

TRUST WIDE DOCUMENT

DOCUMENT TITLE:	Policy for the On Site Management of Suppliers and Supplier Representatives
DOCUMENT NUMBER:	ELHT/C110 Version 1

DOCUMENT PURPOSE:	The aim of this policy is to put the relationship between ELHT and its current and potential supplier base on a sound and professional standing. This policy covers all suppliers of goods and services to the Trust.
SUPPORTING REFERENCES	<i>Department of Health guidelines on sponsorship:</i> http://www.dh.gov.uk/assetRoot/04/07/60/78/04076078.pdf C017 Medical devices policy C106 Management of contractors C015 New clinical techniques F08 Hospitality and Gifts Overarching infection control policy Security Policy HR code of conduct policy
TARGET AUDIENCE:	All Trust Personnel
DISTRIBUTION:	All Trust policy manuals and intranet
AUTHOR(S):	North West Collaborative Commercial Agency
EXECUTIVE DIRECTOR RESPONSIBLE:	Director of Finance

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1. Introduction

- 1.1 East Lancashire Hospital NHS Trust appreciates the important role that suppliers of goods and services undertake to assist the Trust with its day-to-day business. Healthcare companies in particular assist healthcare professionals in providing suitable, safe, and cost effective products to the patients in their care. It is recognised however that the prime objective of Supplier/Sales Representatives is to promote and sell their products and/or services to the Trust. This function should be undertaken in an appropriate and ethical manner and must not contravene Trust governance policies and processes or NHS Terms and Conditions of Contract.
- 1.2 The aim of this policy is to put the relationship between ELHT and its current and potential supplier base on a sound and professional standing. This policy covers all suppliers of goods and services to the Trust.
- 1.3 In order to establish and maintain good working relationships with the Trust's suppliers, we ask that this policy be adhered to in full.

2. Guidance for Suppliers/Sales Representatives

General Visits to Trust Premises

- 2.1 All Supplier/Sales Representatives must register their name and company with the Trust procurement department before making contact with any member of Trust staff.
- 2.2 All Supplier/Sales Representatives are required to make an appointment with the member of staff they wish to meet in advance of their visit. Making appointments on arrival at the Trust (*commonly known as cold calling*) is to be discouraged by clinical and non-clinical Trust staff.
- 2.3 Trust staff has the right to refuse to meet Supplier/Sales Representatives who do not have an appointment.
- 2.4 All Supplier/Sales Representatives must wear a company identification badge at all times whilst on Trust premises. If the Representative does not have an identification badge, they must report to Main Reception security desk to request a Trust Visitor badge. All Visitor badges must be returned to security desk at the end of the visit.
- 2.5 Whilst on Trust property, all Supplier/Sales Representatives will conduct themselves in a businesslike manner at all times, and be aware of the Health and Safety at Work Act and comply with all currently recognised industry codes of practice and agreed standards.

- 2.6 Leaflets and Posters produced by Suppliers must not be distributed or displayed in clinical areas unless approved by the ward or department Senior Nurse/Manager in that area.

Service/Maintenance Engineers (Medical Equipment)

- 2.7 Service Engineers are required to report to the Head of Department (or nominated department representative) where the equipment is located, and obtain his/her signature on completion of the work.

Service/Maintenance Engineers (Estates)

(C106 Management of contractors Policy)

- 2.8 All Service Engineers invited to site by the Estates department must report to Estates reception to sign in and obtain a security pass (which has been authorised by the Trust Security Department).

A copy of the Trust Site Safety Rules will be issued and a referral to the relevant Estates Engineer who will assess whether a Permit to Work is required. A short induction will be carried out, including reference to the Trust Policy on Management of Contractors, and a signed copy issued.

- 2.9 A signature is required by an Estates Engineer who must be satisfied that the work has been carried out correctly and the Trust Estates department will retain copies of all relevant service reports. Any contracts for maintenance include 2 copies of the Contractors on Site policy, one of which is signed by the contractor and returned to the Trust Estates department.

