

Suppliers and Representatives Code of Conduct Policy

Post Holder Responsible for Policy:	Head of Procurement
Directorate Responsible for Policy:	Finance and Procurement
Contact Details:	Salisbury District Hospital 01722 336262
Date Written:	2009
Date Revised:	November 2011 July 2015 September 2018
Approved By:	To be approved by Operational Management Board To be Ratified by Joint Board of Directors
Date Approved:	Approved: November 2021 Ratified: November 2021
Next Due for Revision:	31 st October 2024
Date Policy Becomes Live:	1 st December 2021

Version Information

Version No.	Updated By	Updated On	Description of Changes
1.0	Head of Procurement	16/03/2009	Updates and replaces the previous REPRESENTATIVE ON SITE policy
4.0	Head of Procurement	24/02/2012	Major review and revision.
5.0	Deputy Head of Procurement	25/09/2015	Updates and replaces the previous CODE OF CONDUCT FOR COMPANIES AND THEIR REPRESENTATIVES IN THEIR DEALINGS WITH SALISBURY NHS FOUNDATION TRUST
6.0	Head of Procurement	10/09/2018	Updates and replaces the previous SUPPLIERS AND THEIR REPRESENTATIVES CODE OF CONDUCT
7.0	Director of Procurement		SUPPLIERS AND THEIR

			REPRESENTATIVES CODE OF CONDUCT and covers reps on site when in a pandemic
--	--	--	----------------------------------------------------------------------------------

Table of Contents

1. Scope
 2. Aim and Purpose
 3. Staff Groups Affected
 4. Exceptions/Contraindications
 5. Roles and Responsibilities
 6. Guidance for Supplier Representatives
 7. Product Trials, Studies and Research Projects
 8. Loan Kits
 9. Medical Equipment
 10. Non Medical Procurement
 11. NHS Terms and Conditions of Contract
 12. Confidentiality
 13. Process for Monitoring Compliance and Effectiveness
 14. References and Associated Documents
 15. Equality Analysis
- Appendices

1. Scope

Salisbury NHS Foundation Trust appreciates the role that it's current and potential suppliers play in supporting health practitioners in providing safe, effective and economic products and services to the patients in their care, and other staff working within the NHS in the delivery of their duties.

This policy has been developed to protect and improve patient and staff safety by providing a clear, structured, and safe pathway for supplier representatives outlining clear roles and responsibilities of suppliers when engaging with Trust staff.

The policy covers all areas of the Trust which may be visited by commercial representatives.

2. Policy Summary

Salisbury NHS Foundation Trust (the Trust) is committed to complying with all appropriate statutory duties (including MHRA and CQC advice) with regards to the safe, effective, and appropriate use of medical devices. For this reason, it is essential that the Trust has knowledge of medical devices, consumables and other materials that may be put to use as part of the Trust's work activities.

The Trust also has clinical, ethical, and financial obligations that must be considered at all times, and whilst innovation and technological development are welcomed and encouraged, we recognise that close control of the activities of suppliers and their representatives is vital to complying with our duties.

This policy provides protection for patients and staff through the provision of a framework that supports professional practice, commercial, and legal considerations in the management of supplier representatives throughout the Trust. It clarifies roles and responsibilities and provides a clear plan of action in responding to requests for meetings, product and equipment evaluations, and unsolicited approaches from the commercial sector.

The policy gives a framework to support decision making in acquiring new clinical products or equipment relevant to evidence based practice and national and local guidelines whilst also providing a forum for exploring innovative solutions for patients in a transparent and robust manner. What it means for staff. Policy authors – are required to follow this policy when developing new or updating existing (i.e. revising) Trust wide policies ensuring the relevant content is provided in their own documents before being ratified by the appropriate Committee. Assistant Directors of Operations / Dept Heads/Ward and Department Managers – are responsible for ensuring adequate dissemination and implementation of policies.

