

Mid Essex Hospital Services

NHS Trust

Company Representative & Trust Staff Relationship Policy	Corporate/Strategic Register No. 08052 Status: Public
--	--

Developed in response to:	Issues arising from Patient Confidentiality Policy
Contributes to HCC Core Standard number:	C7b

Consulted With	Post/Committee/Group	Date
Brian Goodwin	Procurement Project Board	October 2007
Mr M Harvey	Policy Board	December 2007
Thomas Lafferty	Trust Board Secretary	June 2008
Professionally Approved By	Ian White	October 2007

Version Number	1.0
Issuing Directorate	Commercial Services
Ratified by:	Document Ratification Group
Ratified on:	11 th December 2008
Trust Executive Board Date	January 2009
Implementation Date	15 th December 2008
Next Review Date	July 2011
Author/Contact for Information	Ian White – Head of Commercial Services, Pauline Baker – Head Buyer
Policy to be followed by (target staff)	Company Representatives, all Trust staff
Distribution Method	Intranet, Website, Staff Focus,
Related Trust Policies (to be read in conjunction with)	Hand Hygiene Confidentiality Data Protection Risk Management Smoke free Trust Clinical Products Evaluation Policy Decontamination Policy Gifts and Hospitality Register

Document Review History

Review No	Reviewed by	Review Date

It is the personal responsibility of the individual accessing this document to ensure that they are viewing the latest version which will always be the document on the intranet

Index

1. Aims
2. Scope
3. Companies Making Appointments to Visit MEHT
4. Staff Making Appointments for Company Representatives to Visits to MEHT
5. Company Representative Conduct at Trust Sites
6. Trial Products
7. Promotional/Teaching Activity
8. Commercial Sponsorship
9. Gifts
10. Purchasing Goods
11. Audit & Monitoring
12. References

Appendices

- | | |
|------------|---|
| Appendix 1 | Useful Contacts |
| Appendix 2 | Example Letter of Authorisation |
| Appendix 3 | Code of Conduct- Register of Interests/Receipt of Hospitality |

1. Aims

- 1.1. Mid Essex Hospital Services NHS Trust (MEHT) recognises the role that its' current & future suppliers play in providing safe, effective & economic products & services to the Trusts staff & the patients in our care.
- 1.2. The aim of this policy is to put the relationship between Trust staff and Company representatives on a sound & professional footing. It provides instruction for both groups. The overriding consideration is to ensure that there can be no suggestion of impropriety in the Trusts dealings with suppliers, and that no unfair advantage is granted to one competitor over another.

2. Scope

- 2.1 This policy applies to all staff in communications with Company representatives excluding:
 - Estates & Facilities
 - Pharmacy
- 2.2 This policy applies to all suppliers.
- 2.3 Failure by Company representatives to comply with it will result in a written complaint and may impact on the relationship & level of business maintained at the Trust.
- 2.4 Failure by Trust staff to comply with it may result in disciplinary action.

3. Companies Making Appointments to Visit MEHT

- 3.1. All known Companies registered with the Commercial Services department are instructed of this policy. Cold calling to any department within the Trust is not permitted, nor are company representatives permitted to tour the hospital in search of particular staff members.
- 3.2. All Company representatives must contact the Commercial Services Department (see Appendix 1 for contact details) prior to making an appointment with a member of staff at the Trust.
- 3.3 If a Company representative is not to be accompanied on site by a member of staff, they should request a Letter of Authorisation from the Commercial Services department. This can be collected from the Commercial Services Department and should be retained throughout the duration of the visit and presented on request.

4. Staff Making Appointments for Company Representatives to Visits to MEHT

4.1. Any Trust staff making an appointment with a Company representative must advise the Commercial Services Department upon making the appointment (see Appendix 1 for contact details). Where an appointment is made on an urgent basis, for example at night or on a weekend, then the Commercial Services department should be advised the next working day.

4.2. If a Company representative is not to be accompanied on site by a member of staff, the staff should request a Letter of Authorisation from the Commercial Services department. The supplier can then collect this from the Commercial Services Department which should be retained throughout the duration of the visit and presented on request.

5. Company Representative Conduct at Trust Sites

5.1. When on Trust premises Company representative must comply with all Trusts policies, but the following are especially relevant:

- Hand Hygiene
- Confidentiality
- Data Protection
- Risk Management
- Smoke free

5.2. Further details are available at www.meht.nhs.uk/about-us/policies-and-guidelines

5.3. Company representatives should wear a company identification badge at all times on site & carry a Letter of Authorisation if they are to be unaccompanied as detailed in 3.3. and 4.2.

