

Policy on Sponsorship and Joint Working with the Pharmaceutical Industry

1 Definitions

For the purposes of this policy and associated documents the following definitions will apply:

Telford and Wrekin Clinical Commissioning Group (CCG)

- Members of Telford and Wrekin CCG Board
- Staff employed by, or seconded to posts within, Telford and Wrekin CCG
- Other individuals who undertake work on a contract for services basis with Telford and Wrekin CCG
- Members of Telford and Wrekin CCG professional committees, sub-committees, and working groups

Pharmaceutical Industry

- Companies, partnerships or individuals involved in the manufacture, sale, promotion or supply of medicinal products subject to the licensing provisions of the Medicines Act.
- Companies, partnerships or individuals involved in the manufacture, sale, promotion or supply of medical devices, appliances, dressings, and nutritional supplements which are used in the treatment of patients within the NHS.
- Trade associations representing companies involved with such products
- Companies, partnerships or individuals who are directly concerned with research, development or marketing of a medicinal product that is being considered by, or would be influenced by, decisions taken by Telford and Wrekin CCG or one of its sub-committees or groups.
- Pharmaceutical industry related industries, including companies, partnerships or individuals directly concerned with enterprises that may be positively or adversely affected by decisions taken by Telford and Wrekin CCG or one of its sub-committees or groups.

Joint working

- Situations where, for the benefit of patients, organisations pool skills, experience and/or resources for the joint development and implementation of patient centred projects and share a commitment to successful delivery. Joint working agreements and management arrangements are conducted in an open and transparent manner. Joint working differs from sponsorship, where pharmaceutical companies simply provide funds for a specific event or work programme.

Sponsorship

- This includes funding provided to the NHS from an external commercial source, whether in cash, goods, services, or other benefits in kind. This includes funding of all or part of the costs of a member of staff, staff training, training of primary care contractors and their staff when organised by NHS Telford and Wrekin CCG, pharmaceuticals, medical devices, dressings, nutritional supplements, equipment, meeting rooms, costs associated with meetings, meals, gifts, hospitality, hotel and transport costs, provision of free services (speakers etc), buildings or premises.

This list is not exhaustive, and it would be prudent to include any other benefits, goods or services that would otherwise be funded through NHS resources.

2 Code of conduct

2.1 NHS Telford and Wrekin CCG has an agreed Code of Conduct for relationships and interaction with the pharmaceutical industry which supports corporate governance within NHS Telford and Wrekin CCG.

2.2 Readers are guided to the appendices to this document

- Code of conduct for Telford and Wrekin CCG (Appendix 1)
- Procedure for the Approval of Sponsorship of Joint Working (Appendix 2)
- Sponsorship and Joint working Panel – Terms of Reference (Appendix 3)

3 Background

3.1 The Department of Health issued best practice guidance on joint working between the NHS and the pharmaceutical industry in January 2008¹. This policy reflects the advice given in that guidance.

3.2 A toolkit has been jointly developed by the Department of Health and the Association of the British Pharmaceutical Industry to enable NHS organisations and the pharmaceutical industry to work together in the interests of patients².

3.3 Guidance on standards of business conduct for NHS staff issued by the NHS in 1993 still applies³.

- 3.3.1 The Code of Conduct and Code of Accountability in the NHS (second revision July 2004) sets out the following three public service values which are central to the work of the CCG:
 - 3.3.2 Accountability - everything done by those who work in the NHS must be able to stand the test of parliamentary scrutiny, public judgements on propriety and professional codes of conduct.
 - 3.3.3 Probity - there should be an absolute standard of honesty in dealing with the assets of the NHS: integrity should be the hallmark of all personal conduct in decisions affecting patients, officers and members and suppliers, and in the use of information acquired in the course of NHS duties.
 - 3.3.4 Openness - there should be sufficient transparency about NHS activities to promote confidence between the NHS CB and its staff, patients and the public.

4 Philosophy underpinning the relationship between NHS Telford and Wrekin CCG and the pharmaceutical industry

- 4.1 Telford and Wrekin CCG acknowledges the interdependent relationship between the pharmaceutical industry and the NHS.
- 4.2 Telford and Wrekin CCG believes there is a clear demarcation between the research/healthcare development interests and the marketing operations of the companies involved.
- 4.3 Telford and Wrekin CCG seeks to explore and develop the relationship between itself and the pharmaceutical industry for the benefit of the people of Telford and Wrekin CCG within a clear ethical framework.
- 4.4 Telford and Wrekin CCG recognises the needs of the pharmaceutical industry to maintain profitability and promote specific drugs, and the needs of the NHS to ensure evidence based decision-making, value for money and equity.
- 4.5 Telford and Wrekin CCG believes that ethical members of the pharmaceutical industry hold a clear desire to improve health and healthcare as well as maintain profitability.
- 4.6 Telford and Wrekin CCG recognises the requirement of the pharmaceutical industry to promote its products in an ethical manner to the prescribing practitioners aligned to Telford and Wrekin.