All Trust Employees – are responsible for reading the new/revised policies to maintain current awareness of changes which impact on their roles. Staff must also ensure they sign the back sheet of each document to agree they have read and understood the content. Supplier Representatives* - should be informed about the products they are promoting or maintaining. The Trust is obliged to know what is being promoted, the basis for the promotion, and the specific role that the product is expected to have in the management of patients or the service provided

3. Aim and Purpose

The aim of this policy is to:

- To define the procedure to be followed by supplier representatives who wish to engage with Trust staff.
- To decrease the amount of management and clinical time lost to unsolicited contact by supplier representatives approaching clinicians direct.
- To provide guidance to staff on how to deal with unsolicited approaches from supplier representatives.
- To prevent Trust employees from entering into an agreement to procure products outside of both Standing Financial Instructions and those listed as standard or contracted and without consultation with relevant General Manager and the Trust Procurement Department
- Put the relationship between the staff of Salisbury NHS Foundation Trust and its current and potential suppliers on a sound and professional footing in accordance with best practice, and to provide suppliers and their Commercial Representatives with information on how they are expected to behave and what behavior they can expect from the Trust's staff.
- Safeguard patients from the inappropriate use of commercially supplied drugs or equipment.
- Support the Trusts Infection Control Policies and Equality and Diversity Policies.
- Outline key considerations of representatives on site during a pandemic or other incident

4. Staff Groups Affected

NHS-Policy

All members of the Trust have a responsibility to achieve a balance between the provision of innovative, clinically excellent services and the best use of finite resources. The financial consequences of the introduction of new equipment and services or enhancement of existing services must be considered, i.e. overall clinical benefit, the net change in cost of treatment, the available tariff, the cost of maintenance, and value for money. It is the responsibility of each employee of the Trust to familiarise themselves with the contents of this policy and to practice within the confines of the policy at all times.

5. Exceptions/Contraindications

None

6. Roles and Responsibilities

All staff needs to be aware of their responsibilities as outlined in the policy; ensuring that all visitors are accompanied at all times and appropriately identified as a visitor – if in doubt contact the Procurement Department.

It is the responsibility of all Trust staff to ensure representatives are aware of, and adhere to this policy; non-compliance may result in disciplinary action.

Procurement & Supply Chain (P&S) Department Responsibilities

The Clinical Procurement Specialist, and PROCUREMENT Department, will offer advice and guidance to staff in the event that clarity or interpretation of the policy is required. They will further be responsible for directing supplier representatives to the designated expert and for ensuring companies are aware that access is restricted to those persons and by appointment only. Supplier.

Approaches at Ward/Department/Individual Level

Any representative who telephones or visits an area or otherwise makes unsolicited contact must be referred to this policy. Supplier representatives must make an appointment to see their contact via the appropriate process as outlined in this document. Any supplier representative attempting to visit a Trust employee without having agreed a prearranged appointment time via the appropriate process time should be politely but firmly refused and advised to make an appointment as per the process in the section “Visits to the Hospital Site”

Any supplier representative who attempts to make repeated contact with any individual, department, or ward without having first obtained PROCUREMENT Department authority should be reported to the PROCUREMENT department in writing.

Trust Employees contact with Supplier Representatives**Representative Meetings**

In conjunction with the Clinical Procurement Specialist or Senior Procurement Lead only senior Trust staff (i.e. consultants, senior nurses and senior managers) may authorise meetings with Supplier Representatives.

NHS-Policy

Such meetings should be organised in advance, 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 with regard to a specific product.
- To discuss and receive updated literature and research around a company's currently used products or specialist area.
- In connection with a current contract or procurement agreement.

Such meetings should not involve detailed commercial information (e.g. agreement of price or discussion of existing contract prices etc. All matters regarding commitment to purchase, agreement of price and similar financial and procurement issues should be conducted by the Procurement Department, in conjunction with the budget holder. Other staff are not authorised to make procurement commitments on behalf of the Trust. It should be clearly understood by all Supplier Representatives that commitment to purchase, contract with or the trialling of product will only be deemed valid, legal or allowed if signed-off or countersigned by the Procurement Department.

