

Pharmaceutical and Related Industries Joint Working Policy

Review and Amendment Log / Version Control Sheet

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Version History

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1 Introduction

Department of Health Guidance encourages NHS organisations and their staff to consider opportunities for joint working with the pharmaceutical industry, where there are clear advantages to patient care and improvements to patients' health and well-being.

In the past, contact between the Pharmaceutical Industry and primary health care professionals has revolved around the purchase or promotion of specific products and the provision of sponsorship e.g. to support educational events or training. More recently, the Industry has begun to focus on enhancing its links with the NHS. Many companies have developed internal structures to encourage closer liaison with GP practices, CCGs and health care professionals working for CCGs.

The NHS does not always have the expertise or necessary tools to aid implementation of innovation or best practice at the pace or scale that it desires. Pharmaceutical and other health care companies may wish to partner with the CCG to support this adoption of innovation. The 'Innovation Health and Wealth, Accelerating Adoption and Diffusion in the NHS' report sets out a strategy for collaboration between the NHS and industry to improve health outcomes for patients.

It is essential that all projects or dealings with the Industry are open and transparent and are subject to the widest scrutiny to enable likely pitfalls to be highlighted at an early stage.

2 Purpose

The aim of this policy is to:

- Provide all staff working for or on behalf of NHS Leeds West CCG with a framework and guidance for appropriate joint working. Member practices are encouraged to follow the principles of this policy.
- Ensure at all times that the interests of patients, public and NHS Leeds West CCG are upheld and maintained
- Assist NHS Leeds West CCG to achieve its objectives and delivery of national and local priorities by building effective and appropriate working relationships with the pharmaceutical and related industries
- Inform and advise staff of their responsibilities when entering into joint working arrangements with the pharmaceutical and related industries. Specifically, it aims to:

- Assist NHS Leeds West CCG and its staff in maintaining appropriate ethical standards in the conduct of NHS business.
- Highlight that NHS staff are accountable for achieving the best possible health care within the resources available.

Staff are reminded that at all times they have a responsibility to comply with their own professional codes of conduct. In the interests of transparency staff must comply with the CCG's standards of business conduct policy and Declarations of interests' policy, (staff involved in negotiating/agreeing joint working arrangements to complete declarations including nil returns).

Whilst staff may enter into conversations with pharmaceutical and related industries any joint working projects must comply with this policy.

Representatives of the pharmaceutical industry must comply with the ABPI Code of Practice for the Pharmaceutical Industry as a condition of their membership. If staff believe that a pharmaceutical industry representative has broken the Code, they can report their complaint to the Director of the Prescription Medicines Code of Practice Authority (PMCPA) at complaints@pmcpa.org.uk

3 Definition of Joint Working

For the purpose of this policy, joint working is defined as situations where, for the benefit of patients, the NHS and commercial 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 differs from sponsorship, where pharmaceutical companies simply provide funds for a specific event or work programme.

4. Values

In line with the NHS Code of Conduct three public service values underpin the work of the NHS:

- **Accountability** – everything done by those who work in the NHS must be able to stand the test of parliamentary scrutiny, public judgements of propriety and professional codes of conduct;
- **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, staff and suppliers, and in the use of information acquired in the course of NHS duties. This includes ensuring that

integrity is not only ensured in all decision making processes, but that it is also clearly perceivable from the point of view of a stakeholder or third party, and

- **Openness** – there should be sufficient transparency about NHS activities to promote confidence between the organisation and its staff, patients and the public

5 Principles for Joint Working Arrangements

Joint working arrangements should be of mutual benefit, with the principal beneficiary being the patient. The length of the arrangement, the potential implications for patients and the NHS, together with the perceived benefits for all parties, should be clearly outlined before entering into any joint working arrangement.

The following principles also apply:

- Staff must be aware of NHS guidance, the legal position and appropriate and relevant professional codes of conduct in relation to joint working initiatives.
- Any joint working arrangements will be specifically documented. Contracts will be negotiated in line with NHS values.
- Confidentiality of information received in the course of duty must be respected and never used outside the scope of the specific project.
- Joint working arrangements should take place at a corporate level, they will not be agreed by one individual.
- Clinical and financial outcomes will be assessed through a process of risk assessment.
- Each company that enters into a joint venture with NHS Leeds West CCG will be acknowledged for resources provided; however NHS Leeds West CCG will not endorse a particular product or company as a result of the joint venture.
- NHS Leeds West CCG or its staff will not agree to practice under any condition that compromises professional independence or judgement, or imposes such conditions on other health care professionals.
- A mutually agreed and effective exit strategy will be in place at the outset of any joint working arrangement detailing the responsibilities of

each party and capable of dealing with a situation where premature termination may become necessary.

- Where such collaborations are being considered then the proposal must be presented at a Senior Management Team meeting for approval before any formal agreement is made. Legal advice may also be necessary.
- NHS Leeds West CCG will retain control of all projects.

6 Minimum Data Set Required for Project Approval

Each joint working arrangement will be supported by a project initiation document setting out the following:

- The vision, objectives and outcomes of the project
- The benefits to the patient of the proposed joint working initiative
- The benefits to NHS Leeds West CCG
- The benefits for the pharmaceutical company
- Deliverables and key success factors
- The resources the pharmaceutical company will provide
- The resources that NHS Leeds West CCG will provide
- Timelines and milestones
- Accountabilities, roles and responsibilities
- Governance and Project Management arrangements
- Any issues identified in relation to information governance and/or information sharing
- Any issues identified in relation to public sector procurement duties
- Arrangements for monitoring and evaluation and frequency of reports
- An exit strategy including arrangements for residual funds, staff contracts and intellectual property

7 Confidential and Patient Identifiable Data

The project should be assessed at an early stage to determine if access to sensitive data such as confidential or patient identifiable information is proposed as part of the project.