5 Principles for sponsorship and joint working between Telford and Wrekin CCG and the pharmaceutical industry.

- 5.1 Working in the interests of patients to deliver high quality care

- 5.1.1 Joint projects between Telford and Wrekin CCG and the pharmaceutical industry must be for the benefit of the people of Telford and Wrekin
- 5.1.2 Any joint project between Telford and Wrekin CCG and the pharmaceutical industry must adequately respect and safeguard confidential patient information.
- 5.1.3 Any relationship between the pharmaceutical industry and Telford and Wrekin CCG must promote and enhance equitable access to evidence based high quality healthcare for the people of Telford and Wrekin
- 5.1.4 Joint working between Telford and Wrekin CCG and the pharmaceutical industry must promote evidence-based medicine and support only those drugs and treatments that have an acceptable evidence-base and which have local approval where applicable.
- 5.2 Supporting the delivery of Telford and Wrekin CCG strategic objectives and local needs
 - 5.2.1.1 Telford and Wrekin CCG will not accept sponsorship from the pharmaceutical industry to support projects that are contrary to its strategic priorities.
 - 5.2.2 Telford and Wrekin will consider the implications for the entire Telford and Wrekin Health and Social Care Community, and other key stakeholders, of any proposal prior to approving the joint working project.
 - 5.2.3 The continuity of any services funded through sponsorship or joint working must be fully considered before entering into any arrangements.
- 5.3 Selection and approval of sponsorship and joint working partners
 - 5.3.1 Where sponsorship or joint working is being sought by Telford and Wrekin CCG, the opportunity to participate should be offered to an appropriate range of companies within the pharmaceutical industry.
 - 5.3.2. All sponsorship must be assessed using Telford and Wrekin CCG Procedure for the Approval of Sponsorship and Joint Working (Appendix 2), and approval documented before commencement of the sponsorship or joint working.
 - 5.3.3 Telford and Wrekin CCG may pursue joint working with any interested company of good standing within the pharmaceutical industry regardless of their size.
- 5.4 Transparency and openness
 - 5.4.1 All relationships with the pharmaceutical industry must be handled in an open and transparent manner as befits a publicly funded body.
 - 5.4.2 Sponsorship will not be accepted for projects that have the prime objective of increasing the usage of a specific brand of pharmaceutical or other product.

5.5 Relationship between Telford and Wrekin CCG and the pharmaceutical industry

- 5.5.1 Telford and Wrekin CCG seeks to develop long term relationships with the pharmaceutical industry and will look favorably on undertaking joint projects with companies which have a proven history of ethical and productive joint working.
- 5.5.2 Telford and Wrekin CCG will preferentially support sponsorship and joint working that develop the expertise and capabilities of the staff and organisations within the Telford and Wrekin Health and Social Care Community to provide high quality care for the people of Telford and Wrekin.
- 5.5.3 All joint working projects and associated materials must comply with the current Association of the British Pharmaceutical Industry (ABPI) code of practice⁴, whether or not the sponsor is a member of the ABPI.
- 5.5.4 Any learning or products (protocols, guidelines, intellectual property etc) developed through joint working will be the property of Telford and Wrekin CCG unless specifically agreed otherwise in a signed contract with the sponsor(s). Telford and Wrekin CCG will consider supporting the dissemination of lessons learned from joint working, but retains the right of approval of associated literature and material.

6 Governance

- 6.1 All sponsorship and joint working arrangements with the pharmaceutical industry will be subject to scrutiny by the Sponsorship and Joint Working Panel which reports to the Audit Committee (see appendices 2 and 3).
- 6.2 All Telford and Wrekin CCG staff involved in sponsorship or joint working arrangements with the pharmaceutical industry (whether within NHS Telford and Wrekin CCG or any other organisation) must:
 - Take note of, and comply with, Telford and Wrekin's Code of Conduct (Appendix 1) and the code of any relevant professional body e.g. GMC, GPhC, NMC etc.
 - Declare their interests in Telford and Wrekin CCG Register of Interests. This register is open to public scrutiny and is regularly reviewed by the Audit Committee, which reports to the CCG's Board.
- 6.3 Where NHS staff from other organisations are involved in an agreed joint working project with Telford and Wrekin CCG, they must ensure that they declare their interests in their own organisation's Register of Interests.
- 6.4 Each sponsorship or joint working arrangement will have an agreed lead manager within Telford and Wrekin CCG who will be responsible for overseeing the arrangements and representing Telford and Wrekin's CCG interests.

