Supplier Representatives Policy

Executive Summary

The aim of this policy is to put the relationship between Alder Hey Children's NHS FT, Cheshire & Wirral Partnership NHS FT, Liverpool Heart & Chest Hospital NHS FT, The Clatterbridge Cancer Centre NHS FT and The Walton Centre NHS FT and its suppliers on a sound and professional basis.

Adherence to this policy will:

- help to protect patients and staff by ensuring that confidentiality, privacy and dignity are not compromised by the lack of robust systems for coordinating the activity of supplier representatives relating to the purchase, trialling, loaning or maintenance of equipment and consumables or the observation of new procedures/techniques.

- ensure that commercial activity is conducted safely and in line with the Trust's Standing Financial Instructions, Scheme of Reservation and Delegation, procurement regulations and governing law.

Further advice or guidance in relation to the content of this policy can be sought from the Health Procurement Liverpool Team by e-mailing wcf-tr.healthprocurementliverpool@nhs.net

1. Introduction

Health Procurement Liverpool (HPL) appreciates the important role that suppliers of goods and services play in assisting Trusts with their day-to-day business. Healthcare companies in particular assist our healthcare professionals in providing safe and effective products to the patients in their care. It is recognised however that the prime objective of supplier representatives is to promote and sell their products and/or services to Trusts. This function should be undertaken in a proper and ethical manner and must not contravene Trust policies, Procurement Regulations or Governing Law.

2. Scope

This policy covers all suppliers of goods and services to Alder Hey Children's NHS FT, Cheshire & Wirral Partnership NHS FT, Liverpool Heart & Chest Hospital NHS FT, The Clatterbridge Cancer Centre NHS FT and The Walton Centre NHS FT.

3. Definitions

All definitions are described within this policy.

4. Duties

To establish and maintain good working relationships with suppliers it is necessary that this policy is adhered to in full. This policy is binding on both suppliers, their representatives and Trust employees. Failure to comply could result in the supplier's representative being asked to refrain from visiting the Trust's premises, and if deemed appropriate the Trust may reduce or cease the use of the supplier's products.

Trust employees' failure to comply with the policy could result in disciplinary action.

5. Organisational Responsibilities

Clinical and Non-Clinical Directors and Divisional Management Teams

It is the responsibility of the Directors and Management Teams to ensure that they are familiar with the contents of the policy and that identified persons within Divisions have lead responsibility for ensuring the policy is available and adhered to at all times.

Ward / Department Manager

It is the responsibility of the ward/department managers to ensure a copy of the current policy is available to all employees in their area and that they are aware of its location. They will further be responsible for monitoring any failure to adhere to the policy. No samples of products are to be left on ward areas.

Employees

All employees with responsibility for product / service selection and procurement are to familiarise themselves with the contents of this policy and work within the confines of the policy at all times.

Guidance for Trust Staff - General Visits to Trust Premises

All supplier representatives are required to make an appointment with the member of staff they wish to meet in advance of their visit and record via the MIA system where appropriate.

Making appointments on arrival at the Trust (commonly known as cold calling) is not acceptable and to ensure the efficient working of the Trust, must not take place. Trust staff are expected to adhere to this policy to encourage appropriate behaviour from suppliers.

Any supplier representative who does not have an appointment will be asked to leave the Trust's premises.

All supplier representatives must wear, when issued, a Trust visitor badge at all times whilst on Trust premises. MIA registered representatives must display the relevant accreditation card.

Badges will only be valid for the day they are issued on and for pre-arranged appointments. All visitor badges must be returned at the end of the visit.

Whilst on Trust property, supplier representatives will always conduct themselves in a business-like manner. They will comply with any request or instruction from Trust employees concerning their conduct and be aware of the Health and Safety at Work Act and comply with all currently recognised industry codes of practice and agreed standards.

Supplier representatives will also honour the Trust's No Smoking Site Policy and adhere to all Trust policies and procedures. Visiting representatives must also ensure that vehicles are parked in the relevant visitors parking pay and display areas.

All supplier representatives are required to treat Trust information in the strictest of confidence. Visiting representatives who are entering clinical areas alone and where they have direct access to patients must ensure they have an appropriate DBS clearance from their employer that meets the required standard of the Trust.

