

# British Association of Perinatal Medicine

## Development of a Framework for Interaction with Commercial Organisations

### Background

As a large membership organisation with charitable status, it is important for BAPM to have clarity about its interaction with and receipt of funding from other organisations, including commercial companies. A working group was therefore convened under the Chairmanship of Dr Martin Ward Platt to address this. Terms of reference for the group are included in Appendix 1. This paper presents the working group's considerations, followed by a proposed draft policy.

### The Considerations of the Working Group

1. We noted that the influence of BAPM continues to grow in parallel with the specialty of perinatal and neonatal care, so organisations with commercial or political agendas may increasingly seek to use BAPM to promote their own interests. These interests and agendas have the potential to conflict with the values espoused by BAPM, compromise the perception of BAPM as an independent voice for perinatal care, and subvert the role of BAPM as an advocate for the needs of babies and their families.
2. We noted that BAPM's stated values include the following statement: ***"We believe that it is in the best interests of our members, their patients and families that we maintain high standards of integrity, service, quality and value and encourage an environment of trust."*** The Executive and membership may therefore need to consider the relative priorities they accord to each of "integrity, service, quality and value" in relation to the ambitions of the organisation. For instance, if the ambitions require significant funding and the highest value is placed on integrity, it may be more appropriate to seek funds from Trusts, Foundations and other third sector grant-making bodies rather than commercial partnerships. Conversely, if service and value are overriding priorities but not integrity or trust, close collaboration with commercial organisations may be considered acceptable. For the purposes of our proposed draft policy we have assumed that integrity and trust are valued most highly.
3. We considered the issue of donations and sponsorship. In general donations are gifts with no strings attached, but some charities that have a variety of activities may accept donations that are restricted to a particular area of activity. Sponsorship is when a donor explicitly provides funding for specific activities or purposes, with the name of the donor associated with it; companies like this because to the outside world it implies some degree of favour or endorsement. If BAPM chooses to accept donations from commercial organisations for restricted purposes, this can look very much like sponsorship. There is no reason why BAPM should not accept ad hoc donations from commercial organisations, as it might from private individuals, but it would be wise to make it clear that no donations can be accepted that are restricted to particular uses, and that there is a monetary ceiling on the amount that can be accepted. We took the view that it would be wise for BAPM to eschew sponsorship altogether, and replace it with the Corporate Membership model that we suggest below.
4. The interaction between BAPM and commercial organisations does not need to be similar to that of its individual members in their places of work. For instance, members in their clinical roles need to evaluate, purchase and use commercial products in order to provide the best care for the patients in their units; consequently these commercial contacts operate within national and local frameworks to ensure that

inappropriate interaction with these organisations does not occur. BAPM does not necessarily need to develop such interaction in order to pursue its activities.

5. The Working Group therefore proposed to the Executive that, separately from the draft policy presented below, direct interaction with external organisations could be formalised by creating a new category of membership, perhaps called Corporate Membership. Corporate Membership would be offered to organisations fulfilling the relevant criteria set out in the draft policy. These organisations would pay a subscription (perhaps banded according to company turnover). For their subscription they might, for example, get access via BAPM to current thinking within the specialty, ideas for new product development, or learn of problems for which they, as commercial suppliers, may develop solutions.
6. It follows that BAPM would not provide commercial organisations with endorsement for themselves or their products, or visibility for their logos, or other advertisement, but they would be acknowledged in the Annual Report. The income so generated would provide a stream of unrestricted funds over and above the current income streams provided by individual members' subscriptions. Equally, BAPM would not seek commercial sponsorship as a means of funding individual projects of any kind, but would fund these from unrestricted income. The means by which BAPM would provide companies with intelligence of potential commercial value will be for the Executive to determine.
7. 'Corporate Membership' could comprise, for example:
  - a) An annual subscription to BAPM, reviewed regularly alongside individual subscription costs, perhaps banded according to company turnover
  - b) Restrictions on the nature of companies eligible for subscription based on the criteria below (*"Accepting and declining donations"*)
  - c) A ceiling on the number of companies accepted as Corporate Members to ensure that they do not contribute a disproportionate amount of income
  - d) Terms and conditions of Corporate Membership that make it clear that this is a non-voting 'membership'; that it does not carry the same rights and privileges as individual membership; that Corporate Membership precludes separate donation; and that the principal gain for the companies is commercially valuable intelligence about clinical needs and desired developments among the neonatal and perinatal clinical community
  - e) The BAPM Executive will need to consider the details of the terms and conditions.
8. As a charitable organisation BAPM has several actual and potential sources of funding other than commercial sponsorship. While the key source of income is the individual members' subscriptions, BAPM as a charity itself, may apply to other charitable Trusts and Foundations for grants for certain activities or projects, and may take on commercial activities in its own right (for example the sale of goods or services that are free to members). Many charities in BAPM's position would consider engaging the services of a specialist fund raiser to undertake this function.
9. The working group considered the specific issue of companies which make artificial milk (*"formula"*) feeds. We agreed the issues are subsumed within the more generic points in the policy (i.e. it is not just about milk companies as other companies seek commercial advantage in similar ways). In this draft we have kept to generic issues, except to reiterate the key codes in relation to the marketing of breast milk substitutes which BAPM does, or may choose to, endorse (Appendix 2). The extent to which companies are seen as violating any of the codes will be a matter for the Executive to determine, perhaps with the benefit of external expert advice.
10. The working group's draft suggestion for a policy follows.