Purchase Orders

- 2.10 Commitment to purchase goods and services is only entered into by the raising of an official Trust purchase order number. Supplier/Sales Representatives must not accept any instruction to deliver/provide goods or services unless a purchase order number is issued. The Trust will not be contractually liable for goods and/or services delivered where no purchase order number has been raised and will therefore consider goods and/or services to be "free of charge." It should be noted an inducements to purchase will be reported to the Trust counter fraud specialist to ensure compliance with the Bribery Act July 2011

Contracts/Agreements

- 2.11 No commercial agreement may be entered into unless it has been approved by the Procurement Department (excluding Pharmacy Items) and signed by a Trust authorised signatory, as outlined in the `Scheme of Delegation`. Provisional agreements and contracts must be submitted to the Head of Procurement in the first instance for consideration before they will be considered valid to commence through the approval process. It should be noted an inducements to

purchase will be reported to the Trust counter fraud specialist to ensure compliance with the Bribery Act July 2011

Samples

- 2.12 Samples of consumables and clinical products must not be left with wards/departments. All samples are to be sent to the Procurement Department for discussion and evaluation via the Trust Standardisation Group, Procurement Steering Group or, where appropriate as per the Trusts Corporate and Clinical governance arrangements.
- 2.13 If medical related samples are 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.

Trials/Evaluations

- 2.14 No trials of medical equipment, or loans of medical equipment, should be arranged without the involvement of EBME department, who will ensure that there is an Indemnity Agreement in place and will arrange for the equipment to be appropriately tested before use. Trials must be carried out in line with the C017 Medical Devices Policy.
- 2.15 The Procurement Department and EBME must be consulted prior to the commencement of any Trials/Evaluations (commercially sponsored or otherwise).
- 2.16 Prior to the commencement of a Trial/Evaluation, the following points must be considered and recorded:
- Trials/Evaluations comply with relevant Trust policies – this must include the use of a Trust evaluation tool and not a Supplier authorised one
 - Trials /Evaluations are carried out in fair, controlled and measured way
 - The product in question complies with the appropriate safety standards
 - Trials/Evaluations are not duplicated
 - Nominated Officer/s from the Trust facilitating the Trial/Evaluation
 - How the Trial/Evaluation is to be administered
 - How the Trial/Evaluation is to be financed (if applicable)
 - How samples are to be provided and in what quantities
 - The duration of the Trial/Evaluation
 - Whether input from technical/clinical staff is required
 - Current safety regulations and standards
 - Methodology regarding how the results of the Trial/Evaluation will be assessed and disseminated
 - Implications for any existing contracts or purchasing agreements (if applicable)

Liability (Supplier Property)

- 2.17 The Trust will not be liable for any Supplier property mistakenly left on Trust premises or property which has been left without adherence to point 2.14.

NHS Terms & Conditions of Contract

- 2.18 All goods and/or services (donated or otherwise) offered to the Trust will be procured against the standard NHS Terms and Conditions of Contract.

Indemnities and Loan/Hire Equipment

- 2.19 Supplier/Sales Representatives are expected to be fully aware of the Trust's policy on Indemnities and Loan/Hire Equipment and the Trust Medical Devices Management Policy
- 2.20 The completion of a PPQ (Pre-Purchase Questionnaire) form, Indemnity Form A & B and a delivery note may be required before items are left on Trust premises. Please liaise with the Procurement Department and/or EBME for further guidance. to ensure compliance with C017 Medical Devices Policy.

Infection Control

- 2.21 Supplier/Sales Representatives are advised that all personnel who visit clinical areas have the potential to introduce and transmit micro-organisms. With all equipment, there is a risk that if adequate cleaning and decontamination is not carried out, organisms can be transmitted not only from one patient to another, but from one hospital to another. The supplier must, therefore produce a decontamination notice/certificate for any medical device that has been previously utilised in another Trust or within another area of the same Trust to ensure alignment with overarching infection control policies and C017 Medical Devices Policy.

