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Newham CCG Commercial Sponsorship Policy

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Name and dept of originator/author:	Sab Sanghera Director of Partnerships & Governance
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1 Introduction and Definition

Clinical Commissioning Groups (CCGs) are increasingly being offered Commercial Sponsorship particularly from within the Pharmaceutical Industry. This policy sets out Newham CCG's policy and associated Code of Conduct in relation to commercial sponsorship. This policy is in response to Commercial Sponsorship Ethical Standards for the NHS – published by the Department of Health (DoH) in November 2000 which requires NHS Organisations to produce local policies in relation to commercial sponsorship as well as the revised statutory guidance to CCGs on Managing Conflicts of Interest published in June 2016

Commercial Sponsorship' is defined as including, "NHS funding from an external source, including funding of all or part of the cost of a member of staff, NHS research, staff and member practice training, pharmaceuticals, equipment, meeting rooms, costs associated with meetings, meals, gifts, hospitality, hotel and transport costs, (including trips abroad), provision of free services and buildings or premises."

Typically sponsorship is most likely to involve the sponsorship of a single one-off "event" although this policy also refers to "projects" where a longer term sponsorship arrangement might be undertaken.

The arrangements outlined within this policy apply to all staff employed by Newham CCG. The Department of Health Guidance also requires Independent Contractors to put into place similar local arrangements. Independent Contractors should refer to their professional bodies for guidance. GPs should also refer to the BMA guidance "Ensuring Transparency and Probity". May 2011.

This policy should be read in conjunction with the following policies:

- Gifts Hospitality anti- Fraud and Bribery Policy
- Conflicts of Interest Policy

2 Background

It is recognised that that there can be mutual benefit in sponsorship arrangements with organisations external to the NHS, but only if they are agreed within a framework with the necessary safeguards and checks.

Limited finance and management resources mean that the potential availability of financial and other support is attractive to the NHS. Specifically the Association of the British Pharmaceutical Industry (ABPI) Code of Practice allows pharmaceutical companies to commit up to 9% of their total resources to educational work with NHS organisations, so significant resources are available for appropriate projects from this source alone. There are, however, concerns that in accepting sponsorship from companies whose primary aim is to make profits, the quality of patient care may be compromised and priorities may be distorted by sponsorship agreements which look attractive in one part of the NHS, but may lead to increased costs or poorer care of patients in other parts of the service.

Commercial Sponsorship Ethical Standards for the NHS requires NHS bodies to have formal arrangements, with clear policy statements, codes of practice in working with sponsors, and codes of conduct for Clinical Commissioning Group (CCG) members and staff. These

arrangements need to be in line with the Standing Orders, Scheme of Reservation and Delegation of the organisation.

3 Key Principles

Newham CCH has decided that, as a commissioning organisation, offers of sponsorship from any provider or potential provider of any health goods or service or other form of good or service should not be accepted as a matter of principle for the following reasons;

- As a commissioning body there is the risk that commissioning decisions may have been made on a partial basis where sponsorship has been permitted
- As a commissioning body there is the risk of a perception that commissioning decisions may have been made on a partial basis where sponsorship has been permitted
- The CCG as a commissioning body should remove itself from the risk of being perceived as conferring an advantage on an existing or potential provider
- The CCG as a commissioning body cannot reasonably assure itself that the acceptance of sponsorship will not confer a position of advantage for the sponsor over other providers of goods or services. Typically
- The practice of sponsorship as it most commonly exists for the CCG involves requests from pharmaceutical organisations as provider organisations to be permitted an “audience” with primary care practitioners through the CCG meeting structure (Practice Council, Cluster Meetings, Education Sessions) where presentations have been made in return for the provision of refreshments. Typically providers approached the CCG to offer sponsorship as opposed to the CCG offering the opportunity to allow sponsorship to all providers and hence there would not be a fair and equitable system allowing similar access to all providers to events.

4 Arrangements for the rejection of offers of sponsorship

- 4.1 Offers of sponsorship for a project or event will be rejected and that rejection recorded.
- 4.2 All CCG Staff and members should record the offer of sponsorship and its rejection using form Appendix B.
- 4.3 Forms should be passed to the Director of Partnerships and Governance will record the rejection of the offer of sponsorship on the CCG Sponsorship register. The originating officer should advise the organisation from where the offer of sponsorship originated that the offer will be recorded on the CCG’s Sponsorship Register.
- 4.4 The Register is retained as a list of all of sponsorship made and rejected with effect from the adoption of this policy.

5 Responsibilities

Accountable Officer

The Chief Officer has overall accountability and responsibility for implementation of this policy. The Chief Officer has delegated responsibility for day-to-day management of this policy to the director of Partnerships & Governance

Director of Partnerships and Governance

The Director of Partnerships and Governance is responsible for:

- Advising staff, office holders and GP Member Practices on the contents of this policy
- Ensuring adequate records are established in terms of the forms where sponsorship has been offered and rejected
- Maintaining the Commercial Sponsorship Register, ensuring it is open for public inspection and scrutiny and its publication on the CCG website
- Preparation of the Commercial Sponsorship Annual Report and presentation to the Governing Body.
- Decisions on the management of breaches of the policy
- Policy renewal

Director of Quality & Development

The Director of Quality & Development is responsible for:

- Ensuring in particular that the medicines Management team are aware of and comply with this policy

Directors of Service

- Directors of Service must ensure divisional staff are aware of the provisions set out within this policy and that it is implemented within their teams, in particular the Primary Care team in relation to Cluster Events and other primary care events.