## Draft Policy for Interaction with Commercial Organisations

1. This policy is designed to clarify the interaction between BAPM and commercial organisations and to provide a robust ethical basis for such interaction.
2. The policy espouses the charitable objectives and values of BAPM:

### 2.1. Charitable Objectives

The charitable objectives as registered with the Charity Commission are:

***“The advancement for the benefit of the public of education in perinatal paediatrics and the relief of sickness by promoting the improvement of perinatal paediatric practice.”***

### 2.2. Values

The stated values of BAPM are:

***“We believe that it is in the best interests of our members, their patients and families that we maintain high standards of integrity, service, quality and value and encourage an environment of trust.”***

***“We believe that people are individuals and should be treated with dignity and respect. Our members and other health professionals, their patients and families should expect that individuality and diversity are recognised and valued.”***

### 3. Purpose of the policy

This policy emphasises the need to maintain trust through integrity. It is designed to ensure that BAPM:

- 3.1. Enhances its status as an authoritative and independent source of information and guidance for perinatal health professionals and families
- 3.2. Ensures that it is regarded as authoritative and independent by policy makers
- 3.3. Fulfils its charitable objectives and maintains compliance with Charity legislation
- 3.4. Enhances its ability to work closely with other professional and voluntary bodies
- 3.5. Safeguards its ability to relate to all ethnic and social groups amongst the membership and amongst families
- 3.6. Avoids dependence on any single source of funding so that the prospect of withdrawal of that funding will not affect decision making by BAPM or its Officers
- 3.7. Ensures the transparency of both the decision making process and the final interaction with any commercial organisation

### 4. Individual Members' obligations

All BAPM members who are also members of other professional bodies, members of bodies with a Trade Union status, regulated by a statutory body or work in any capacity for the NHS, are required to conform to the individual codes of practice that pertain to these organisations. When a member of BAPM is involved with any external organisational contact on behalf of the Association, it is expected that members will continue to adhere to their pre-existing codes of conduct and practice.

## 5. **Accepting and declining donations and subscriptions**

Subscriptions or unrestricted donations will be the only means by which commercial organisations may make funds available to BAPM. BAPM will not accept commercial sponsorship for any of its activities. Restrictions on the nature of organisations permitted to donate or subscribe by corporate membership will be determined as follows:

- 5.1. BAPM will normally decline donations either in cash, kind or Corporate Membership, from commercial organisations that have been found to be in contravention of laws, standards, codes of practice or other agreements relevant to the products they purvey; and commercial organisations that have been convicted under the UK Bribery Act (2010) or similar legislation
- 5.2. BAPM will decline donations in cash or kind from political parties
- 5.3. BAPM will decline anonymous donations
- 5.4. BAPM will decline donations in cash or kind from organisations, individuals or groups that do not share the values of BAPM, or when in the judgement of the Executive receipt of such a donation may alienate its members, compromise its reputation or lay it open to the allegation of partiality.

## 6. **The independence of BAPM**

When BAPM is in receipt of donations from any organisations or individuals, financial and intellectual independence will at all times be retained. In practice this means:

- 6.1. BAPM will have full ownership of the intellectual property rights relating to any project it undertakes, regardless of the source of funding
- 6.2. BAPM will not endorse any document whose editorial control or production is managed by a commercial organisation
- 6.3. BAPM will not seek commercial sponsorship to fund its own publications. In circumstances where a publication that is co-produced or endorsed by BAPM is in some way linked to, or partly funded by a commercial organisation, this will be acknowledged in writing on the document; and company promotional material, including a company logo, will not be allowed. Any such support will also be acknowledged in BAPM's Annual Report. BAPM, and/or its partner organisation, will retain complete editorial independence and copyright in any such publication
- 6.4. Where BAPM collaborates with another third sector or not-for-profit organisation in the production of published material or in research, such collaboration will be contingent on that organisation accepting and working to the conditions of this policy.

## 7. **Proportion of income derived from commercial organisations**

- 7.1. No donations from any particular commercial organisation should be allowed to represent more than XXX % (to be agreed) of BAPM's projected income in any one financial year without specific endorsement by the Executive Committee
- 7.2. The total of corporate membership subscriptions should not represent more than XXX% (to be agreed) of total membership income.

## 8. **Due diligence**

BAPM will undertake reasonable due diligence on commercial organisations that propose donations or which seek corporate membership. A standard operating procedure will be created to cover in broad outline:

- 8.1. A requirement on a specifically designed proposal form to disclose basic facts about the company
- 8.2. Verification of the status of the company (through Companies House - <http://www.companieshouse.gov.uk/>)
- 8.3. A search for evidence of reputational compromise: newspaper reports etc.
- 8.4. A search for evidence of individual or corporate prosecutions, bankruptcies etc.