The Trust reserves the rights to gain confirmation from a supplier's employing organisation that visiting representatives have relevant DBS clearance.

Suppliers must not discuss commercial pricing or make any changes to current processes/procedures/products used within the organisation without the prior engagement and approval of the Divisional Director, Procurement, Finance and relevant clinical teams.

6. Access to Trust Sites

Supplier representatives visiting Trusts on business relating to Estates, Medical Engineering or Pharmacy departments must report to these departments to be signed in prior to entering any other areas.

All other supplier representatives must report to the relevant Trusts or departments main reception. The supplier representative must provide proof of company identification, named contact of the person they are visiting and the nature of their visit.

Representatives must respect their position as a visitor of the Trust and always comply with security regulations by wearing, if requested, a visitor's identification badge whilst on site. Failure to adhere to these regulations may result in supplier representatives being removed from Trust premises.

Unless suppliers are required to attend site for clinical procedure/case support, Trusts do not expect business related representatives to be visiting the Trust outside the hours of 9:00am and 5:00pm (Mon-Fri). If a supplier representative is on site after 5:00pm, visitor's badges must be handed into the relevant reception or Security office.

Representatives visiting for regular procedure/case support must ensure that they report/sign in at the department's reception (e.g. Theatre reception, Radiology reception) on every visit. Representatives may be issued with a visitors badge locally, and they must ensure that they sign out and return the visitors badge at the end of their visit or when leaving the department.

Where appropriate (such as theatres, radiology and catheter labs), visitors must also pre-register their visit via the MIA (Medical Industry Accredited) website.

Local attendance registers will be visible to Procurement and supplier representatives must be clear that during case support visits, business related discussions should not be undertaken.

In light of the recent pandemic, Trusts reserve the right to place restrictions on supplier representatives attending the site for non-urgent and non-essential visits (e.g. business discussions). Where restrictions are in place other means of communication should be utilised e.g. virtual meetings via MS Teams or telephone.

Representatives attending the Trust site for essential visits (e.g. case support) must ensure that they follow the most up to date government guidance and relevant trust policies around the correct use of PPE, hand washing, social distancing and any other Trust related infection control policies.

7. Medical Industry Accredited (MIA)

MIA is a credentialing service where representatives must pre-register visits to sites and departments, recording the person arranged to meet with and reason(s) for the visit. Trusts and individual departments have visibility of registered visits and can therefore challenge and report unauthorised visits accordingly. Each Trust registered can stipulate any particulars, such as inoculations, DBS requirements and Trust policies that representatives must adhere too. Further information can be found at www.miaweb.co.uk or by contacting the Health Procurement Liverpool team by e-mailing wcf-tr.healthprocurementliverpool@nhs.net .

8. Safeguarding

All Trust staff and supplier representatives must ensure that Trust Safeguarding Policies and Procedures are followed at all times when conducting any form of on-site visit. Trust staff must ensure that all supplier representatives have registered their visit on the MIA system and possess all the required credentials such as Standard or Enhanced DBS checks and inoculations required for the area, ward or department where the visit is taking place.

9. Operating Department/Theatres

After registering with MIA where appropriate, representatives visiting theatres will be required to adhere to relevant theatre policies. Theatre's policy for supplier representatives should be read in conjunction with this policy.

10. Service/Maintenance Engineers (Medical Equipment)

Service engineers are required to report to the Medical Engineering department prior to commencement of any work and again upon completion. The contractor will be managed as per the Trusts Medical Devices Policy.

A signature will be obtained on completion of the work and a service report left with Medical Engineering and the user department as required.

For Radiology equipment engineers must report a visit via the MIA system where appropriate and then report directly to the Radiology department manager or deputy. All service and maintenance reports relating to radiology equipment must be issued to the radiology manager.

11. Service/Maintenance Engineers (Estates & Facilities)

All service engineers or contractors attending site must sign in at the Estates & Facilities (E&F) Department where they will be issued with all necessary key, access passes and permits to work to allow them to carry out their task(s). All 'new' contractors will undergo a site induction process which includes Site Safety Guide, contact information and essential site safety rules.

Under no circumstances must a contractor commence work without making initial contact with the E&F Team even if they are frequent attendees to site.

On completion of their works, it is also requested that supplier engineers re-attend the E&F Department to update on the works undertaken and return keys, access passes, etc.

