

Policy Statement

- No person working for or on behalf of the practice may:
 - Use their position to receive, agree to accept or attempt to obtain payment or other consideration from any third party for that may compromise or seen to be compromising their personal judgement or integrity
 - Accept any benefits, gifts or services of any kind from a third party which might reasonably be seen to compromise their personal judgement or integrity
- All gifts, hospitality or services received by persons working for or on behalf of the practice will be logged with the practice and available for scrutiny on the practice website
- All potential conflicts of interest will be declared to the practice

Introduction

General Practice occupies a position of trust within the community. It is vital to our work that our patients and partner organisations are confident that decisions made by the practice, particularly when offering advice to patients, are in the best interests of our patients, practice and NHS as a whole.

There is a tradition of commercial organisations working alongside primary care around the purchase or provision of specific products and the provision of sponsorship (eg supporting training). More recently, many companies and organisations have started to develop closer links with primary care organisations and the Department of Health encourages consideration of opportunities for joint working that could bring benefit to patients' health and well-being but that such initiatives should be transparent about any commercial gains. Increasing financial pressures will increase the need to consider strategic partnerships.

This document sets out the practice position on such arrangements, along with the acceptance of gifts and other considerations.

Principles

Staff should refuse any gifts, benefits, hospitality or sponsorship of any kind which might reasonably be seen to compromise their personal judgement or integrity, or to seek to exert influence to obtain preferential consideration. All such gifts should be returned and hospitality refused.

Gifts or hospitality should be of a reasonable value and not excessive. Consider how it might look to the outside world; would you raise an eyebrow if it were someone else?

All gifts or hospitality with an estimated value of more than £25 will be logged with the practice manager and a register will be kept. Gifts or hospitality from the same or closely related source within a 12 month period should be logged if they exceed this value.

Gifts from patients will be anonymised to their EMIS number so that they cannot be identified. This is to protect against accusations of impropriety down the line.

If at a later date, a gift or hospitality is accepted inadvertently which upon reflection the individual wished hadn't been (and it cannot be returned), it should still be logged; the individual should consider recording that a personal donation to a charity a fair amount to cover the cost.

Guidance

Receipt of Gifts

A gift is something that is voluntarily donated, with no pre-conditions and without the expectation of anything in return.

Gifts from Patients

Staff members must not encourage patients to give, lend or bequeath money or gifts that will directly or indirectly benefit the practice or individuals or to encourage patients or their families to make any donation to any other person or organisation.

Unsolicited gifts may be accepted so long as they cannot be perceived to influence the way staff prescribe, advise, treat, refer or commission services for patients.

Offering a gift to a member of staff or to the practice is frequently used as a means of expressing appreciation by patients. A low value gift offered in this way should be graciously received and thanks offered to the patient.

Monetary gifts are discouraged, but where a patient does wish to offer a monetary gift it will be handed to the practice (rather than kept by the individual) and used purely to purchase an item to enhance the care or comfort of patients (a historical example includes a patient offering to purchase a high seat chair with arms for the waiting room to assist patients with mobility problems).

Gifts from Other Third Parties

As a general principle, gifts from other third parties should be discouraged. Companies may supply inexpensive notebooks, pens and pencils at meetings.

Hospitality & Sponsorship

Modest hospitality may be accepted provided it is reasonable and not excessive and related to the business of the practice or medical education (for example, working lunches or education meetings) and not simply to promote a product. The hospitality must be secondary to the purpose of the meeting.

Approval must be sought from the partners prior to any acceptance of any commercial sponsorship to attend relevant courses or conferences. The partnership will satisfy itself that the course or conference meets the needs of the practice and staff member, that the level of sponsorship is proportionate and that acceptance will not potential compromise prescribing or other decisions.

Product Samples

Samples of products including pharmaceuticals, dressings, devices, equipment etc should only be used to assess their properties.

The ABPI Code of Practice requires that any pharmaceutical products can only be provided to a health professional in response to a written request, which has been signed and dated.

Meeting with Commercial Representatives

Representatives of commercial organisations frequently request meetings to discuss products or services or to consider development of guidelines etc.

Gift, Commercial Arrangements and Conflicts of Interest Policy

As a rule, the practice does not see commercial representatives (pharmaceutical or otherwise) If a topic is of interest, staff should ask for information to be sent which should be critically evaluated and not relied upon as the sole source of information.

However, where such meetings are of mutual benefit (for example to consider how to more effectively deliver a new service or the purchase of equipment), then the following guidelines should be followed:

- There should be a clear agenda agreed in advance and an appointment made agreeing a specified duration.
- If other personnel arrive at the meeting or the topic deviates beyond the agreed agenda, discretion should be used as to whether to allow their inclusion
- Further meetings should not be arranged if the representative was unethical or the meeting did not produce the expected outcomes
- Due critical analysis of the content of any information provided should be undertaken.

