

Code of Conduct

All UTA members agree to abide by our code of conduct, which lays out our founding principles, advertising and marketing regulations, staff conduct procedure, contractual compliance.

Introduction

The Urology Trade Association (UTA) is an organisation that represents more than 95% of the urology appliance manufacturing and supply market, established to:

- Act as a forum for discussion and a vehicle for collective action on all issues relating to the urology product manufacturing and/or distributing sector;
- Represent the interests and consensus opinion of our members;
- Promote the contribution to NHS patients of the urology manufacturing sector and its products; and
- Communicate the benefits of high quality, innovative urology appliances to key stakeholders.

The UTA recognises that complying with both relevant laws and ethical standards is necessary for the industry in pursuit of its above objectives. This Code of Practice therefore sets out minimum standards that members should abide by when conducting their business.

1) General Scope

- This Code of Practice governs the behaviour of companies that are registered as UTA members, which have agreed to abide to the Code by the criteria herein.
- The Code is intended to reflect a philosophy of care and support for customers. UTA members will make themselves aware of pertinent legislation, to ensure they do not offer, stipulate, infer or imply anything in their terms and conditions of contract which provides customers with less protection or a worse deal than that provided by law, and to ensure that the terms in their consumer contracts comply with Consumer Protection from Trading Regulations 2008.
- Individual persons working directly with patients in the industry, should be registered as competent individuals with the appropriate professional bodies, such as the Nursing and Midwifery Council and the Health Professionals Council and also adhere to their professional Codes of Conduct.

2) Definitions

- UTA member companies as defined for the purpose of this Code of Practice, will be involved in one or more of the following:
- Supply of assistive urological devices/technologies

- Supply of externally applied urological medical devices, and/or services relating to the fitting of these devices
 - Supply of equipment and related services necessary for medical and health professionals to carry out their various specialist functions
 - Training in the use of assistive urological devices/technologies
 - Training relating to health and safety, such as first aid at work and manual handling.
- 2.2 The term 'UTA member' for the purpose of this Code of Practice includes the following:

- Limited companies
- Partnerships
- Sole traders
- Wholly owned subsidiaries
- Franchises
- Customers may be private individuals, businesses, charities or authorities/agencies such as the NHS.

3. **Over riding principles underpinning the UTA Code of Practice**

All UTA member companies registered against this Code of Practice adhere to the following principles set out by MedTech Europe:

- *The Principle of Image and Perception*

Member companies should, at all times, consider the image and perception of the medical technology industry that will be projected to the public when interacting with healthcare professionals and healthcare organisations.

- *The Principle of Separation*

Interaction between industry and healthcare professionals/healthcare organisations must not be misused to influence through undue or improper advantages, purchasing decisions, nor should such interaction be contingent upon sales transactions or use or recommendation of member companies' products.

- *The Principle of Transparency*

Interaction between industry and healthcare professionals/healthcare organisations must be transparent and comply with national and local laws, regulations or professional codes of conduct. In countries where specific provision is not made, member companies shall nevertheless maintain appropriate transparency by requiring prior written notification to the hospital administration, the healthcare professional's superior or other locally-designated competent authority, fully disclosing the purpose and scope of the interaction.

- *The Principle of Equivalence*

Where healthcare professionals are engaged by a member company to perform a service for or on behalf of a member company, the remuneration paid by the Member Company must be commensurate with, and represent a fair market value for, the services performed by the healthcare professional.

- *The Principle of Documentation*

For interactions between a member company and a healthcare professional, such as where services are performed by a healthcare professional for or on behalf of a member company, there must be a written agreement setting out, inter alia, the purpose of the interaction, the

services to be performed, the method for reimbursement of expenses as well as the remuneration to be paid by the member company. The activities envisaged by the agreement must be substantiated and evidenced by activity reports and the like. Adequate documentation such as the agreement, related reports, invoices etc. must be retained by the member company for a reasonable period of time to support the need for, and materiality of, the services as well as the reasonableness of the remuneration paid.