12. Purchase Orders

Commitment to purchase goods and services is only entered into by the raising of an official Trust purchase order number by the Procurement Department (except medicines which are purchased via the Pharmacy purchasing system). Supplier Representatives must not accept any instruction to deliver/provide goods or services unless an official Trust purchase order is issued.

Failure to obtain a Trust purchase order from the Procurement Department will mean that the Trust will not be liable for goods and/or services delivered and the goods and/or services provided will be regarded as “free of charge.” The Trust will be under no obligation to pay for any goods or services delivered without a pre-agreed and valid purchase order.

All purchase orders raised will be subject to the standard NHS Terms & Conditions (T&C’s) for the supply of goods, services or goods & services, no supplier terms & conditions will be accepted/override the standard NHS T&C’s.

13. Contracts/Purchase Agreements

All documents (including but not limited to leases, agreements, requests for equipment or consumable products for trial) are to be submitted to the Procurement Department for checking and where appropriate the allocation of a Trust purchase order.

No commercial agreement may be entered into unless it has been reviewed and approved by the Procurement Department and relevant Divisional Director/Manager, EBME department and finance lead prior to signature. All commercial agreements must be signed by a Trust authorised signatory, as outlined in the Trusts “Scheme of Reservation and Delegation.”

Further guidance on the `Scheme of Reservation and Delegation` is available on request.

14. Samples

Samples of consumables and clinical products must not be left with wards/departments.

All samples of consumables are to be arranged with and coordinated in conjunction with the Procurement Department. The procurement department will present selected samples for review by the relevant teams across the trust before any trial is approved, e.g. Infection control, wound management.

Medical equipment samples must be sent to the Medical Engineering Department, along with a completed/relevant pre-acquisition questionnaire (PAQ). Up to date forms can be found on the NHS England website) https://www.england.nhs.uk/publication/pre-acquisition-questionnaire/

Any samples or trial products that are left with wards/departments will be destroyed or returned (at the supplier’s cost).

If medical related samples are not intended for patient use, then they must be clearly marked as such. Unauthorised distribution and use of samples could contravene scheduled treatment with potentially serious consequences to patients.

All samples of products/medical devices presented to the trust must comply with the medical devices directive and any other requirements set out by law. Further information can be found on the Gov website - https://www.gov.uk/guidance/regulating-medical-devices-in-the-uk#legislation-that-applies-in-great-britain

15. Evaluations

No evaluations of medical equipment, or loans of medical equipment, should be arranged without the involvement of Medical Engineering, who will verify that there is an Indemnity Agreement in place and will arrange for the equipment to be appropriately tested before use. All equipment should be in a useable state and supplied with a decontamination certificate.

Any product or equipment evaluations undertaken must be in compliance with the Trust's "Medical Devices Policy" and other relevant trust policies and procedures. (excluding medicines), where advice should be sought from the Pharmacy department."

The Procurement Department and Medical Engineering must be consulted prior to the commencement of any evaluation of equipment or consumables, whether commercially sponsored or otherwise.

Prior to the commencement of an evaluation, the following points must be considered and recorded:

- Evaluations comply with relevant Trust policies.
- Clinical governance sign off is received for new procedures.
- Evaluations are carried out in a fair, controlled and measured way.
- The product in question complies with the appropriate regulations and safety standards and required forms have been completed.
- Evaluations are not duplicated.
- Which nominated Officer(s) from the Trust will facilitate the evaluation.
- How the evaluation is to be administered.
- How the evaluation is to be financed (if applicable).
- How samples are to be provided and in what quantities.
- The duration of the evaluation.
- Whether input from technical/clinical staff is required.
- Current safety regulations and standards.
- Methodology regarding how the results of the evaluation will be assessed.
- Implications for any existing contracts or purchasing agreements (if applicable).
- An agreed trial is confirmed with the procurement department/relevant clinical groups.

16. Stock Levels

No stock either Trust owned or supplier consignment, should be removed from the Trust without the permission of the relevant clinical lead and/or the procurement department. Stock levels are closely monitored and often linked to inventory management systems, removal of stock without authorisation and relevant adjustments can have a severe impact on service deliverability.