7. Guidance for Supplier Representatives

- 7.1** Representatives may **NOT** enter any areas (including Theatres, Wards, Medical Device Management Services (MDMS), Laboratories and Outpatient areas) or visit any member of the Procurement Team, without an appointment. To make an appointment please contact the Procurement Department on 01722 336262 or at sft.procurement@nhs.net
- 7.2** Through the **No P.O, No Pay** policy, 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. In the event goods or services are received in advance of a Purchase Order being raised, the Trust will deem them **Free of Charge** and no payment will be issued.
- 7.3** 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 in a proper and ethical manner and not contravene Trust, NHS or government policies.
- 7.4** Commercial Representatives should note that the Trust has an Adverse Events Reporting Policy. Should anyone be affected (patient, staff, student, visitor, volunteer or contractor) by any behavioural actions from a commercial representative, the affected person should complete an Adverse Event Report Form. Appropriate steps will then be taken by the Trust's senior management.
- 7.5** The Trust's staff will be made aware of the policy statement and this procedure so that if direct contact is made between an individual member of staff and a commercial representative, the procedure is followed.
- 7.6** Suppliers must not attempt to influence business decision making by offering hospitality to Trust Staff. **Representatives who persist in visiting Trust Staff without adhering to the policy may be excluded from future commercial tender activity.**

- 7.7** During a pandemic or incident all suppliers must comply with the relevant Action Card guidance that is in place at that time. Any such guidance that is issued in this event will be available from procurement, on the Trust website or available from the Trust Emergency Preparedness Response and Resilience team (EPRR)

Visits to the Hospital Site

- 7.8** After prior appointment approval is agreed, Suppliers that are a member of IntelliCentrics **MUST** use this to log visit before attending site.
- 7.9** A representative arriving for an appointment must arrange to be met by the host. Hosts will be expected to make arrangements for visitors' badges to be available as below, by advising the appropriate area in advance with details of the expected visitor.
- 7.10** Representatives should respect their position as a visitor to the Trust and comply with security regulations by wearing a visitors' identification badge obtainable from:
- Main Reception (Entrance A) Level 3
 - Procurement Department (Entrance B) opposite car park 10
 - Medical Device Management Services (MDMS) Block 70, SDH Central
 - Facilities Department (Entrance B) SDH South

All visitors' badges must be returned before leaving the site.

- 7.11** 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.
- 7.12** It is the responsibility of all visiting representatives to ensure they are fully aware of the following Trust policies:
- Infection Control Policy
 - Data Protection Policy
 - Bare Below the Elbows
 - Car Parking Policy
 - No Smoking Policy
- 7.13** When on site, all representatives must comply with any instructions given to them by an authorised member of staff in the event of an emergency situation arising – e.g. a fire or major incident.
- 7.14** All visitors to **Pharmacy** should refer to the Trust's Medicines Policy, on the trust intranet
- 7.15** Any visits concerning external Agencies/National Bodies associated with Inspections or Accreditations should refer to the Trust's External Agency Visits, Inspections and Accreditations;

<http://icid/ClinicalManagement/OperationalIssues/Pages/ExternalAgencyVisitsInspectionsandAccreditations.aspx>

- 7.16** During the current Covid Pandemic and for all future incidents where it is invoked the Trust reserves the right to change the process for Reps on site. During the current time the process to be followed in Covid and any future pandemics is as per the guidance agreed with EPRR and is available on request

Promotional Activity

- 7.17** 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.
- 7.18** Where any teaching and/or promotional activity is planned, representatives must advise the Department Manager. The intent of the meeting must not contravene/challenge existing Trust policies.
- 7.19** Leaflets and posters produced by suppliers may not be distributed or displayed in clinical areas.

Addition and/or Removal of Consignment and Trust Owned Stock

- 7.21** Representatives must not visit clinical areas for the purpose of addition and/or removal of consignment or Trust owned stock without prior agreement from the Procurement Department and in line with the consignment agreements signed between the supplier and the Trust.
- 7.22** Representatives must be accompanied by a member of the Procurement Team when changes to or visits to stock areas are being made. Any change must be approved and documented to ensure live inventory is accurate at all times.

Signing of Contracts

- 7.23** The Director of Finance, Director of Procurement, and Head of Procurement may sign and place contracts on the Trust's behalf. Under no circumstances should any member of the Trust sign and authorise a Contract from a supplier For the purposes of signing contracts and agreements for the purchase/hire/lease of goods and services the first point of contact is the Procurement Department on 01722 336262 or atsft.procurement@nhs.net.
- 7.24** The Trust hopes that the association between the Salisbury NHS Foundation Trust and its suppliers will be a constructive one. Clarification of any issues arising from the Policy and related Procedures may be sought from the Head of Procurement.

