

Policy for Managing Company Representatives (Reps Policy)

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REVIEW DATES AND DETAILS OF CHANGES MADE DURING THE REVIEW

2016 V1 of this policy was written and revised in 2018 to include new and updated supporting policies.

2018 V2 was revised in 2022:

4.1 reflect UK rather than EU regulations, 5 PPE requirements, visits for education purposes must not include sales pitches, inclusion of signpost to Pharmacy purchasing, 7: change of lead to “Head of Procurement & Supplies”

Appendix 1: Contact addresses updated

Appendix 2: Clarification on authorisation if representative not registered with Sec3ure

Appendix 3: Theatre Etiquette Statement location

Appendix 4: Provision of Medicines (via free of charge) policy referenced, internal phone extension numbers updated.

KEY WORDS

Sales, Company Representative, conduct, reps, Companies, Suppliers, Procurement, Healthcare Industry Representative, Operating Theatres, SEC3URE, Intelligentics, representative credentialing

1 INTRODUCTION AND OVERVIEW

- 1.1 This document sets out the University Hospitals of Leicester (UHL) NHS Trusts Policy and Procedures for dealing with the interface between UHL and the commercial sector with company representatives
- 1.2 This intension of this policy is not to prohibit Company representatives from meeting with UHL employees but to protect current tenders, financial negotiations and both local and national standardisation projects, by informing Procurement and Medical Physics of planned representative activity
- 1.3 The policy sets out to support employees in their dealings with Company Representatives so that other policies and processes are not unwittingly bypassed and aims to ensure that Trust standards for the care of patients are maintained when Company Representatives are present
- 1.4 Company Representatives regularly attend Trust premises. When they do so it is important that they do not interfere with Trust services and processes and that their presence does not compromise the privacy and dignity of patients
- 1.5 The physical layout of many clinical areas in the Trust means that it is not possible to completely segregate Company Representatives from patients, even if the focus of the visit within that unit is not clinical
- 1.6 The Operating Theatres have instigated a representative credentialing system

2 POLICY SCOPE –WHO THE POLICY APPLIES TO AND ANY SPECIFIC EXCLUSIONS

- 2.1 This Policy applies to all levels of UHL employees who interact with Company Representatives (see definition section)

3 DEFINITIONS AND ABBREVIATIONS

Cold Calling: is defined as representatives dropping by, unannounced, on the off-chance of being seen or meeting with UHL staff to introduce products or services without informing the procurement team

Company Representatives (Reps) are individuals who work for suppliers/ contractors. They include sales people, other company representatives, supplier educators, supplier consultants and service engineers

Consignment stock: Stock of goods belonging to a company but stored for use at UHL departments

Floor Control: The member of staff in charge of an Operating Theatre Suite for that session

Procurement: The act of obtaining or buying goods and services. The process includes preparation and processing of a demand, value analysis, research, specification and negotiation whilst keeping within Government standards and (EU) UK law

Purchase Order: The number generated when a requested product has been authorised by a budget holder and processed by Procurement or Supplies

Operating Theatre Suite: The controlled access area surrounding an operating theatre that may include anaesthetic rooms, scrub and prep rooms, store rooms, corridors, offices, reception areas and staff rest rooms

Representative Credentialing: These are processes / systems which register, pre-screen and monitor Company Representative activity. The only Representative Credentialing system selected and used by UHL is the SEC3URE system, provided to the Trust by Intellicentrics UK. The SEC3URE system is currently in use in operating theatre suites. It may be rolled out to other areas of the Trust at a later date under the auspices of this policy

Senior Category Manager: is the procurement person responsible for an allocated area of spend

Service Engineer: A Company Representative whose sole role in visiting the Trust is to install, service or repair an item of equipment purchased by or loaned to the Trust