A record of the discussion should be kept and logged on GPTeamnet

If entering in to a joint working arrangement, the following should also be considered:

- All parties should be clear that the joint working arrangements are not conditional on the use of the sponsor's product in preference to other more clinically appropriate services or products (and must be in keeping with local or national guidelines and formularies)
- Joint working is primarily for the benefit of the patients; clinicians must always retain the freedom to prescribe the most appropriate medication or treatment for the individual patient.
- Joint working relationships are at a practice level not individual. Therefore, any contract is negotiated in line with NHS values and confidentiality regulations.
- Joint working projects will have a clearly defined objective, with clinical and financial oversight from the whole partnership.

Outside Work Activity

All staff must declare any financial relationship or interest that they may have with any commercial organisation that may have an impact on the practice. Examples might include:

- Holding shares in a pharmaceutical company where the shareholder is the direct beneficiary; shares held through a third party (eg pension fund or ISA) where the proceeds are not paid directly to the individual need not be declared
- Consultancy Work
- Speaking at meetings
- Attendance at advisory board

If the work is carried out during the normal working hours, then that work must be agreed and fee refused or paid to the practice; or annual leave taken. A fee can be accepted by an individual for work carried out in their own time; that fee must be in line with fair market value and must be declared to the practice.

Fee for Service

Where the practice undertakes sponsored research or post-marketing surveillance, it will be guided only by their best interests and not influenced by that sponsorship.

Gift, Commercial Arrangements and Conflicts of Interest Policy

Item of service payments (eg QOF, immunisations) and health service financial incentives (eg to promote cost-effective medicines) have a legitimate role to play in promoting health and the good use of available resources. However, whilst the practice may recommend treatments, the basis of that recommendation must not be due to the financial benefit to the practice and the safety and needs of the individual patient must be the prime concern.

Where we pay charge a fee for a service, the practice will be open and honest. If that fee is chargeable to the patient, they will be informed in advance of the fact that a fee is charged along with an estimate of that fee.

Appendix A – Basis for Guidance

Framework	Key points
General Medical Council “Financial and Commercial Arrangements and Conflicts of Interest (25 March 2013)	<ul style="list-style-type: none"> You must be honest in financial and commercial dealings with patients, employers, insurers and other organisations and individuals You must not allow any interests you have to affect the way you prescribe for, refer or commission services for patients If you are faced with a conflict of interest, you must be open about the conflict and you should be prepared to exclude yourself from decision making You must not ask for or accept – from patients, colleagues or others, any inducement, gift, or hospitality that may affect or be seen to affect the way you prescribe for, treat or refer patients or commission services for patients. You must not offer these inducements. <p>The document provides guidance on these principles from Good Medical Practice.</p>
EFPIA Disclosure Code, June 2013	This European code comes into force in 2016, requiring all Pharmaceutical companies to disclose any payments, gifts or hospitality offered to health care professionals.
GMS Contract 2003 (as amended)	Section 22.1 requires practices to maintain a log of all gifts with a monetary value of £100 or more and to make that log available for scrutiny on request
Public Contract Regulations 2006	Requires transparency in the contract negotiation and awards. Section 23 specifically bars any organisation having been convicted of fraud, bribery, theft or other economic crimes of being eligible to engage in future contract bids
Bribery Act 2010	Builds on previous legislation to make it a specific offence for businesses to engage in bribery or allow its officers, agents or employees to engage in bribery. The legislation requires companies to put in place policies and procedures to prevent corruption and bribery.
ABPI 2015 Code of Practice for Pharmaceutical Industry	<p>The Code sets standards for the promotion of medicines to health professionals and appropriate administrative staff in the UK. It includes requirements for the provision of information to patients and the public and relationships with patient groups. The Code also applies to a number of areas that are non-promotional.</p> <p>The Code covers:</p> <ul style="list-style-type: none"> journal, direct mail and digital advertising the activities of representatives, including any materials used by them the supply of samples the provisions of inducements to prescribe, supply, administer, buy or sell medicines, by the gift, offer or promise of any benefit or bonus whether in money or in kind the provision of hospitality promotional meetings the sponsorship of scientific and other meetings including payment of travel and accommodation expenses all other sales promotion including exhibitions and digital communications

Gift, Commercial Arrangements and Conflicts of Interest Policy

	<ul style="list-style-type: none">the provision of information to the public relationships with patient organisations.
Department of Health 2000, Commercial Sponsorship: Ethical Standards for the NHS	This sets out the guiding principles for dealing with non-NHS organisations and covers gifts, hospitality and sponsorship (it excludes gifts from patients to GPs which is covered under separate legislation). All gifts and hospitality etc over £25 value (or cumulative value in a year of £100) need to be kept on a register and available for public scrutiny.
Dept Health / ABPI 2010 Moving beyond sponsorship: interactive toolkit for joint working between the NHS and the pharmaceutical industry	This provides a framework to guide the development of joint working between NHS organisations and the pharmaceutical industry. However, the principles can equally guide other commercial joint working relationships.

Other References Used

Newcastle Gateshead CCG “CCG CO23 Commercial Sponsorship and joint working with the pharmaceutical industry policy” 21 July 2015

Distils much of the guidance included in this document and encouragement for practices to develop their own guidance.

Information Commissioners Office “Gift Register”

A publically available internal document guiding ICO staff on the acceptance and recording of gifts.

Version Control

Author: Dr Jonathan Harness
Date: 13 October 2015
Version: 1
Status: Published