IF AT ANY TIME THIS GUIDANCE ISN'T FOLLOWED, THE TRUST HAS THE RIGHT TO IMMEDIATELY REMOVE A SUPPLIER REPRESENTATIVE FROM SITE.

8. Product Trials, Studies and Research Projects

- 8.1** Commercial Representatives must not expect to enter into any agreements in relation to the trial of products without the appropriate procedures being followed. Contact should be made in the first instance with the Medical Device Management Services (MDMS) on 01722 336262.
- 8.2** All medical samples must be CE marked. CE marking is an indication that the product has undergone a form of verification and validation process acceptable to the EC.
- 8.3** The supplier must ensure they are on the DHSC Master Indemnity register which is held locally by MDMS.
- 8.4** Product trials, studies and research projects must be arranged through MDMS to ensure that:
- Trials are carried out in accordance with current national guidelines
 - Trials are carried out on a controlled basis
 - The product in question meets the appropriate safety standards
 - Trials are not duplicated
- 8.5** In any product trial, study or research project procurement guidance should be followed to ensure control and compliance. This is available from the Procurement Department on 01722 336262 or at sft.procurement@nhs.net
- 8.6** Products/Medical Devices approved for trial, study or research project must be delivered as per instruction by MDMS and be accompanied by an NHS delivery note (appendix A).

9. Loan Kits

- 9.1** The loan of any equipment will be processed by procurement at the request of the consultant. At **NO** time should loan kit be delivered directly to the Trust without prior approval.

10. Medical Equipment

- 10.1** The Trust requires that **ALL** medical devices are obtained via MDMS. This includes all equipment on loan (for trial or testing), equipment on loan (not for trial or testing) and free issues (for trial or testing).
- 10.2** Under **NO** circumstances should medical equipment be delivered directly to a ward/department without the prior knowledge of MDMS.

11. Non-Medical Procurement

- 11.1** Contracts and/or product trials for non-medical equipment, e.g. photocopiers, mobile phones, fax machines, window cleaning, taxis, print, stationery, furniture, etc., must be arranged through the proper channels. Individual departmental managers are **NOT** authorised to enter into contracts or trials. Please contact the

Procurement Department on 01722 336262 or at sft.procurement@nhs.net for further instruction.

12. NHS Terms and Conditions of Contract

- 12.1** 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 which will require an Indemnity Agreement being signed by both the supplier and the Trust.

Condition 13 – Liability

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 14 – Insurance

This follows on from condition 13 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.

13. Confidentiality

- 13.1** As a consequence of visiting the Trust representatives may have access to Information or knowledge that is confidential to the Trust, its employees or patients. Such information shall be treated in absolute confidence, with particular reference to the Data Protection Act 1998.
- 13.2** In addition those companies with a forward relationship with the Trust who may have access to personal identifiable information will be required to complete the Department of Health Information Governance Toolkit and complete the annual registration updates.

14. Process for Monitoring Compliance and Effectiveness

14.1 Audit method and frequency

- Regular forwarding of departmental visitor/sponsorship lists to Procurement
- Regular reviews of visitors using the sft.procurement@nhs.net mailbox
- Audit trails/record management of product samples received

15. References and Associated Documents

15.1 Trust Policies

- Bare Below the Elbow Policy
- Infection Control Policy
- No Smoking Policy
- Data Protection Confidentiality and Disclosure Policy
- Operational Car Parking Policy
- Medicine Policy

NHS-Policy

- No P.O, No Pay Policy
- Trust Standing Financial Instructions

16. Equality Analysis

Salisbury NHS Foundation Trust respects and values the diversity of our patients, relatives, carers, visitors and staff. We are committed to serving our community in ways that are appropriate, accessible, fair and culturally sensitive. We will be proactive in ensuring and promoting equal opportunities through everything we do and among all those people and organisations that we are associated with.

This document has been assessed against the Trust's Equality Analysis Tool. This document has been assessed as not relevant to the duty. A copy of the completed Equality Analysis has been included as Appendix B.