4 ROLES – WHO DOES WHAT

4.1 Responsibilities within the Organisation

- a) **Executive Lead** - Medical Director
- b) The **Head of Procurement and Supplies** is responsible for the operational management of this policy to include informing the Companies / Suppliers that cold calling is not permitted and the requirement of prior communicating with Procurement & Supplies
- c) **Clinical Procurement Group** is responsible for standardisation and rationalisation of medical and surgical products and suppliers to UHL.
- d) The **Procurement & Supplies Team** is responsible for contracts and supply of products and services in line with (EU) UK regulations. To ensure the most effective and competitive arrangements are sought, and savings and non-compliant purchasing communicated to the CMG's
- e) **Matrons** and **Service Leads** are responsible for the implementation of this policy in their clinical areas
- f) **Theatre Floor Control** is responsible for resolving any queries regarding access of a Company Representative to their Operating Theatre Suite
- g) **Theatre reception staff**, or in their absence team leaders or Floor Control, are responsible for checking appointments and performing check-in/out and credential checks for Company Representatives in their area
- h) **All staff** are responsible for ensuring that visiting Company Representatives have been checked in according to this policy and where appropriate that they are wearing the specified ID sticker

5. POLICY IMPLEMENTATION AND ASSOCIATED DOCUMENTS –WHAT TO DO AND HOW TO DO IT

Prior to meeting a Company Representative UHL employees must:

- a) Ensure all appointments with Company Representatives are booked in advance
- b) Remind the Company Representatives that they need to contact Procurement, in advance of any proposed meeting concerning products or services not currently purchased by the Trust (procurement@uhl-tr.nhs.uk)
- c) If the discussion relates to medical equipment they must also ensure that the Company Representative speaks to Medical Physics (medical.physics@uhl-tr.nhs.uk)
- d) If the discussion relates to medicines they must be directed to Pharmacy, see appendix 4 (pharmacy.purchasingoffice@uhl-tr.nhs.uk)
- e) Ensure all meetings with Company Representatives have a clear purpose and be of benefit to UHL
- f) If the visit is for educational purposes the session must concentrate on the product and not become a sales exercise
- g) Inform Procurement, (procurement@uhl-tr.nhs.uk) of any Company Representatives calling unannounced in person with the intention of promoting products or gleaning information of existing products or services

During any meeting with a Company Representative UHL employees must:

- a) Always check the identity of visiting Company Representatives
- b) Ensure that prices of existing products are not shared, even when asked
- c) Ensure that no other commercially sensitive information is shared
- d) Ensure that Company Representatives do not enter into store rooms, unless managing their own consignment stock
- e) If entering clinical areas ensure adherence to infection prevention practices and wearing of Personal Protective Equipment as appropriate
- f) If offered gifts or other incentives from Company Representatives employees must ensure that they follow the Counter-Fraud, bribery and Corruption Policy and also managing Conflicts of interest in the NHS Policy (A1/2017).
- g) Ensure Company Representatives have informed Procurement when supplying free samples of medical/surgical products
- h) Always discuss with the relevant departments (Procurement, Medical Physics or Pharmacy) and follow the relevant policies and procedures before embarking on any detailed engagements with Company Representatives
- i) Ensure that all contractual commitments adhere to: the Standard Financial Instructions (a8/2001), Scheme of Delegation (A5/2001) and Standing Orders (A7/2001).
- j) Where equipment is loaned or donated then ensure compliance with the policy for the Donation and Loan of Equipment (B19/2004).

Procurement will contact the UHL employee if the product type being discussed is in conflict with an existing contract or arrangement

‘Cold calling’ is strictly prohibited. UHL employees must not admit Company Representatives that do not have a pre-arranged appointment. Please note action will be taken against suppliers who are repeat offenders which may result in suspension of all business related to that supplier

Clinical Departments who meet with Company Representatives are encouraged to have a **Representative Credentialing systems** or processes in place (i.e. SEC3URE). Where SEC3URE is the system used then please refer to Appendix 2 which must be complied with

Staff may print off and display Appendix 1 of this policy as a reminder to staff

6 EDUCATION AND TRAINING REQUIREMENTS

UHL staff will be informed of this policy on INsite, Procurement Newsletter, Procurement website and cascaded by email from Management level