5.4. Company representatives should respect their position as visitors to the Trust, and recognise that the interests and priorities of the Trust may differ from those of their employer.

6. Trial products

6.1. Trials of products must be referred to the Commercial Services department for advice/approval at the outset. This is to ensure that:

- All the departments requiring involvement/notification are contacted
- The selection process is robust & transparent
- Trials are not duplicated
- Time is not wasted trialling products that the Trust has no requirement or allocated funding for

- 6.2. All products trialled at the Trust must comply fully to the appropriate mandatory standards.
- 6.3. All clinical product trials must comply with the Trust Clinical Products Evaluation Policy.
- 6.4. All trials are to have Ethics Committee approvals where appropriate.
- 6.5. Indemnity certificates must be provided. Where master indemnity forms are held centrally by the NHS Purchasing & Supply Agency, details must be provided. Companies not holding a master indemnity form must provide evidence to the Commercial Services Dept that they hold an indemnity policy which is acceptable before products can be accepted for use within the Trust.
- 6.6. Any equipment that is being trialled must be decontaminated prior to delivery to the Trust for use in accordance with the Trust's Decontamination Policy.
- 6.7. It is the responsibility of the supplying company to ensure that equipment is decontaminated between patients & hospitals.

7. Promotional/Teaching Activity

Staff that have organised any training or promotional activity via Companies must contact Commercial Services in advance.

8. Commercial Sponsorship

Commercial Sponsorship may relate to:

- Courses
- Conferences
- Reference site visits
- Travel
- Accommodation
- Any other form of hospitality

Sponsorship is only acceptable if it has been approved by the Divisional Manager, Clinical Director, Commercial Director or Finance Director as appropriate.

9. Gifts

- 9.1. Company representatives are not to offer Trust staff gifts or promotional products which have a value of over £5.00, or to offer hospitality which is beyond the level that the Trust could offer in return. Any gifts over £5.00 are to be declined.
- 9.2. Trust staff should decline all gifts except those offered as a token gesture (for instance pens, diaries, a box of chocolates to share at Christmas). Any gifts over £5 in value must be declared in accordance with the Gifts and Hospitality Register.

- 9.3. The specific requirements that relate to Trust Board Executives are set out in the Code of Conduct as seen in Appendix 2.
- 9.4. Should any clarification be required, please contact the Commercial Services Department (see Appendix 1 for contact details).

10. Purchasing Goods

- 10.1. Company representative & Trust staff should both be aware that all purchases will be made in accordance with the Trusts Standing Financial Instructions and with the EU Public Sector Procurement Directive 2004/18/EC. The Commercial Services department will be able to advise and to ensure that conduct with suppliers is compliant with these regulations.
- 10.2. Commitment to purchase goods or services can only be entered into by the raising of an official Trust purchase order. Staff are not authorised to procure goods and services through any other route. **Companies must not deliver goods or provide services without receiving a purchase order.**
- 10.3. Any goods or services supplied to the Trust without an official purchase order number will not receive payment.

11. Staff Training

- 11.1 Staff will be made aware of this policy via the Staff Focus. There is no specific training required to comply with this policy.

11. Audit & Monitoring

- 11.1. Commercial Services staff will stop and ask any supplier representatives on-site to produce a Letter of Authorisation.
- 11.2. Commercial Services department will maintain a non-conformance register of compliance and produce reports as required.
- 11.3. Annual Report to the Trust Executive Board.

12. References - OGC - Government Procurement Code of Good Practice

APPENDIX 1

USEFUL CONTACTS

Commercial Services Department

Extension: 6713 (internal calls)

Telephone: 01245 516713 (external calls)

Email: commercial.services@meht.nhs.uk

APPENDIX 2

Example Letter of Authorisation

Commercial Services Dept
Broomfield Hospital
Pudding Wood lane
Broomfield
Chelmsford
Essex CM1 7ET
Tel: 01245 516713
Fax: 01245 514678
Email: commercial.service_s@meht.nhs.uk

Ref:

Date

Mr Company Representative
Address

Dear Mr Company Representative

Re: COMPANY REPRESENTATIVE VISIT REFERENCE 3
Date of Visit 01/01/09 to 31/01/08
Department: Renal Services

Further to your request to visit the Trust, I am pleased to confirm that you may undertake a visit to the Renal Department for the purposes detailed below:

John to see Sue to discuss new Renal treatment product

Visitors are required to comply with Trust Policy and procedures at all times. Copies of these are available at www.meht.nhs.uk.

Should it be necessary to amend or cancel your visit, please advise the Commercial Services department by email or phone as above.

