



Working with Pharmaceutical & Medical Device Industries Policy

December 2019

Summary

The purpose of this document is to outline the MS Society's position on any working relationships with healthcare industries that make a profit. This policy applies to those who manufacture and market treatments and medical devices for MS, including but not exclusive to, pharmaceutical companies, biotechnology companies, cannabis industries, and medical device companies.

The MS Society's relationships with other commercial entities not listed above but that do provide money, skills or other resources, is outlined in the Corporate Partnerships and Donations policy or the Affinity Partnerships Operational Guidance. Employees and volunteers are expected to be familiar with both policy documents to understand if their activities and working relationships are covered by each policy. Other collaborations are governed by their own terms and conditions and in line with the Association of the British Pharmaceutical Industry's (ABPI) Code of Practice and other associated policies. Where possible, we will encourage those collaborations to follow the principles we set out in this document.

The MS Society's vision is a world free from the effects of MS. The MS Society recognises the importance of working collaboratively with all stakeholders with an interest in MS to achieve this vision. Those who market and manufacture drugs and devices to treat MS are an important stakeholder in achieving our vision. At the same time, we need to be open and transparent about these working relationships. It is vital that the MS Society maintains its independence, integrity, impartiality and transparency in all that we do.

The MS Society works with industry when we are confident it is in the interest of people with MS. Any collaboration with industry must clearly support the MS Society's strategic aims and objectives and be in line with its organisational strategy. The MS Society will not enter into any relationship which could in any way jeopardise its independence or impartiality. We will never give one company a competitive advantage over another, and will always seek support from multiple companies where possible.

The MS Society will at all times fully meet the requirements of the Charity Commission, the Office of the Scottish Charity Regulator (OSCR) and the Charity Commission of Northern Ireland. The MS Society recognises the need for industry to comply with relevant laws, such

as the Human Medicines Regulations 2012 and the UK Bribery Act 2010 and the ABPI Code of Practice.

This policy has been prepared in line with relevant best practice guidance.ⁱ

All MS Society staff and volunteers and anyone operating on behalf of the MS Society are expected to adhere to this policy and the MS Society will make this policy available to any industry organisations it works with to inform and guide these relationships.

Key definitions

Pharmaceutical company: A pharmaceutical company, or drug company, is a commercial business licensed to research, develop, market and/or distribute drugs, most commonly in the context of healthcare. They can deal in generic and/or brand medications.

Medical devices: A medical device is described as any instrument, apparatus, appliance, software, material or other article, whether used alone or in combination, including the software intended by its manufacturer to be used for human beings for the purpose of: diagnosis, prevention, monitoring, treatment or alleviation of disease, or investigation, replacement or modification of the anatomy or of a physiological process, and which does not achieve its principal intended action in or on the human body by pharmacological, immunological or metabolic means, but which may be assisted in its function by such means.

Biotechnology company: company that uses live organisms or their products, such as bacteria or enzymes, to manufacture drugs.

Cannabis company: A cannabis company is a commercial business regulated to research, develop, market and/or distribute cannabis based products, most commonly for medicinal purposes. They can deal in generic and/or brand medications.

1. Independence and impartiality

1.1. Any direct collaboration with industry will be governed by a clear written agreement, in line with the most up to date ABPI Code of Practice for the Pharmaceutical Industry. Written agreements will identify requirements and expectations from each party, including intellectual property, publications and exploitation. The written agreement will be developed in line with this policy and with the MS Society's intellectual property policies. The agreement will also include reporting requirements, or any other obligations, which should be agreed with all companies during the planning stages of a project. The MS Society will ensure that that there is a mechanism for monitoring and evaluating the outcomes of each collaboration.

1.2. The MS Society will ensure that its activities and publications are non-promotional and do not aim to stimulate demand for a particular treatment nor promote it over its competitors. The MS Society will not actively encourage people affected by MS to seek a particular product or service from a healthcare provider. However, it may draw attention to specific products or services if we believe this could benefit people affected by MS. References to products or services in any of the MS Society's publications or information services by generic or trade name do not constitute a recommendation of the product or service.

1.3. The MS Society will never consent to being quoted in press releases developed by pharmaceutical and medical device industries.

1.4. Companies will not be allowed to edit MS Society publications or other resources. No information resource or materials produced by the MS Society will be influenced in any way by the acceptance of pharmaceutical or medical device industry sponsorship. All MS Society information is based on the latest evidence and is informed by people affected by MS, health and care professionals and others with relevant expertise.

1.5. Where the MS Society works with any company or companies on a specific project the MS Society will retain editorial control over all publications and printed materials and will maintain copyright. The MS Society's logo and any of its materials may not be used by any industry partner in any internal or external publication or document without the MS Society's written consent.

1.6. The MS Society will always seek to work with multiple industry partners to ensure no one company has undue influence. Joint funding arrangements for specific projects are favoured. We will only work with one industry partner as an exception, such as when multiple industry partners have been asked and only one company has agreed to collaborate on a project. All funding collaborations will be governed by a written agreement.

1.7. The MS Society will only work with pharmaceutical and medical device companies where it can ensure compliance with the most recent ABPI Code of Practice. Where a company is not a member we will require written assurance of compliance with these principles.

