

TRUST CLINICAL DIRECTOR v PFIZER

Conduct of representative

A clinical director of a mental health foundation trust complained about the conduct of a Pfizer representative in that nursing staff had described the representative as 'quite intimidating' in trying to access them. He had attended clinical areas and asked the receptionists if he could meet nursing colleagues then, without an appointment. Receptionists and nursing staff reported how he had then waited in that area, where patients and relatives were moving from the waiting room to clinics and then accosted nursing staff who moved through that area.

On other occasions when the representative had no appointment and being told that staff were not able to meet him, staff had described how he sat in that area and worked on his laptop and then accosted nursing staff when they walked past.

Nursing staff also described feeling enormous pressure when attending to urgent visits recently and, on going out into the car park when on the telephone, described how the representative 'leapt out of his car, opened his boot and dashed over to talk to me (when I was clearly on the phone)'. Staff considered that this was inappropriate pressure and conduct.

The detailed response from Pfizer is given below.

The Panel noted that the complainant alleged that nursing staff had described the representative as 'quite intimidating' when trying to access them and had asked receptionists and other staff about meeting nursing colleagues without appointments. It appeared from Pfizer's submission that on the day in question the representative did not have an appointment. The representative arrived at 8.50am and was let into the unit by a nurse. The representative had waited for the receptionist to arrive who then attended to him. The representative failed in his attempt to see nurse 'B' and to elicit his interest in attending a meeting. The representative then asked to see nurse 'A' but she was busy. The representative stated that he had not seen any patients. Twelve minutes after his arrival the representative returned to his car in the car park and did some administration. Nurse 'A' appeared in the car park as the representative was putting his computer in the boot. The complainant alleged that the representative had 'dashed over to talk to the nurse' whereas the representative stated that he did not leave the back of his car, he did not rush over to the nurse and no words were exchanged.

The Panel did not consider that the complaint was limited to the events of one day as presumed by

the representative. However the Panel noted the representative's submission that he had never had cause to think that his visits to the unit were inconvenient or that his presence was interfering or causing any offence.

When provided with Pfizer's response, the complainant stated that he had no further comments to add. The Panel noted that it was clear that the staff had been upset and this was most unfortunate. The Code required that representatives' calls should not cause inconvenience to those upon whom they call. Representatives should be mindful of the impression created by their conduct particularly when they did not have appointments.

Nonetheless, given the information before it, the Panel decided it was not possible to determine precisely what had occurred and thus ruled no breach of the Code.

A clinical director of a mental health foundation trust complained about the conduct of a Pfizer Limited representative.

COMPLAINT

The complainant stated that the representative had operated in a way that was not congruent with the Code. Nursing staff had described him as 'quite intimidating' in trying to access them. He had attended clinical areas (such as an outpatient clinic within a day hospital) and asked the receptionists if he could meet nursing colleagues then, without an appointment. Receptionists and nursing staff reported how he had then waited in that area, where patients and relatives were moving from waiting room to memory clinic to outpatient clinic and then accosted nursing staff who moved through that area.

On other occasions when the representative had no appointment and being told that staff were not able to meet him, staff had described how he sat in that area and worked on his laptop and then accosted nursing staff when they walked past.

Nursing staff also described feeling enormous pressure when attending to urgent visits recently and, on going out into the car park when on the telephone, described how he 'leapt out of his car, opened his boot and dashed over to talk to me (when I was clearly on the phone)'. Staff considered that this was inappropriate pressure and an inappropriate way for a representative to conduct himself.

When writing to Pfizer, the Authority asked it to respond in relation to Clauses 9.1, 15.2, 15.4 and 15.9 of the Code.

RESPONSE

Pfizer provided the representative's own written account of his visit to the unit on 23 June.

Pfizer stated that in summary the representative arrived at the unit at 8.50am on 23 June in order to ensure he would arrive prior to any patient clinics. This was the representative's third visit to the unit in 2010 – the first was to invite nurse 'A' to speak at a Pfizer dementia educational meeting and the second was to deliver patient information leaflets and information about a patient carer support programme. The purpose of the visit on 23 June was to invite nurse 'B' to the 12th National Memory Conference.

As nurse 'B' was unavailable, the representative asked to speak to nurse 'A' to see if she would be interested in attending the conference instead. Nurse 'A', however, was unavailable and so at approximately 9.02am the representative left the unit. Although the representative later saw nurse 'A' after leaving the unit, no words were exchanged as the representative knew she was on the telephone.

From the representative's account he had 'visited the unit 3 times this year' (including the visit on the 23 June). In line with the supplementary information to Clause 15.4 that the number of calls made on a doctor or other prescriber by a representative each year should not normally exceed three on average, Pfizer did not believe that it was in breach of Clause 15.4.

Pfizer believed that the representative conducted himself in a professional and ethical manner and that high standards were met. The representative had passed his ABPI Medical Representatives Examination with distinction and had no history of complaints regarding his professional conduct. Highlighting this, the representative stated that at no point during this or any previous visit was he given the indication that his presence was 'interfering', 'causing any offence' or 'inconvenience'. Pfizer therefore also believed that no breach of Clause 15.2 occurred.

Pfizer provided copies of a sales team brief. This briefing material for the 12th National Memory Clinic Conference invitations process set out clear instructions for representatives with regard to identifying appropriate health professionals to invite to the meeting, distribution of invitations, registration and follow-up with delegates to confirm attendance. Pfizer did not believe the material to be in breach of Clause 15.9.