7 Research

- 7.1 If a joint working project between Telford and Wrekin CCG and the pharmaceutical industry concerns research, this falls outside the scope of this policy.
- 7.2 Participants should refer to the Health Research Authority
<http://www.hra.nhs.uk/>

Appendix 1

Policy on Sponsorship and Joint Working with the Pharmaceutical Industry

Code of conduct for Telford and Wrekin CCG staff

Telford and Wrekin staff CCG are expected to:

- Ensure that the interests of patients remain paramount at all times
- Act impartially in all their work
- Beware of potential bias generated through sponsorship, where this might impinge on professional judgement and impartiality
- Ensure that public funds entrusted to them are used to the best advantage of the service and retain value for money
- Adhere to the principles set out in other sections of Telford and Wrekin CCG Policy on Sponsorship and Joint Working with the Pharmaceutical Industry.
- Be aware of the provisions of the Code of Practice for the Pharmaceutical Industry, published by the Association of the British Pharmaceutical Industry (ABPI).
- Follow the recommendations laid out in Telford & Wrekin CCG Anti-Bribery Policy and Procedure
- Refuse gifts, benefits, hospitality or sponsorship of any kind which might reasonably be seen to compromise their personal judgement or integrity, and to avoid seeking to exert influence to obtain preferential consideration.
- Telford and Wrekin CCG Anti-Bribery Policy requires that all Gifts, Hospitality, Sponsorship and the Declaration of Interests are recorded in registers which are maintained by the Telford and Wrekin CCG Executive Lead for Governance and Performance. The Executive Lead for Governance and Performance will be provided with details of what gift / hospitality / sponsorship have been received, or in the case of a declaration of an outside interest, the nature of the interest. The Executive Lead for Governance and Performance will provide details to the Telford and Wrekin CCG Audit Committee of any declarations made.
- Declare and record financial or personal interests (e.g. company shares, research grant, consultancies) in any organisation with which they have to deal, and be prepared to withdraw from those dealings if required, thereby ensuring that their professional judgement is not influenced by such considerations.

- Not misuse their official position or information acquired in the course of their official duties to further the private interests of themselves or others.
- Ensure that professional registration (if applicable) and/or status are not used in the promotion of commercial products or services.
- Neither agree to practice under any conditions which compromise professional independence or judgment, nor impose such conditions on others.
- Abide by any professional codes of conduct or ethics.
- Report to Telford and Wrekin's CCG Director of Finance at the earliest opportunity any instances of unapproved sponsorship they discover, or any offers of sponsorship that could possibly breach Telford and Wrekin's CCG, ABPI or other code of conduct, or which may be illegal.

Appendix 2

Policy on Sponsorship and Joint Working with the Pharmaceutical Industry

Procedure for the Approval of Sponsorship and Joint Working

This procedure provides the framework for Telford and Wrekin CCG Staff to seek approval of sponsorship and joint working with the pharmaceutical industry. Please refer to the main Telford and Wrekin CCG Policy document for clarification of definitions used.

1 Scope

- This procedure applies to sponsorship and joint working arrangements organised by, or on behalf of, Telford and Wrekin CCG whether alone or in conjunction with other NHS organisations, where any funding (actual or in kind) is provided by the pharmaceutical industry.
- All sponsorship and joint working arrangements must have a lead manager within Telford and Wrekin CCG who is responsible for overseeing the sponsorship or joint working, and ensuring compliance with Telford and Wrekin CCG policy.
- Where there are linked events or joint working arrangements, Telford and Wrekin CCG lead manager should group these within the same application.

2 Process

2.1 Applications with an external funding value of £500 or less

- 2.1.1 The lead manager must complete and sign the Application for Sponsorship and Joint Working Approval form, and submit it to their director, via their line manager for approval.
- 2.1.2 The relevant director should ensure that the application fully complies with Telford and Wrekin's CCG Policy on Sponsorship and Joint Working before giving approval.
- 2.1.3 Following approval by the director, the lead manager will be able to take forward the arrangements as detailed in their application. No significant amendments to the arrangements may be made after approval.
- 2.1.4 The completed form, signed and dated by the director should be sent to the Director of Finance. The details will be logged and the application will be presented for information and review at the next meeting of the Sponsorship and Joint Working Panel.

2.2 Applications with an external funding value of more than £500

- 2.2.1 The lead manager must complete and sign the Application for Sponsorship and Joint Working Approval form, and obtain their director's signature to indicate their support.
- 2.2.2 The completed Application for Sponsorship and Joint Working Approval form must be submitted to the Director of Finance for consideration at the next meeting of the Sponsorship and Joint Working Panel at least 14 days before the date of the Panel's next meeting. (This can be sent electronically, but the original signed paper copy must be received before the meeting date)
- 2.2.3 Incomplete or illegible forms will be returned to the relevant director for clarification and / or amendment before consideration by the Sponsorship and Joint Working Panel.
- 2.2.4 Telford and Wrekin's CCG integrated planning process must highlight the source of funding where sponsorship is being used. Business Cases involving sponsorship can seek advice from the Director of Finance.
- 2.2.5 The relevant director and lead manager will be informed in writing of the outcome of the application following the Sponsorship and Joint Working Panel meeting.
- 2.2.6 Following approval, the lead manager will be able to take forward the arrangements as detailed in their application. No significant amendments to the arrangements may be made after approval.
- 2.2.7 The reporting back to the panel process will be requested on the application form.