1.8. The MS Society reserves the right not to work with a company.

2 Openness and Transparency

2.1 The MS Society will report on all collaborations and financial contributions over £5,000 from industry in its annual report (available at: www.mssociety.org.uk/about-us/what-we-do/our-work/how-we-work) and in financial accounts.

2.2 Where the MS Society works with pharmaceutical or medical device companies on a specific project the charity will acknowledge this publicly through openly declaring commercial sponsorship of a project, where relevant, and what input each company had, if any.

2.3 In strict compliance with GDPR regulations, the MS Society will not, under any circumstances, disclose any of its members' or supporters' information to any other organisation or third party organisations working on behalf of a company.

2.4 Any MS Society volunteers or staff who have a relationship industry that directly relates to their role at the MS Society must declare and manage any conflict of interest that may arise in line with our Managing Conflicts of Interest or Potential Conflicts of Interest Policy.

2.5 The MS Society will consider participation in independent market research funded by Pharmaceutical and Medical Device Industries. At all times involvement will only consist of staff time and will not involve MS Society staff sourcing external participants for their research.

3. Financial support

3.1. The MS Society will only accept funding from companies when it fulfils all of the following criteria:

- That a partnership will result in benefit to people affected by MS and is in line with our vision and organisational strategy.
- The named lead from the MS Society's Executive Group is satisfied that accepting support is in line with this policy, and will not result in any significant reputational damage.
- There is no attempt by the funder to directly or indirectly influence the charity's strategy or activity.
- The donation or contribution is in line with the MS Society's Acceptance and Rejection of Donations Policy.

3.2. Wherever possible, funding requests will be sought from a number of companies for a particular programme of work. The MS Society will negotiate with all its sponsors on an equal basis to ensure that no individual company is treated differently from any other in regard to funding of any particular project.

3.3. The acceptance of funding from industry will be confirmed by a written agreement as outlined in section 1.

3.4. No more than 5% of annual income should come from companies covered by this policy in any one year. Please see latest annual report at www.mssociety.org.uk/about-us/what-we-do/our-work/how-we-work.

3.5. Any donations offered to staff, volunteers or any person acting in the name of the MS Society must be made directly to the charity and are governed by the terms of this policy and MS Society sign off procedures. Please refer to Section 6 for further guidance.

3.6. The MS Society will not accept honorarium for staff participation in an event unless the responsible Director is satisfied both that participation in the event is consistent with this policy, whether or not an honorarium is paid, and that the receipt of an honorarium does not create a risk of a perceived loss of independence, impartiality, openness or transparency. If honorarium is appropriate, it will be donated back to the MS Society.

3.7. Fundraising activities by groups of individuals who happen to work for a particular pharmaceutical or medical device company are outside the scope of this policy.

3.8. If a donation or contribution satisfies this policy and is acceptable under the Acceptance and Rejection of Donations Policy, but exceeds £100,000 in a year or £250,000 over the life of the project then the nominated lead from the Executive Group shall notify other members of the Executive Group about the proposed donation or contribution, with the final decision then being made by the Chief Executive.

4. Campaigning and influencing

4.1. Financial support from companies to support MS Society campaigning activities to external audiences where the objectives of the work directly support the financial gain of one company will not be accepted, as this may be interpreted as promoting a particular treatment or product.

4.2. Where the MS Society becomes involved with a collaborative campaign, the terms of the collaboration will be governed by a written agreement between the parties involved. This ensures that the MS Society's corporate policies are observed.

4.3. Where working with an organisation that may be funded or otherwise linked to industry we will seek to ensure that we are aware of any such links and that our collaborators are open and transparent about their existence of those links and meet the principles contained in this policy.

4.4. The MS Society reserves the absolute right to make public comment based on its impartial view of the evidence and data relating to treatments and services.

5. Research

5.1. The MS Society will make available information on clinical trials that it is funding on its website for the purpose of bringing them to the attention of people with MS. The MS Society will encourage industry to register their studies on the National Institute for Health Research and promote this resource.

5.2. Where there is a partnership between the MS Society and pharmaceutical companies, a policy will be agreed regarding research publications and data access. This would be set out by the MS Society in advance of any agreements of this type.

5.3. The MS Society will consider requests to signpost to patient and public involvement (PPI) activities that industry plans to run in research subject to those requests meeting the MS Society's criteria. Please contact researchnetwork@mssociety.org.uk for further information.

6. Guidelines for working together

6.1 Further operational guidance on how the MS Society works with the pharmaceutical and medical device industries at a national and regional level, as well as template written agreements, are available on request.

For more information please contact the MS Society Supporter Care team (0300 500 8084 or supportercare@mssociety.org.uk).

Approved: **Approved by board 6/12/2019**

ⁱ This policy has been drafted in line with relevant best practice guidance on collaborations and commercial partnerships, including: Charity regulatory guidance 'Choosing to Collaborate: Helping you to succeed', and 'Charities and Commercial Partners'; The Association of Medical Research Charities (AMRC) 'An Essential Partnership: A guide for charities working with industry'; and the Association of the British Pharmaceutical Industry's (ABPI) Code of Practice administered by the Prescription Medicines Code of Practice Authority (PMCPA). Clause 27 of the ABPI Code of Practice contains detailed provisions for the pharmaceutical industry on relationships with patient organisations.