The other overarching principles underpinning this code are as follows:

- Compliance with all relevant legislation relating to advertising and marketing, the sale of goods, relevant European Directives/Regulations, consumer rights, disability rights, and data protection.
- Companies will make themselves aware of pertinent legislation to ensure they do not offer, stipulate, infer or imply anything in their terms and conditions of contract which provides the customer with less protection or a worse deal than that provided by law.
- Where selling products, they will ensure that these are of satisfactory quality and fit for the purpose specified. Their selling techniques will be ethical and they will deliver high standards of service. Inappropriate selling tactics must not be used. (Examples of what might be high pressure selling/mis-selling tactics include: unreasonably long stay (for sales in the home); high initial price followed by the offer of a discount (often followed by a telephone call to the “manager”); discount on the condition that the consumer agrees to the sale that day; withholding price information until the end of the sales discussion/visit; alleged limited availability of a product; misrepresentation of the product, price or contract.
- Any claims made by the company and its employees will be honest and truthful, and will not give rise to false expectations. Information, claims and comparisons must be accurate, balanced, fair, objective and unambiguous. They must not mislead either directly or by implication.
- They will act at all times in such a manner as to justify public trust and confidence, to uphold the good standing and reputation of the healthcare industry, to serve the best interests of society, and above all, to safeguard the interests of individual customers. They will respect the confidentiality of information obtained and not disclose such information without the consent of the customer concerned or a person entitled to act on their behalf, except where such disclosure is required by law. They will be honest and truthful in all their dealings with consumers.
- Products and services will only be supplied where they fulfil a genuine need.
- All communications, verbal and written, will be made in plain language.
- At all times, the vulnerable nature of the customer will be respected. Vulnerable customers, such as those who are elderly and/or disabled, will not be coerced in any way, will be given information in an appropriate format, and will have their particular needs taken into account.
- A copy of this Code will be given to anyone who requests it and, where complaints cannot be resolved direct with the company, complainants will be made aware of their right to arbitration in accordance with this Code and how to initiate such proceedings.

4. **Advertising and Marketing**

- In marketing and promotional activities, in addition to having due regard for current legislation, care must be taken to ensure any gifts related to purchase of a product or service are directly relevant to that purchase and of a nature that cannot be construed as inappropriate or disproportionate.
- Advertisements must comply with any relevant code of advertising including:
- the British Codes of Advertising, Sales Promotion and Direct Marketing
- the Television, Advertising Standards Code
- the Radio Advertising Standards Code
- the PhonepayPlus code for all premium rate charged telecommunication services

They must also comply with relevant statutory requirements such as the Consumer Protection from Unfair Trading Regulations 2008 and the Consumer Credit (Advertisements) Regulations 2004 (as amended).

- Advertisements must not give misleading indications about price, value or quality, nor about the organisation placing the advertisement, nor about any benefit that may be derived from the product or service offered. The consequence of responding to the advertisement should be clear.

5. **Staff Conduct**

UTA members and their representatives may interact with health care professionals and customers in the course of their work, including support for medical research, education and professional skills, the development of new products and the provision of training and support in the use of their products. In these circumstances staff must adhere to the following:

- Staff must clearly identify themselves, not claim medical qualifications or training which they do not possess, or claim product endorsements for which they cannot provide evidence. Similarly, staff must always be honest, accurate, and truthful in all of their dealings and communications with customers and patients. This includes truthful information about the availability of product items.
- Act at all times in such a manner as to justify public trust and confidence, to uphold and enhance the good standing and reputation of the healthcare industry, to serve the best interests of society and, above all, to safeguard the interests of individual customers.
- Act, at all times, within the law of the land and in a manner befitting a professional worker in the healthcare field.
- Act, at all times, in such a way as to promote and safeguard the well-being and interests of customers.
- Ensure that no action or omission under his/her control is detrimental to the condition or general safety of a customer.
- Take every reasonable opportunity to maintain and enhance knowledge and competence within his/her field of work.
- Acknowledge any limitations of competence and refuse in such cases to accept delegated functions without first having received instruction in regard to those functions and having been assessed as competent.
- Work in a collaborative manner with healthcare professionals (such as doctors, consultants, occupational therapists, physiotherapists etc) and recognise and respect the contribution of all within the healthcare team.
- Ensure that the customer is fully informed (in this context, this means that the terms and conditions of contract, options available and any other pre-contractual and point

of sale requirements set out herein have been explained), and this is recorded, before seeking his/her consent to an intervention, or to a purchase.

- Ensure that there is no abuse of the privileged relationship that exists with customers or of the privileged access allowed to their property, residence or workplace.
- Respect the confidentiality of information obtained during the course of their work and not disclose such information without the consent of the customer concerned or a person entitled to act on their behalf, except where such disclosure is required by law.
- Refuse to accept any gift, favour or hospitality that is intended to exert undue influence to obtain preferential consideration. Whilst it may be appropriate, on occasions, to accept small gifts or tokens of thanks from customers, these should always be disclosed to relevant senior staff and, where necessary, advice sought.
- Abide by any additional Code(s) of Practice covering particular sectors or functions within the healthcare field relevant to his/her employment.
- Possess the appropriate product knowledge to advise and assist purchasers.

