectious disease. Following an episode of D&V you must have been asymptomatic for 48 hours prior to entering the Trust.
6. In the event of an emergency, representatives/service engineers will follow instructions given to them by Trust staff. Whilst in the operating theatre representatives/service engineers will remain under the supervision of the Scrub practitioner.
7. Representatives will not leave free samples or conduct product evaluations in clinical areas unless authorised to do so as part of a structured evaluation.
8. Advertising materials will not be displayed in public or patient areas unless approved by the Trust.
9. Equipment for evaluation will be approved by clinical engineering and decontaminated in line with Trust policy prior to use in clinical areas. The Trust will **not** be liable for any supplier's property left on hospital premises.
10. Any goods or services received without an official Trust Purchase Order will be accepted on the basis of "Free Goods" and any subsequent invoices will be returned.
11. Business gifts, other than items of very small intrinsic value, should not be offered.
12. Failure to comply with these guidelines may result in suspension of all business relations, banning of representatives/service engineers from Trust premises and or reporting to the Association of the British Pharmaceutical Industry (ABPI) and Association of British Healthcare Industries (ABHI)