17. Liability (Supplier Property)

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

18. NHS Terms & Conditions

The use of the supplier's own documentation is not permitted. All goods and/or services (donated or otherwise) offered to the Trust will be procured against the latest version of the NHS standard Terms and Conditions of Contract for the supply of goods/services or goods and services. Bespoke Trust Terms and Conditions of Contract may be used (where appropriate).

19. Indemnities and Loan/Hire Equipment

Supplier representatives are expected to be fully aware of the Trust's policy on Indemnities and Loan/Hire Equipment included within the Medical Devices Policy.

The completion of a Questionnaire (PAQ) form, NHS Master Indemnity Form and a delivery note may be required before items are left on Trust premises. Please liaise with the Procurement Department and/or Medical Engineering for further guidance.

20. Infection Prevention and Control

Supplier representatives must be advised/reminded that all personnel who visit clinical areas have the potential to introduce and transmit micro-organisms.

With all equipment, there is a risk that unless adequate cleaning and decontamination is carried out, organisms can be transmitted not only from one patient to another, but from one hospital to another. The infectious status of patients is not always realised; therefore, all patients should be treated as possible infection risks.

Supplier representatives must be aware of the need for frequent hand washing in accordance with the Trust's Hand Hygiene Policy.

It is the supplier's responsibility to ensure that all demonstration equipment has been adequately decontaminated. Decontamination certificates for such equipment must be presented for inspection before it is used.

Suppliers who are visiting the wards to deliver training sessions must inform the infection prevention and control team before going to the ward. They will be informed of restricted areas in the event of an outbreak of infection.

Non-Trust medical equipment must not be left on the ward unless previously assessed as safe to use by the biomedical engineering department representative.

Supplier representatives must adhere at all times to any local or national guidance in place at the time of their visit, in regard to any infection outbreak or pandemic response. This will include adhering to social distancing guidance and the use of appropriate PPE.

If local/national restrictions are in place, meetings (where appropriate) should be held virtually over platforms such as MS Teams.

21. Gifts, Hospitality and Promotional Materials

Gifts, hospitality and sponsorship of events, posts or research from suppliers or potential suppliers should be treated with great caution and the Managing Conflicts of Interest Policy should be followed. For example, only promotional gifts of a low value i.e. pens or notepads should ever be accepted.

Suppliers must not attempt to influence business decision making by offering hospitality, gifts or sponsorship to Trust staff. The frequency and scale of these will be managed openly by the Trust.

Sponsorship, Gifts or hospitality must not be used to unfairly influence any commercial or clinical decisions and therefore the potential for a conflict of interest must be avoided. All offers must be discussed and approved with senior staff in the appropriate department/area.

Unsolicited mail, leaflets and posters may not be distributed or displayed in a clinical department unless approved by the Head of the Department.

22. Sponsorship

The remit of this Policy does not extend to the consideration of any form of sponsorship. Any such requests or offers should be managed in line with the Managing Conflicts of Interest Policy.

23. Staff Responsibility

Trust staff must treat all supplier representatives fairly and equitably and in accordance with the guidelines outlined within this policy.

Divisional Managers/Heads of Departments must be aware of and involved, if appropriate and required, in any meetings held with supplier representatives by consultants, clinicians, nursing and other medical staff and where required/appropriate ensure the Procurement Department is aware of/included in those meetings.

No commercial negotiations, other than obtaining indicative costs for budgeting purposes, should be undertaken without the involvement of the Procurement Department (except Pharmacy).

24. Training

Formal training is not applicable; however, the Chief Procurement Officer and members of the procurement team will promote this policy to both staff and suppliers.

25. Monitoring of Compliance

Monitoring of this policy will be undertaken during supplier contract management meetings and reviews. Local department visitor's records, and the MIA site and its reports will be viewed by the Procurement Department.

Trust staff identifying suppliers who are not complying with this policy must report these instances to the Procurement Department, who will contact the supplier to ensure they are fully aware/receive a copy of this policy.

26. Policy Implementation Plan

This policy will be circulated to all existing and future suppliers of goods and services to the Trust. The policy will also be made available to all Trust staff via the Trust Intranet as well as being available to suppliers on the Trust website.

All Managers will be responsible for informing key staff of its existence.

Suppliers are to be directed to this policy when they contact the Trust and will be expected to agree to it and comply before any site visit can take place.

Any dispute or reluctance to follow the policy should be referred to the Procurement Department.