9. **Meetings and conferences, including the Annual Meeting**

It is normal practice for BAPM to sell space for trade stands to commercial organisations to enable them to present and advertise their products for the benefit of the BAPM membership, and to generate income to defray the cost of running relevant meetings or conferences. Such sales constitute standard commercial contracts between the companies and BAPM and are neither donations or subscriptions (though the Executive may determine that a discounted cost for a trade stand may be a privilege of corporate membership). The Executive will reserve the right to bar sales of space to organisations from which donations or subscriptions would not be accepted according to the criteria of **Accepting and declining donations and subscriptions** above.

10. **Review**

This Policy will be reviewed every 3 years, or sooner if the Executive considers that new issues have arisen.

Cross reference: BAPM Conflicts of Interest Policy, June 2012

## Appendix 1

### **BAPM working group to define a framework for interaction between BAPM and Commercial Organisations**

#### **Terms of Reference**

##### **Background, General Terms and Purpose**

It is important as a charity and an organisation representing neonatal professionals to have a framework because of (a) the potential for our work and the practice of our members to be influenced (or seen to be influenced) by commercial organisations in various ways and (b) the specialties we represent and the potential for long term consequences of the decisions we take.

The aims of the framework will be to:

1. Ensure BAPM's ongoing credibility and safeguard its status with perinatal health professionals and families
2. Increase BAPM's standing with policy makers
3. Facilitate BAPM's ability to work closely with other professional and voluntary bodies
4. Safeguard BAPM's ability to relate to all ethnic and social groups amongst its membership and the families of babies cared for by its members
5. Maintain the intellectual independence of the Association

The Working Group will draft a public statement of principles and a more detailed policy document for internal use by BAPM.

The Working Group will consider all aspects of BAPM's interaction with commercial organisations including:

##### Intellectual

1. Meetings with commercial organisations on BAPM business
2. Interaction with representatives of commercial organisations to share expertise and thus help in the development of new treatments
3. Presence of reps at BAPM scientific meetings

##### Advertising

1. Stands at meetings
2. Inclusion of commercial logo in written materials

##### Financial

1. Sponsorship of BAPM activities, whether or not restricted to specific activities (including specific projects, meeting and venue expenses, etc)
2. Travel expenses for meetings
3. Hospitality

The Working Group will take into account industry codes of practice, including the Association of the British Pharmaceutical Industry Code of Practice.

## Membership

The composition of the group is as follows:

### Chair:

Dr Martin Ward Platt, consultant neonatologist (Newcastle)

### Members:

Dr Amanda Ogilvy-Stuart (consultant neonatologist, Cambridge & BAPM Treasurer)

Dr Gopi Menon (consultant neonatologist, Edinburgh & BAPM Hon Secretary)

Dr Jane Hawdon (consultant neonatologist, London)

Ms Caroline King (neonatal dietitian, London)

Mr David Summers (neonatal nurse, Newcastle & BAPM nursing rep)

Mr Duncan Wilbur (Bliss and parent representative)

Dr Chris Gale (trainee rep, London)

Ms Lisa Nandi (Executive Manager, BAPM)

## Meetings and Timeline

It is envisaged that there will be one face-to-face meeting, with subsequent development and finalisation of the statement and framework by email correspondence. The aim will be to present the draft to BAPM's Executive Committee in January 2015.

## Specific Tasks and Duties

1. Review codes of practice produced by industry and by other professional bodies (including the Institute of Medicine).
2. Develop a public statement of principles and a more detailed policy document for internal use by BAPM to cover its interaction with commercial organisations.

## Reporting

The group will report to the BAPM Executive Committee on 26<sup>th</sup> January 2015 followed by circulation to the BAPM membership for consultation and launch of the final document at the BAPM AGM on 5<sup>th</sup> November 2015.

## Responsibility and Accountability

The group is responsible to the BAPM Executive Committee and accountable to the BAPM membership.

## Probity

The group will operate under the arrangements for probity as set out in the BAPM conflicts of interest policy. All group members will be required to complete a declaration of interest form which will be held in the BAPM office and made available on request.

## Appendix 2

### ***Relevant codes of practice***

BAPM endorses the following guidelines, documents and codes in relation to commercial sponsorship in general, and relationships with manufacturers of breast milk substitutes in particular:

1. The World Health Organisation's code in relation to breast-feeding and the marketing of infant formula
2. The International Baby Food Action Network (IBFAN) position statement on sponsorship and conflicts of interest
3. Association of the British Pharmaceutical Industry Code of Practice
4. The Bliss ethical funding policy
5. The Department of Health 'Commercial Sponsorship – Ethical Standards For The NHS'
6. Institute of Medicine. Conflict of interest in medical research, education, and practice.

Failure of a company to comply with these guidelines, documents and codes would prevent BAPM from accepting donations or corporate membership as stated in **Accepting and declining donations and subscriptions** above.