Yours faithfully,

Commercial Services

Enc. Company Representative and Trust Staff Representative Policy

Code of Conduct- Register of Interests/Receipt of Hospitality¹

1.0 The Monitor Code of Guidance explicitly requires that:

1.1 A1.9 - The Board of Directors should establish the values and standards of conduct for the NHS Foundation Trust and its staff in accordance with NHS values and accepted standards of behaviour in public life, which include the Nolan principles:

1.2 The Nolan Principles -The Seven Principles of Public Life:

- 1. Selflessness-** Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
- 2. Integrity-** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
- 3. Objectivity-** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- 4. Accountability-** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- 5. Openness-** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- 6. Honesty-** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- 7. Leadership-** Holders of public office should promote and support these principles by leadership and example.

¹ This paper should be read in conjunction with the Trust's Counter Fraud and Corruption (document registration: 07025) and Conflict of Interest (document registration: 07063) policies.

1.3. In addition, provision A 1.10 states that:

The Board of Directors should operate a code of conduct that builds on the values of the NHS Foundation Trust and reflect high standards of probity and responsibility. The Board of Directors should follow a policy of openness and transparency in its proceedings and decision making unless this conflicts with a need to protect the wider interests of the public or the NHS Foundation Trust (including commercial-in-confidence matters) and make clear how potential conflicts of interests are dealt with.

1.4 In anticipation of becoming a Foundation Trust, it is essential that MEHT's Trust Board has robust arrangements in place for the declaration and recording of any interests, pecuniary or otherwise, held outside of the Trust. This extends to the receiving of hospitality/gifts.

1.5 To facilitate this, the following is proposed:

- **Executive Directors must declare any new interests as the beginning of each Board meeting to allow the declaration to be minuted and registered in the Directors' Register of Interests. Note that this includes any interest potentially affecting their employment, decision-making and does not merely refer to business being discussed at the particular Board meeting.**
- **Where an employee has an interest in an organisation, cause or body over which a decision is being made in a meeting at which they are present, they should ordinarily absent themselves from the meeting for the part at which the decision is discussed and made.**
- **Any oral declaration made at a Board meeting should be followed-up by a completed Declaration of Interests form (Appendix 2).**
- **It is proposed that the current Register of Directors' interests is brought to every public meeting of the Trust Board as a standing item (to be taken after apologies for absence) to ensure that it is regularly updated (Appendix 1).**

2.0 Key Principles for Directors

2.1 Declaration of Interests

- If you have any dealings or interests (commercial, social, or of any other nature) with external organisations, where there could arise real or potential conflict of interests, these must be declared
- The Trust needs to know about all cases where you, or your close relatives or associates, have a controlling and/or significant interest in a business which may compete for an NHS contract to supply either goods or services to the Trust. This

includes a private company, public sector organisation, other NHS employers and/or voluntary organisation.

- As an overriding principle, you must ensure that your private interests and public duties do not conflict.

2.2 Receipt of Gifts & Hospitality

- In the course of carrying out business, Directors and employees will meet others from the public (non-NHS) and private sectors. Generally, receiving hospitality in such situations is acceptable provided it is on a minor scale.

2.2.1 Refusing/Returning Gifts:

- However, acceptance of hospitality and/or gifts must not put you in a position where you may be influenced in making a decision in relation to Trust business, or where you may give the impression of being so influenced. In particular, a gift should normally be refused or returned:
 - Where the recipient has a direct involvement in decisions affecting the giver.
 - Where they are of significant value.

2.2.2 **Money, or its equivalent (e.g. gift vouchers)** for work undertaken on behalf of the Trust, should never be accepted from patients or any other individual/body which is in addition to the employee's ordinary remuneration for that work.

2.2.3 Declaring Gifts/Hospitality Received

- The ability of a third party to influence a decision is greatly reduced if there is full knowledge of hospitality or gifts offered and received. Therefore, if you are the recipient of gifts/hospitality, you should declare this through completion of a Notification of Gifts and Hospitality form (Appendix 3), **irrespective of whether you have accepted the gift/hospitality. A register of such will be held at by the Trust Secretary.**

2.3 Exercising Professional Judgment

2.3.1 These guidelines cannot be definitive, but instead indicates the parameters within which staff must exercise judgement, both on expending public money, or receiving gifts and hospitality. It should therefore, assist Directors in determining what would be justified as acceptable and beneficial to conducting their duties.

In exercising their professional judgment, the Director should consider:

- Will the receipt of hospitality improve the effective discharge of duties, promote the interests of the Trust and its patients?
- Could the hospitality offered be viewed as overly lavish or extravagant?

- Is the hospitality offered as a 'one-off' or are there frequent offers of hospitality?

2.3.2 If in doubt, the Trust Board Secretary should be contacted in the first instance.