Training for Trust users of SEC3URE is provided by Intellicentrics. Intellicentrics provide a service desk and concierge manager to answer queries from Trust staff or Company Representatives

7 PROCESS FOR MONITORING COMPLIANCE

Notification to Procurement of unarranged attendances, new products report from purchasing reports will assist in identifying where this policy is not being followed

Element to be monitored	Lead	Tool	Frequency	Change in practice and lessons to be shared
Complaints of Cold Calling from wards/Departments	Head of Procurement & Supplies	Mail box	Quarterly	Improve compliance resulting in improved processes
New products purchased	Head of Procurement & Supplies	Purchasing reports	Quarterly	Improve compliance resulting in cost savings and improved processes
Requests for new products	Head of Procurement & Supplies	New product request form report	Quarterly	Improve compliance resulting in cost savings and improved processes

Visits by incompletely accredited Company Representatives	ITAPS Medical Procurement Lead	SEC3URE reporting functions	6 monthly	Improve accreditation compliance
Nature of visits to Operating Theatre Suites	ITAPS Medical Procurement Lead	SEC3URE reporting functions	6 monthly	Communicated to Theatre Matrons and reception staff
Check-in overrides for incomplete credentials	ITAPS Medical Procurement Lead	SEC3URE reporting functions	6 monthly	Communicated to Theatre Matrons and reception staff

8 EQUALITY IMPACT ASSESSMENT

- 8.1 The Trust recognises the diversity of the local community it serves. Our aim therefore is to provide a safe environment free from discrimination and treat all individuals fairly with dignity and appropriately according to their needs
- 8.2 As part of its development, this policy and its impact on equality have been reviewed and no detriment was identified

9 SUPPORTING REFERENCES, EVIDENCE BASE AND RELATED POLICIES

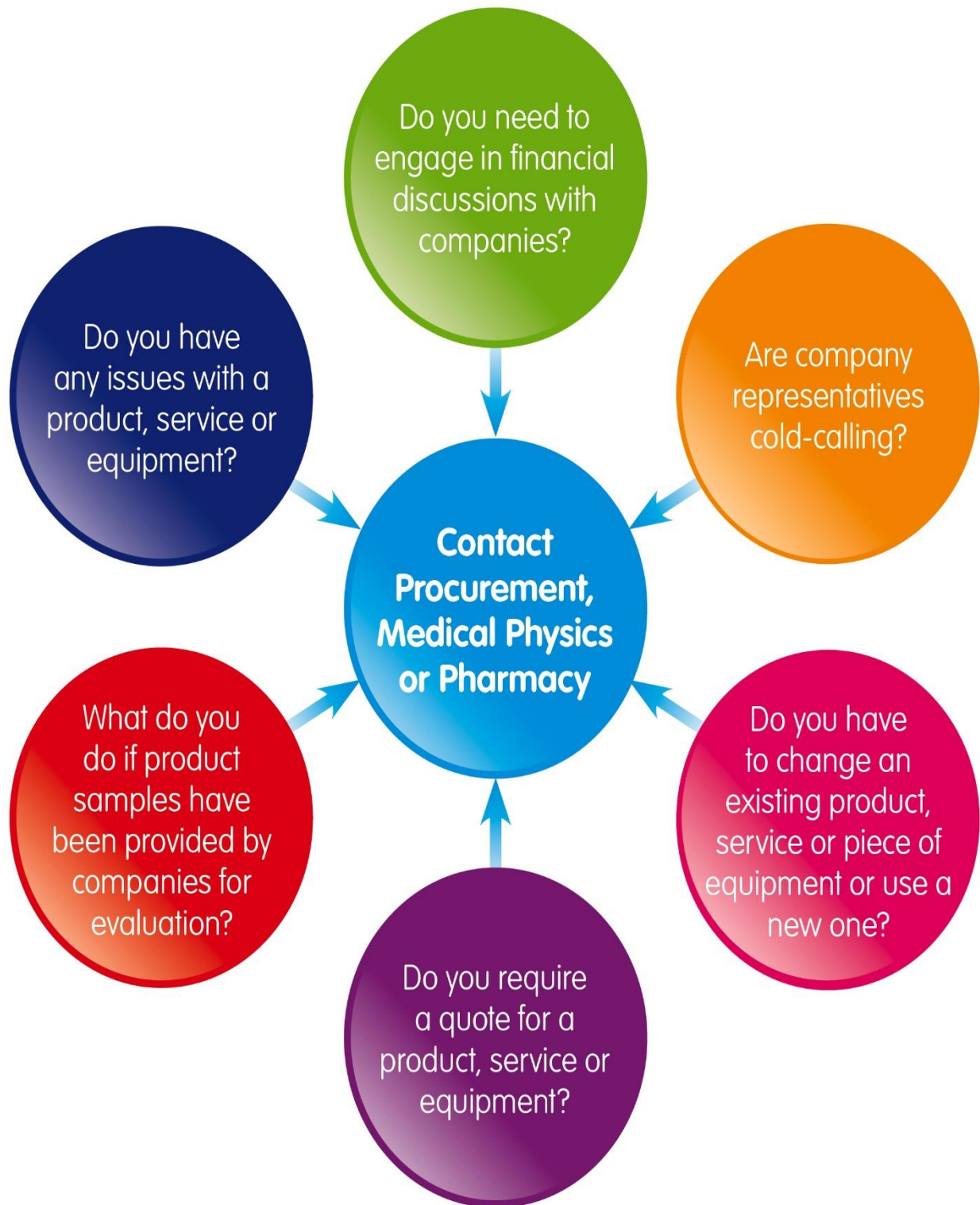
- Standard Financial Instructions (A8/2001)
- Scheme of Delegation (A5/2001)
- Standing Orders (A7/2001)
- UHL Counter-fraud, bribery and corruption Policy (A1/2010)
- UHL Managing Conflicts of Interest in the NHS Policy (A1/20017)
- UHL Policy for the Donation and Loan of Equipment (B19/2004)
- UHL Provision of Medicines via Free of Charge (FOC) Schemes Policy (B61/2019)