The Senior Information Risk Owner should be approached for advice where the project may require access to confidential or sensitive CCG information.

The CCG Caldicott Guardian should be approached for advice where the proposal may require access to patient identifiable information.

8 Freedom of Information

NHS Leeds West CCG supports the principles of transparency enshrined in the Freedom of Information Act. Arrangements made between the CCG and Pharmaceutical and related industries will be made available in line with Freedom of Information legislation.

9 Duties / Accountabilities and Responsibilities

The CCG's lead project manager will be responsible for developing the project initiation document for review by a panel consisting of the following representatives.

- Head of Finance
- Head of Contracting
- Director of Nursing and Quality
- Head of Medicines Optimisation
- Governing Body Lay Member
- Public Health Consultant
- Head of Communication and Engagement
- Patient representative

A register of all joint working proposals will be kept by the Head of Business and Corporate Services.

10 Responsibilities for approval

Recommendations from the panel will be taken to a Senior Management Team meeting for formal approval of the joint working proposal.

11 Public Sector Equality Duty

NHS Leeds West CCG aims to design and implement services, policies and measures that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others.

12 Scope of the Policy

This policy applies to NHS Leeds West CCG including all employees, co-opted members and members of the Governing Body and its committees, who must comply with the arrangements outlined in this policy. Member practices are encouraged to follow the principles of this policy.

13 Monitoring Compliance with the Document

The NHS Leeds West CCG Audit Committee will monitor compliance with the policy.

14 Arrangements for Review

This policy will be reviewed three years after the date of authorisation. The policy may be reviewed sooner if there is a change in legislation or new national guidance.

15 Dissemination

This policy will be shared with all members of the Senior Management Team, Clinical Leads and Governing Body. It will be published on the CCG internet site.

16 References

The following policies were used as the basis of this policy

1. Department of Health, 2008. Best practice guidance for joint working between the NHS and the pharmaceutical industry.
2. Standards of business conduct for NHS Staff HSG (93) 5 DH Best Practice Guidance for Joint Working between the NHS and the Pharmaceutical Industry, February 2008 Department of Health, 2008.

3. Best practice guidance for joint working between the NHS and the pharmaceutical industry ABPI 2006, Code of Practice for the Pharmaceutical Industry Department of Health, 2004. Code of Conduct: Code of Accountability in the NHS. 2nd Ed
4. Leeds West CCG Standards of business conduct policy, and Declaration of interests policy.
5. Innovation Health and Wealth, Accelerating Adoption and Diffusion in the NHS. Department of Health. 2011.

17. Appendices

Appendix 1 - Equality Impact Assessment Tool

Pharmaceutical and Related Industries Joint Working Policy			
		Yes/No	Comments
1.	Does the policy/guidance affect one group less or more favourably than another on the basis of:		
	Race	No	
	Ethnic origins (including gypsies and travellers)	No	
	Nationality	No	
	Gender	No	
	Culture	No	
	Religion or belief	No	
	Sexual orientation including lesbian, gay and bisexual people	No	
	Age	No	
	Disability - learning disabilities, physical disability, sensory impairment and mental health problems	No	
2.	Is there any evidence that some groups are affected differently?	No	
3.	If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable?	No	
4.	Is the impact of the policy/guidance likely to be negative?	No	No impact has been identified from the proposed policy. An Equality Impact Assessment will need to be carried out on proposed schemes to be considered under this policy.
5.	If so can the impact be avoided?		
6.	What alternatives are there to achieving the policy/guidance without the impact?		
7.	Can we reduce the impact by taking different action?		

If you have identified a potential discriminatory impact of this procedural document, please refer it to, together with any suggestions as to the action required to avoid/reduce this impact.

Appendix 2 - Joint Working Criteria (adapted from the Association of British Pharmaceutical Industry Joint Working Guide)

All potential parties should review this checklist and satisfy themselves that each criterion would be met under the project.

If the answer to any of the questions below is **no**, the project is not a true joint working arrangement and should not be viewed as such. Appropriate steps to address the outstanding areas should be taken before proceeding further.

	YES	NO
1 The main benefit of the project is focused on the patient	<input type="checkbox"/>	<input type="checkbox"/>
2 All parties acknowledge the arrangements may also benefit the NHS and pharmaceutical partners involved	<input type="checkbox"/>	<input type="checkbox"/>
3 Any subsequent benefits are at an organisational level and not specific to any individual	<input type="checkbox"/>	<input type="checkbox"/>
4 There is a significant contribution of pooled resources (taking into account people, finance, equipment, & time) from each of the parties involved	<input type="checkbox"/>	<input type="checkbox"/>
5 There is a shared commitment to joint development, implementation, and successful delivery of a patient-centred project by all parties involved	<input type="checkbox"/>	<input type="checkbox"/>
6 Patient outcomes of the project will be measured and documented	<input type="checkbox"/>	<input type="checkbox"/>
7 All partners are committed to publishing an executive summary of the Joint Working Agreement	<input type="checkbox"/>	<input type="checkbox"/>
8 All proposed treatments involved are in line national guidance where it exists and based on evidence-based clinical practice	<input type="checkbox"/>	<input type="checkbox"/>
9 All activities are to be conducted in an open and transparent manner	<input type="checkbox"/>	<input type="checkbox"/>
10 Exit strategy and any contingency arrangements have been agreed	<input type="checkbox"/>	<input type="checkbox"/>
11 Are you satisfied with your knowledge of the collaborating organisation i.e. is there evidence of audited accounts, is the organisation and ownership known?	<input type="checkbox"/>	<input type="checkbox"/>
12 Is the proposal on offer consistent with NHS Leeds West CCG priorities?	<input type="checkbox"/>	<input type="checkbox"/>