3 Meetings of the Sponsorship and Joint Working Panel

The Sponsorship and Joint Working Panel will meet FOUR times per year and at other times as determined by the Panel Chairman.

4 Governance

- 4.1 The Finance Directorate will keep a log of all sponsorship applications (both under and over £500), and the decisions of the Sponsorship and Joint Working Panel.
- 4.2 Details of all applications received by the Sponsorship and Joint Working Panel (including those which were not approved) will be recorded in Telford and Wrekin's CCG Register of Sponsorship, and reported quarterly to Telford and Wrekin's CCG Audit Committee which reports to Telford and Wrekin's CCG Board.

4.3 The Sponsorship and Joint Working Panel will produce an annual report to the Audit Committee in April each year giving details of all applications which have been received, and the decisions taken.

Any queries regarding this procedure should be directed to the Director of Finance.

Appendix 3

Policy on Sponsorship and Joint Working with the Pharmaceutical Industry

Terms of Reference

Purpose

- To provide the Board with assurance that any sponsorship and joint working arrangements organised by, or on behalf of, Telford and Wrekin CCG whether alone or in conjunction with other NHS organisations, where any funding (actual or in kind) is provided by the pharmaceutical industry complies with the approved Telford and Wrekin CCG policy.

Constitution

The Panel is established as a sub group of the Audit Committee.

Membership

The Committee members shall be:

- Deputy Executive Lead for Finance(Chair)
- Deputy Executive Lead for Quality
- GP Board Member (Clinical Member)
- Head of Medicines Management (Clinical Member)

Members may nominate a deputy to attend meetings in their absence.

Quorum

A quorum shall be two members and must include the Chair (or nominated alternate) and a clinical member.

Frequency of Meetings

Meetings shall be held four times a year. The Chair may convene ad hoc meetings as required.

Authority

The Panel has delegated authority from the Board to review and approve applications for sponsorship and joint working arrangements organised by, or on behalf of, NHS Telford and Wrekin whether alone or in conjunction with other NHS organisations, where any funding (actual or in kind) is provided by the pharmaceutical industry.

It is also authorised to investigate reports of unapproved sponsorship and offers of sponsorship or joint working which may breach NHS Telford and Wrekin's, ABPI or other code of conduct or which may be illegal.

Responsibilities

The Group shall:

- Approve or reject applications for sponsorship or joint working in excess of £500.
- Review approvals of up to £500 where approval has been granted by the relevant Director.
- Investigate reports of unapproved sponsorship and offers of sponsorship or joint working which may breach NHS Telford and Wrekin, ABPI or other code of conduct, or those which may be illegal, and take appropriate action.
- Review the existing NHS Telford and Wrekin policy on the interaction with pharmaceutical and related commercial companies and update this as required.

Reporting

- The minutes of the Panel shall be formally recorded and submitted to the Audit Committee.
- The Finance Directorate will keep a log of all sponsorship applications (both under and over £500), and the decisions of the Panel.
- Details of all applications received by the Panel (including those which were not approved) will be recorded in Telford and Wrekin's CCG Register of Sponsorship, and reported regularly to Telford and Wrekin's CCG Audit Committee which reports to Telford and Wrekin's CCG Board.
- The Panel will produce an annual report to the Audit Committee in April each year giving details of all applications which have been received, and the decisions taken.

¹ Best practice guidance on joint working between the NHS and pharmaceutical industry and other relevant commercial organisations January 2008 available at https://www.networks.nhs.uk/nhs-networks/joint-working-nhs-pharmaceutical/documents/dh_082569.pdf

² Moving Beyond Sponsorship Joint Working between the NHS and Pharmaceutical Industry Toolkit available at <https://www.networks.nhs.uk/nhs-networks/joint-working-nhs-Pharmaceutical/documents/joint%20working%20toolkit%20dh.abpi.pdf>

³ Standards of Business Conduct for NHS Staff, HSG (93) 5 available at http://www.nhsbsa.nhs.uk/Documents/NHSBSACorporatePoliciesandProcedures/Standards_of_Business_Conduct_Procedure_and_Declaration_Sept_2011.pdf

⁴ Code of Practice for the Pharmaceutical Industry 2015 Edition available at <https://www.bsped.org.uk/resources/docs/ABPIguidelines.pdf>