10 PROCESS FOR VERSION CONTROL, DOCUMENT ARCHIVING AND REVIEW

This document will be uploaded onto SharePoint and available for access by Staff through INSite. It will be stored and archived through this system;

Appendix 1 Think Procurement!

procurement@uhl-tr.nhs.uk medical.physics@uhl-tr.nhs.uk
Pharmacypurchasingoffice@uhl-tr.nhs.uk



APPENDIX 2

The use of SEC3URE in Clinical areas (Operating Theatre Suites)

1. Policy Statements

- a) The person in charge of a clinical area (i.e. Floor control or Matron in the case of Operating Theatres) has the right to refuse entry to any representative.
- b) Any Company Representative visiting a Clinical Area where SEC3URE is in use must be registered with the SEC3URE credential checking system and must have read and confirmed their acceptance of selected Trust policies through the SEC3URE system (see Appendix 3), otherwise admission will be denied.
- c) Any Company Representative except for service engineers must supply the credentials listed in Appendix 3 for checking through the SEC3URE system.
- d) Admission of a Company Representative without successful completion of a credential check is at the sole discretion of Floor Control for the operating theatre suite.
- e) Within the Operating Theatre Suite, Company Representatives must at all times act within the bounds of their own competence and the Trust policies that they have read and acknowledged.
- f) Any concerns regarding non-admission of a Company Representative may be escalated to any theatre Matron. The Matron may choose to consult with the service manager or ITAPS Medical Procurement Lead in resolving this concern.
- g) In the event of difficulties with a Company Representative, the Medical Procurement Lead and Senior Category Manager may require that any future visits by that representative are pre-approved, or barred completely.

