COMPANY REPRESENTATIVE POLICY & PROCEDURE - PROCEDURE 1.3

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<th>Written/Produced By:</th>
<th>Title/Directorate:</th>
<th>Date:</th>
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<td>Alan Binks</td>
<td>Head of Procurement</td>
<td>June 2006</td>
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Person Responsible for Monitoring Compliance & Review

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<tr>
<th>Name:</th>
<th>Title/Specialty:</th>
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<td>Director of Finance</td>
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Signature & Date

Multi-disciplinary Evaluation/Approval

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<tr>
<th>Name:</th>
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<tr>
<td>Chris McCarthy</td>
<td>Associate Head of Procurement</td>
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<td>Mike Lambourne</td>
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<td>Judith Clabby</td>
<td>Director of Corporate Services</td>
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Ratification Committee

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<th>Issue Number (Administrative use only)</th>
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<th>Date Ratified</th>
<th>Name of Committee/Board/Group</th>
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<td>2006207</td>
<td>August 2006 v3</td>
<td>March 2007</td>
<td>11/08/06</td>
<td>Clinical Management Board</td>
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1. INTRODUCTION

1.1 East Sussex Hospitals NHS 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.

1.2 The aim of this Policy is to put the relationship between East Sussex Hospitals NHS Trust and its suppliers on a sound and professional basis.

1.3 The policy is part of the Trust’s governance control measures and adherence is mandatory.

2. GENERAL INFORMATION

It is recognised that, in addition to providing information to health practitioners, the prime function of representatives is to promote and sell their products and services. This function should be carried out with proper probity and in an ethical manner and must not contravene public procurement regulations and law.

The purpose of the guidance contained in this policy is to control and regulate visits to the Trust by suppliers’ representatives. This does not stop visits being made, but sets rules governing how such visits must be conducted. The basic rules detailed within this policy document must be followed by all Trust staff and Trust suppliers. If this policy or codes of practice are breached, a representative may be removed or barred from Trust sites, and/or reported to their company, and commercial/professional organisations, i.e., ABPI for Pharmaceutical and ABHI for other suppliers as relevant.

3. VISITS TO HOSPITAL SITES

Representatives should respect their position as a visitor to the Trust and comply with the Trust’s security regulations by wearing either their Company’s or the Trust visitor’s identification badge obtainable from the reception desk.

Representatives may not enter any clinical or non-clinical areas (including wards and out-patient areas) without an appointment. To make an appointment to see a Supplies manager, representatives should contact 01323 413780. For an appointment with Pharmacy procurement the contact number is 01323 435818. A senior member of staff on site for clinical and non-clinical areas contact should be made via the respective Hospital switchboard:

Eastbourne DGH 01323 417400
Conquest Hospital, Hastings 01424 755470
Supplier representatives must be accompanied during visits by a member of Trust staff.

4. PERSONAL APPOINTMENTS

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

5. 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. All commercial discussions and negotiations should be referred to the Purchasing & Supplies Department.

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

Leaflets and posters produced by suppliers may not be distributed or displayed in clinical areas unless approved by the Senior Nurse/Manager in that area.

*Where industry representatives advise staff concerning the Trust’s policies and procedures, it is incumbent upon the individual staff members to confirm with their manager that the advice offered, is to be taken, prior to taking that advice.*

Misrepresentation of this information within or outside the Trust will be construed as a deliberate attempt to contravene the Trust’s policy.

6. SAMPLES

6.1 Pharmaceutical

Pharmaceutical samples will not be accepted by the Trust and must not be left on wards, in theatres or departments.

Samples of products requested for the private practice of doctors should be sent to their private address or given to the doctor personally on the specific understanding that they will not be used on Trust premises.
6.2 Medical samples and trials

Medical samples must not be accepted by Trust staff except with the express permission of the Senior Nurse/Manager on duty.

All medical 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 EEC.

All trials and evaluation of medical products must be conducted with the knowledge and approval of the Trust’s Product Procurement Committee. The Purchasing & Supplies Department will facilitate all commercially sponsored trials/agreements to ensure that:

- trials are carried out in accordance with Trust guidelines for trials
- trials are carried out on a controlled basis
- the product in question meets the appropriate safety standards
- trials are not duplicated

In any product trial, the following points must 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
- identification of the appropriate staff to be involved
- current safety regulations and quality standards
- trial evaluation criteria and assessment
- the extent of the supplier’s involvement
- the implications for existing tenders, contracts and purchasing agreements
- how the results of the trial will be disseminated

Any samples for the treatment of patients within the Trust must only be supplied either through the Purchasing & Supplies or Pharmacy Departments, as appropriate.