Gifts, Hospitality and Promotional Material

- 2.22 Only items with a nominal financial value such as pens, pads, diaries etc, which are relevant to work, may be offered or given to Trust staff. Unsolicited mail, leaflets and posters may not be distributed or displayed in a clinical department.
- 2.23 All gifts and/or promotional material must be discussed and approved with senior staff in the appropriate department/area. They must not be used to unfairly influence any commercial or clinical decisions. Inducements to purchase will not be accepted the Trust and it's employees or acting agents are bound by the Trust code of conduct policy to comply with the Bribery Act July 2011 provision

3. Guidance for Trust Staff

General Visits to Trust Premises

- 3.1 All Supplier/Sales Representatives are required to make an appointment with the member of staff they wish to meet in advance of their visit. Making appointments on arrival at the Trust (*commonly known as cold calling*) is to be discouraged by clinical and non-clinical Trust staff.
- 3.2 Trust staff have the right to refuse to meet Supplier/Sales Representatives who do not have an appointment.
- 3.3 All Supplier/Sales Representatives must wear an identification badge at all times whilst on Trust premises. If the Representative does not have an identification badge, they must report to the main reception security desk to request a Trust Visitor badge. All Visitor badges must be returned to security at the end of the visit.
- 3.4 Whilst on Trust property, all Supplier/Sales Representatives will conduct themselves in a businesslike manner at all times, and be aware of the Health and Safety at Work Act and comply with all currently recognised industry codes of practice and agreed standards.
- 3.5 Leaflets and Posters produced by Suppliers must not be distributed or displayed in clinical areas unless approved by the ward or department Senior Nurse/Manager in that area.

Staff Responsibility

- 3.6 Trust staff must treat all Supplier/Sales Representatives fairly and equitably and in accordance with the guidelines outlined within this policy.
- 3.7 Commercial negotiations **must only** be conducted by the Head of Procurement or designated officer.

Commercial Sponsorship

- 3.8 Educational sponsorship for Trust staff to attend courses or conferences will only be allowed when the course or conference is part of an educational or training scheme and has been approved by the staff member's senior manager. Any travel and/or accommodation expenses offered will only be accepted if approved by the staff member's senior manager. Any hospitality/sponsorship offered as an inducement to purchase is strictly prohibited in line with the Bribery Act July 2011

Procurement Sponsorship

- 3.9 Supplier funded visits to supplier premises, namely travel and/or accommodation expenses for visits to Suppliers in connection with a purchase or contract, will be paid for by the Trust. Any offers to cover the expenses must be approved in writing by the staff member's senior manager and recorded in the Trust's Declaration of Interest file.
- 3.10 All sponsorship must be discussed and approved with senior staff in the appropriate department/area. They must not be used to unfairly influence any commercial or clinical decisions. Any hospitality/sponsorship offered as an inducement to purchase is strictly prohibited in line with the Bribery Act July 2011.

Gifts and Hospitality

- 3.11 Only items with a nominal financial value such as pens, pads, diaries etc, which are relevant to work, may be accepted by Trust staff. Gifts or hospitality accepted with a value in excess of the examples given must be recorded in the Trusts Declaration of Interests Register, held by the Finance department. 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. If in any doubt staff should seek advice from the Procurement Department or Director of Finance. Any hospitality/sponsorship offered as an inducement to purchase is strictly prohibited in line with the Bribery Act July 2011.

Prices

- 3.12 Trust staff are reminded that pricing information is confidential and deemed to be `Commercial in Confidence`. This must be borne in mind especially when discussing rival suppliers and their products/prices.
- 3.13 Trust staff are reminded that it is common practice for suppliers to submit prices/quotations that exclude VAT. VAT status should always be clarified with the supplier and recorded.
- 3.14 It is best practice to involve the Procurement department in the evaluation of any quotations to ensure that a fair comparison has taken place with current framework agreements and any `hidden costs` are taken into account.

Contracts/Agreements – Scheme of Delegation

- 3.15 No commercial agreement may be entered into unless it has been reviewed by the Procurement Department and Directorate Accountant, and signed by a Trust authorised signatory, as outlined in the `Scheme of Delegation`. Provisional agreements and contracts must be submitted to the Head of Procurement in the first instance for consideration before they will be considered valid to commence through the approval process.

4. Policy Implementation & Monitoring

- 4.1 The effectiveness of this policy will be tracked via collation of feedback from both the Trust Supplier base and Trust staff. The policy will be disseminated to Providers & Suppliers with covering letter requesting feedback.
- 4.2 The policy will be included on the relevant committee agenda's to harness Trust staff feedback re: awareness – success and future enhancements.
- 4.3 The policy will be displayed on the procurement website www.elpd.elht.nhs.uk
- 4.4 The Procurement helpdesk will make all callers aware of the policy and its introduction and purpose.
- 4.5 Feedback will be collated and kept on file within the procurement department and shared as appropriate to the relevant groups