2. Procedure for management of a visit using the SEC3URE system

- a) A Company Representatives may only visit the Trust by pre-arranged appointment.
- b) In advance of the visit the Company Representatives must register as a member of SEC3URE at the membership level appropriate to their role (see appendix 3). They must confirm acceptance of trust policies and provide credentials for checking as set out in appendix 3.
- c) On arrival, the Company Representatives must report to reception to check in. For theatre suites without a staffed reception, the representative must first report to the nearest theatre suite with a staffed reception to check in.
- d) The reception staff will confirm the existence of an appointment with the member of staff being visited and then check-in the Representative using the SEC3URE system.
- e) If the Representative is not registered with SEC3URE then entry will be refused.
- f) During check-in a credential check will be performed and the results displayed.

- For service engineers the credential check (but not acceptance of Trust policies) may be overridden. Any queries as to the precise role of a visiting representative should be referred to the relevant manager (Floor Control for Operating Theatres).
 - Representatives with incomplete credentials will normally be refused entry. The relevant theatre manager (Floor Control for Operating Theatres) in consultation with the clinician may authorise entry in this circumstance if there are overriding patient care concerns to the visit, and may impose any additional safeguards that they deem appropriate.
- g) When check-in is completed successfully a printed ID sticker will be issued to the Representative which must be worn throughout their visit.
- h) If a representative needs to overstay their agreed visit time then they should return to reception for their check-in to be extended and a new ID sticker issued.
- i) When leaving the clinical area the representative must check-out with the reception staff (or Floor Control for Operating Theatres) and hand in their ID sticker.

APPENDIX 3

Policy and Credential Requirements for Company Representatives entering an Operating Theatre Suite

All employees booking Company Representatives into Theatres must check acceptance, by the Company Representative, of the following Trust policies via the SEC3URE system:

- 1) Policy for Managing Company Representatives (B40/2016)
- 2) Hand Hygiene Policy and Procedures (B32/2003)
- 3) Staff Health – Communicable Disease Guidelines (B9/2006)
- 4) Data Protection policy: Section 6 – Common Law Duty of Confidentiality (A6/3003)
- 5) Theatre Etiquette Statement (for Operating Theatre Suite only, found in UHL Theatre Code of Conduct booklet)

All Company Representatives, except service engineers, must have the following credentials checked and approved through the SEC3URE system:

- 1) Proof of Employer General Liability Coverage
- 2) Evidence of Employer Product/Service Competency
- 3) DBS (disclosure and barring service) – Standard Disclosure
- 4) Successful completion of Theatre Access Course

Base Membership of SEC3URE provides for registration of personal and company details, acceptance of Trust policies and tracking of visits. This is sufficient for service engineers.

Premium (paid for) membership of SEC3URE add the facility for credential checking and is required for all other Healthcare Industry Representatives entering Operating Theatre Suites in the Trust.

Pharmaceutical company representatives.

Procurement and pharmacy services do not need to be contacted prior to meetings with pharmaceutical representatives. It is at the discretion of the individual clinician how they meet / arrange appointments with pharmaceutical representatives.

Clinicians should consider the following when meeting with a pharmaceutical company representative:

- No new drug can be used within UHL unless it has been approved through the Therapeutic Advisory Service. The procurement of new drugs must follow the 'Policy for the introduction of new medicines into Leicester, Leicestershire and Rutland (LLR) ' B28/2011.
- Awareness of Provision of Medicines via Free of Charge (FOC) Schemes Policy (B61/2019)
- Prescriptions for new drugs not on the formulary or which have not been agreed through the Therapeutic Advisory Service (TAS) will be refused by pharmacy departments.
- When meeting with a representative about a drug which is not on the Leicestershire formulary suggest to the representative that if they have not already been to see anyone in the pharmacy service that they make an appointment to see the following.

Pharmacy Procurement extn 14480

Formulary pharmacist extn 16491

Pharmacy staff will not see a representative unless a prior appointment has been made.

- Clinicians **must not** accept free samples of medicines.
- Use of free medication for trial purposes must be tracked through the pharmacy department only upon receipt of the appropriate authorisation.
- All clinical trials of medicines including medicines already commercially available fall under the Clinical Trial regulations and require approval as described in the Leicestershire medicines code chapter 11 . (E10/2016)
- Clinicians if offered gifts or financial payments for courses etc from pharmaceutical companies must follow the code of business conduct for staff policy.