Employees

All staff are responsible for following the policy and for declaring any matter covered within the confines of this policy.

6 Code of Conduct

- 6.1 The Code of Conduct in relation to sponsorship for CCG officers, office holders and CCG members, who are not subject to professional codes, is attached at Appendix A.

7 Management Arrangements

- 7.1 The Register and reporting arrangements

A register of sponsorship agreements rejected will be maintained by the Director of Partnerships & Governance. The register will be open to inspection by the public and will be maintained on the CCG website. The register will record those proposals which

were submitted and rejected. The Director of Partnerships & Governance will make an annual report to the CCG Governing Body each year.

8 Breaches of Policy

- 8.1 Employees are reminded that breaches of rules, including breaches of policy, could be regarded as misconduct under the CCGs Disciplinary Procedure and/or as criminal activity which will be reported to the Local Counter Fraud Specialist/Local Security Management Specialist and/or police accordingly.

9 Equality and Diversity Statement

- 9.1 Newham CCG is committed to ensuring that all patients, employees and members of the public are treated fairly, equitably and reasonably and that it does not discriminate against individuals or groups on the basis of their ethnic or national origin, physical or mental abilities, gender, age, religious beliefs or sexual orientation, social and employment status or domestic circumstances.

CODE OF CONDUCT

Staff employed by Newham CCG, members of the CCG and anyone undertaking work on behalf of the CCG should follow the following principles and abide by any professional codes of conduct in relation to matters of sponsorship;

- Act impartially in all their work;
- Refuse sponsorship of any kind as it may reasonably be seen to compromise their personal judgement or integrity, or seek to exert influence to obtain preferential consideration.
- Declare and register the rejection of sponsorship of any kind.
- Declare financial or personal interest 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 commercial considerations;
- Not misuse their official position or information acquired in the course of their official duties, to further their private interests or those of others;
- Beware of bias generated through sponsorship; where this might impinge on professional judgement, fair competition and impartiality;
- Adhere to the rejection process for sponsorship applications and ensure rejection forms are recorded on the CCG Sponsorship Register.

Sponsorship Rejection Form

1 Details of CCG member making the rejection			
Print Name		Date	
Signature			
2 Details of project or event being for which sponsorship was offered:			
3 Proposed Sponsor			
Organisation		Nature of business	
Address			
Contact name			
Tel number			
4 Value of sponsorship – financial or “in kind” (if refreshments, estimate the value per head for the audience)			

5 Date sponsorship was rejected and how the sponsor was advised (email / phone / in person)

Print Name

Date

Signature

11 Date Rejection Form received by Director of Partnerships & Governance (or DCO / CFO in their absence)

- Rejection received -

Print Name

Date

Signature

THE FORM MUST BE SIGNED & RETRNEED TO THE DIRECTOR OF PARTNERSHIPS & GOVERNANCE

NCCG Equality Impact Assessment Jan 2017

Title of policy or service	Commercial Sponsorship Policy	
Name and role of officers completing the assessment	Mike Sims Board Secretary Newham CCG	
Date assessment started/completed	January 2017	

1. Outline	
<p>Give a brief summary of your policy or service</p> <ul style="list-style-type: none"> • Aims • Objectives • Links to other policies, including partners, national or regional 	<p>To ensure that clinical and professional decisions are always be made in the best interests of patients and the service and that involvement of a commercial sponsor should not compromise the CCG or any member of staff/officer/ member in undertaking their duties</p> <ul style="list-style-type: none"> • Links to following policies: • Gifts and Hospitality anti fraud and corruption Policy • Declarations of Interest Policy • Standing Orders <p>Scheme of Reservation and Delegation</p>

2. Gathering of Information

This is the core of the analysis; what information do you have that indicates the policy or service might *impact on protected groups, with consideration of the General Equality Duty.*

	What key impact have you identified?			What action do you need to take to address these issues?	What difference will this make?
	Positive Impact	Neutral impact	Negative impact		
Human rights		✓			
Age		✓			
Carers		✓			
Disability		✓			
Sex		✓			
Race		✓			
Religion or belief		✓			
Sexual orientation		✓			
Gender reassignment		✓			
Pregnancy and maternity		✓			
Marriage and civil partnership (only eliminating discrimination)		✓			
Other relevant group		✓			

Please provide details on the actions you need to take below.

3. Action plan				
Issues identified	Actions required	How will you measure impact/progress	Timescale	Officer responsible
None identified				

4. Monitoring, Review and Publication			
When will the proposal be reviewed and by whom?			
Lead Officer	Director of Partnerships and Governance	Review date:	January 2018 or before if legislation/ statutory guidance is revised