6. **Pre-Contractual and Point of Sale Information**

- UTA member company representatives must not involve themselves in inappropriate selling tactics or pressurised selling tactics.
- Where a customer's ability, well-being, environment, and/or activities have an effect on the safe use and suitability of a product for the customer's stated purpose, a full assessment of these factors must be carried out, so that an appropriate product can be identified. A record of the assessment must be retained by the company and a copy be made available to the customer on request.
- Potential customers should be made aware, where appropriate, of services offered by the Local Authority, NHS, the Employment Service, major charities and other agencies.
- Where professional / medical advice should be considered by the customer before purchasing, details of where this assistance might be obtained should be given. If a practitioner is recommended who is contracted to the advising vendor/salesperson, this should be made explicit.
- Terms and conditions of contract must be available in writing and must be legible, comprehensive and written in plain language; the font used should be a minimum of size 12, with large bold print for particularly important terms such as cancellation instructions. They must include details of the trader's name and geographical address and details of any other trader's name and geographical address on whose behalf the trader is acting. Due regard must be given to the Consumer Protection from Unfair Trading Regulations 2008. Where a customer has indicated they have poor eyesight or are confused by paperwork, the salesperson should go through the paperwork with them.
- Any limitations of the product/service should be made clear and any clear disparity between the goods and/or services for sale and usual consumer expectations must be explained in writing.
- Any clear disparity between a customer's stated requirements and the nature of the goods/and or services to be purchased must be pointed out and explained in writing.
- Details of delivery, installation, training, after-sales support, service and warranty should be made available prior to sale.
- Delivery and completion dates should be discussed with the customer in advance of ordering/making the purchase and a choice of delivery dates and times should be offered.

- Where tuition/training is necessary for safe use of a product, reasonable and fair tuition/training for its use under the conditions which the purchaser best describes as “normal” for his / her purposes must be offered prior to conclusion of a sale. If such tuition/training is declined, record must be made of that fact and the reasons given. For mail order and Internet orders, normal delivery times should be indicated. Should it become clear these can not be met, the customer must be informed as soon as practicable, with an honest explanation of the reason for the delay. The customer should have the right to cancel without penalty if the order is not delivered within the stipulated time.
- Where tuition/training is necessary for safe use of a product, reasonable and fair tuition/training for its use under the conditions which the purchaser best describes as “normal” for his / her purposes must be offered prior to conclusion of a sale. If such tuition/training is declined, record must be made of that fact and the reasons given.
- Any instructions for use and manuals should be written in clear language.

7. **Legal and Quality Compliance**

- UTA members are committed to producing and supplying high quality products and services which are safe to use, comply with national law, and promote the best interests of the patient.

8. **Unlawful Payments**

- UTA members should not offer or provide payment, either in money or in kind, directly or through a third party, in order to win new business or retain existing business, influence customers, companies, or government officials, or gain any other advantage.

9. **Sponsorship**

- Where UTA member companies sponsor part or all of a professional employed by the NHS or Social Services, they must have due regard to the employing body’s rules regarding sponsorship. No pressure must be exerted on the individual to favour the sponsoring company’s products over any other. The product supplied should -at all times - be that which the professional considers is best suited to the user’s needs.

10. **Environmental Protection**

- All UTA members should pay due regard to the environment and environmental law.

11. **Data Privacy**

- Members should take steps to maintain the security of personal and patient data, and ensure that such data is only used in accordance with the law.

12. **Competition Law**

- Members should pay due regard to competition law, and refrain from engaging in practices such as price fixing, restriction of sales, market partitioning, exchanging of

confidential information (including prices) with competitors, agreements on investment levels or production quotas, price discrimination or refusal to sell products.

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13. **Product Safety**

- If a member company is aware of a product that has caused serious illness or death to a customer, this must be reported to the appropriate authority, either the HSE or the MHRA. They must maintain records of customers such that a re-call of a product could be carried out if necessary
- Companies selling to agencies such as the NHS and local authorities should advise them of the need to track products, to ensure that any product recalls can be dealt with swiftly and effectively.

14. **Complaints**

- All members must have in place an effective mechanism for the timely resolution of complaints. Customers should be provided with information on the complaints process and who their grievance should be directed to. If a member company is aware of a product that has caused a serious illness or death to a customer it must comply with existing guidelines about product recall.

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15. **Compliance and Enforcement**

- Members should ensure that their employees, agents and other representatives comply with this code, including written policies and training programmes where necessary, with clear procedures to enforce the code.

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16. **Patient Communication**

- There are occasions when members will consider it appropriate to communicate with users about possible changes in the nature and availability of products and services.
- To avoid causing distress, members should exercise great care when considering how best to communicate to users, particularly when the outcome of certain discussions remains uncertain. Members should always proceed sensitively and consider carefully the timing, tone and content of any such communications.