Consumable products used during a trial will only be paid for if supported by an official Trust purchase order.

7. MEDICAL AND NON-MEDICAL EQUIPMENT

Any non-medical electrical equipment or device which is new, on loan or for trial must be accompanied by a PAT certificate from the supplying company. In the event that one is not supplied, the equipment must be tested by the Estates Department prior to its use within any area of the Trust. Electro medical equipment and devices must not be accepted into
any area unless authorised by the EME Department. Under no circumstances should company representatives demonstrate, or leave for trial, any such medical equipment without prior authorisation by the Trust Estates Department or EME Manager.

The NHS Standard Form of Indemnity must be completed or an existing national indemnity agreement must be in place before electro-medical equipment can be used on patients. This applies to all equipment including that brought in on loan, trial or donation. Indemnity can be arranged through EME or Purchasing & Supplies Departments.

Clinical trials of Medical Devices and Medicinal Substances must have been cleared by the Local Ethics Research Committee, Risk Management and Infection Control.

8. 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.

Any Goods or Services received without a supporting official purchase order will be accepted on the basis of ‘Free Goods’ and any subsequent invoices will be returned for a full credit. *However equipment may only be brought into use providing the requirements of paragraph 7 above are satisfied.*

9. SIGNING OF CONTRACTS/AGREEMENTS

The nominated officers with the authority to sign contracts and agreements on behalf of the Trust are: Chief Executive, Executive Directors and Head of Procurement and other delegated senior Purchasing & Supplies staff. Pharmaceutical purchase orders can be signed by the Head of Pharmacy and Pharmacy Procurement Manager. Details of the Scheme of Delegation, Trust Standing Orders and Standing Financial Instructions are given in the Corporate Governance Manual. If in any doubt please contact the Head of Procurement or Head of Financial Services.

10. INTRODUCTION OF NEW DRUGS

The Drugs & Therapeutic Committee maintains the East Sussex Hospitals Formulary, which restricts the range of medicines stocked by hospital pharmacies within the Trust. Medicinal products are not introduced automatically into stock but are considered on the written request of a consultant or senior registrar. Doctors are asked to give the Committee
published evidence that the proposed new product represents a significant advance in safety, efficacy and cost over others in the relevant therapeutic group.

Medical representatives may provide information to doctors to assist them in preparing a proposal for the introduction of a new product but all proposals are evaluated independently by Pharmacy before presentation to the Drugs Committee.

11. **PRICING**

Trust staff are reminded that commercial information is strictly confidential. This must be borne in mind especially when discussing other firms and their products with Supplier Representatives. Terms of business and prices should not be discussed by staff. Any such enquiries by suppliers should be referred to the Purchasing & Supplies Department. Guidance is given in the Trust’s Standards of Business Conduct. Representatives need to be aware that hospital costs should include V.A.T where applicable.

12. **CODE OF ETHICS**

Standards of Business Conduct are covered in detail within Appendix 2 to Standing Orders. However the following is intended as a guide.

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

Suppliers 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 and complies with the sponsorship policy if applicable, and be approved by an accountable manager of the Trust.

All other offers of hospitality or entertainment will be refused unless the prior written permission of an Executive Director has been obtained – see also the Trust Hospitality Policy.

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 of staff, 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.

More detailed information on business ethics and sponsorship can be found in the following linking documents:

Control Contracts & Contractors – Ethics (Finance Procedure No. 1.2)
Revised Controls Assurance Standard 4 – Sponsorship

13. 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 the appropriate Executive Director confirms in writing or by email, approval for the supplier to take responsibility for travel arrangements or travel costs.

14. CONTACT NAMES AND NUMBERS (For Representative use)

Alan Binks          Head of Procurement
Tel. 01323 413832

Chris McCarthy      Associate Head of Procurement
Tel. 01424 755470 ext 2311

Peter Pilgrim       Contracts & Data Manager
Tel 01323 438225

Roger Prett         Supply Operations Manager
Tel. 01424 755470 ext 8815

Ian Bourns          Head of Pharmacy
Tel. 01323 435872

East Sussex Hospitals Purchasing & Supplies
Eastbourne District General Hospital
Kings Drive
Eastbourne
BN21 2UD

or

St. Anne’s House
729 The Ridge
St Leonards-On –Sea
East Sussex
TN37 7PT

Acknowledgements:
Southampton & Winchester Health Supplies