In summary, Pfizer believed it had consistently maintained high standards, was not in breach of Clauses 9.1, 15.2, 15.4 or 15.9 and that the representative acted professionally, in an ethical

manner and complied with the requirements of the Code.

In his account, the representative stated that as there were no specific dates he presumed that the alleged complaint occurred on 23 June. The only other occasions that he had been in the unit in 2010 were in February. In the year to date he had not contacted or met any member of the nursing teams in the unit more than three times.

The representative stated that he arrived at the unit at 8.50am with the intention of trying to catch nurse 'B' to ask if he would be able to attend the 12th annual memory conference. The representative arrived before 9.00am to make sure that he would not arrive as clinics were taking place. When he arrived there was no receptionist at the main desk so he was let into the unit by nurse 'C' who was passing. He asked nurse 'C' if there were any clinics underway, she confirmed that there were none. The representative explained to her that he had come to offer nurse 'B' a place at the memory conference, and asked if it was okay to wait. The representative noted that at no time whilst in the unit did he see or come into contact with any patients, none had arrived. The representative quickly had a word with nurse 'C' and sat alone in the waiting area. When the receptionist arrived he asked if it would be possible to catch nurse 'B' for a couple of minutes. The receptionist said that he was in the building but she didn't know where. The representative asked the receptionist if she would be kind enough to telephone to find out where he was, and if he was free. After a couple of minutes trying she was unable to locate him. The representative then proceeded to write the meeting dates on a business card and asked if she would ask nurse 'B' to let him know if he was interested. The representative was about to leave when he came through a door next to him. The representative asked if he had a minute to look at the invite and he promptly said no and walked past without stopping. The representative then asked the receptionist if she could see if nurse 'A' had a couple of minutes to ask if she would possibly be interested if nurse 'B' could not attend. The receptionist telephoned, and said that nurse 'A' was busy. The representative thanked the receptionist and left the unit. The time was approximately 9.02am.

After visiting the unit the representative sat in his car to put in a couple of calls and make a few telephone calls (effectively the car was his office). As he put his computer into the back of his car nurse 'A' walked out of the unit on the telephone, and he acknowledged her by raising his hand. The representative made clear that he did not leave the back of his car, nor did he rush over to her and no words were exchanged, as he knew she was on the telephone. He was just trying to be polite.

In the past the representative had never been informed that he could not visit the unit, and had never been asked to leave the unit, nor was it suggested that he was causing any inconvenience.

He had visited the unit three times this year including the visit above. On one occasion it was by appointment to ask nurse 'A' if she would speak for Pfizer for an educational meeting on early dementia. The only other occasion was in February to drop off patient information leaflets and information about the patient carer support programme.

Up until receiving the complaint the representative had never had any indication from anyone in the unit that his presence was interfering or causing any offence. If this was the case he would of course have left immediately. He was truly shocked and distressed by these allegations as he thought he had always, over several years, had a good working relationship with this unit. He was fully aware of the rules regarding conduct outlined in the Code and had always strived to fully uphold these.

FURTHER COMMENTS FROM THE COMPLAINANT

Pfizer's response was sent to the complainant who stated he had no further comments to add.

PANEL RULING

The Panel noted that the complaint was from a clinical director on behalf of nursing and reception staff. The details submitted by each party differed and so it was difficult to determine where the truth lay. A judgement had to be made on the available evidence bearing in mind the extreme dissatisfaction usually necessary on the part of an individual before he or she was moved to submit a complaint. The Panel noted that it was for the complainant to establish his case on the balance of probabilities.

The Panel noted that the complainant alleged that nursing staff had described the representative as 'quite intimidating' when trying to access them and had asked receptionists and other staff about meeting nursing colleagues without appointments. It appeared from Pfizer's submission that on 23 June the representative did not have an appointment with any of the staff at the unit in question. The representative arrived at 8.50am and

was let into the unit by nurse 'C'. The representative had waited for the receptionist to arrive who then attended to him. The representative failed in his attempt to see nurse 'B' and to elicit his interest in attending a meeting. The representative then asked to see nurse 'A' but she was busy. The representative stated that he had not seen any patients. Twelve minutes after his arrival the representative returned to his car in the car park and did some administration. Nurse 'A' had appeared in the car park as the representative was putting his computer in the boot. The complainant alleged that the representative had 'dashed over to talk to [the nurse]' whereas the representative stated that he did not leave the back of his car, he did not rush over to the nurse and no words were exchanged.

The Panel did not consider that the complaint was limited to the events of 23 June as presumed by the representative. However the Panel noted the representative's submission that in the past he had never had cause to think that his visits to the unit were inconvenient; no-one at the unit in question had previously indicated that his presence was interfering or causing any offence.

When provided with Pfizer's response for comment the complainant stated that he had no further comments on the matter. The Panel noted that it was clear that the staff had been upset and this was most unfortunate. The Code required that representatives' calls should not cause inconvenience to those upon whom they call. Representatives should be mindful of the impression created by their conduct particularly when they did not have appointments.

Nonetheless, given the information before it, the Panel decided it was not possible to determine precisely what had occurred and thus ruled no breach of Clauses 9.1, 15.2, 15.4 and 15.9 of the Code.

Complaint received	1 July 2010
Case completed	23 August 2010
