

Primary Care Prescribing Rebates Policy

NHS Devon

Version	V4
Policy Sponsor	Chief Medical Officer
Policy Lead	Richard Croker
Approved by	Chief Medical Officer and Chief Finance Officer
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Document change history

Date	Change	Comments
November 2018	New Policy (v0.1)	Initial draft by Sam Smith,
December 2018	Policy amendment (v0.2)	Amendments incorporated following review by Jill Ashcroft
August 2019	Policy amendment (V1.1)	Amendments due to new CCG and review at Senior Medicines Optimisation group
September 2019	Policy amendment (V1.2)	Approved at Policy Review Group
March 2020	Policy amendment (V1.3)	Amendments following formulary process changes
February 2021	Policy amendment (V1.4)	Amendments to align with organisational structure
July 2022	Policy amendment (V1.5)	Amendments to reflect new organisational name and new definitions of PrescQipp review board outcomes
October 2023	Policy amendment (V1.6)	Review and transfer to new template
March 2024	Policy amendment (v1.7) moved to version 2.0	Minor wording amendments, insert page numbers into contents table
March 2025	Policy update v2.1	Update to PACT contact details, minor wording updates and job titles, QEIA changed to EQIA
January 2026	Policy update v3.1 / v4	Amended website details to OneDevon. Added allowance for rebates inclusion in formulary decisions where specifically mentioned in NICE TA guidance

Equality, diversity and inclusion statement

NHS Devon is committed to the promotion of equal opportunities, addressing health inequalities and fostering of good relations between people protected under the terms of the Equality Act 2010, the Health and Social Care Act 2012 and Human Rights legislation. We are equally committed to the elimination of unlawful discrimination, harassment and victimisation. To demonstrate this commitment, we develop, promote and maintain policies, strategies and operating procedures. Every effort is made to ensure that patients, employees, contractors or visitors do not experience discrimination; either directly or indirectly, because of their vulnerability; disadvantage; age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex (gender) or sexual orientation.

All staff must comply with this policy. Compliance must reflect our organisational commitment to and policy on, equality, diversity and inclusion. In addition, each manager and member of staff involved in implementing this policy must give due regard to the needs of those protected under law.

If you, or any other groups, believe you are discriminated against under the terms of the Equality Act, the Health and Social Care Act 2012 or Human Rights legislation by anything contained in this document; or you need this document in an alternative format, for example, large print, Braille, Easy read or other languages; please contact our Patient Advice and Complaints Team (PACT):

Tel: 0300 123 1672
Email: d-icb.patientexperience@nhs.net

Contents		
Section	Title	Page
1	Introduction	4
2	Purpose and objectives	4
3	Scope	4
4	Definitions	4
5	Key aspects of the policy	4
5.1	Core principles	4
5.2	Governance and management	5
6	Accountabilities, duties and responsibilities	6
7	Implementation	7
8	Approval and review	8
9	Monitoring compliance and effectiveness	8
10	Quality and Equality Impact Assessment	8
11	References	8

1. Introduction

- 1.1 Primary care prescribing rebate schemes (hereafter known as rebate schemes) are contractual agreements offered by pharmaceutical companies or other third-party companies which offer a financial rebate on primary care prescribing for a particular named medicine or appliance.
- 1.1.1 All rebate scheme proposals will be considered on clinical, financial and contractual grounds taking account of the PrescQIPP Pharmaceutical Industry Scheme Governance Review Board (PISGRB) assessment process¹. The role of the PISGRB is to comprehensively assess rebate schemes highlighting potential issues and inappropriate schemes.

2 Purpose and objectives

- 2.1 The aim of this policy is to set out the framework and principles on how rebate schemes will be considered in NHS Devon Integrated Care Board (hereinafter referred to as “NHS Devon”).
- 2.2 This policy will:
- Set out core principles for consideration, assessment and handling of primary care rebate schemes within NHS Devon

3 Scope

- 3.1 This policy applies to all staff of NHS Devon

4 Definitions

- 4.1 NHS Devon utilises PrescQIPP’s Pharmaceutical Industry Scheme Governance Review Board (PISGRB) to provide guidance as to the acceptability of Primary Care Rebate Schemes being offered to the NHS by the pharmaceutical industry or other manufacturers producing prescribable items under the Drug Tariff. The assessment process is designed to identify potential issues that commissioners may wish to consider when deciding whether to use any of these rebate schemes and assesses schemes on clinical, contractual and financial aspects.

5 Key aspects of the policy

5.1 Core Principles

- 5.1.1 No individual NHS employee or contractor should obtain direct financial benefit from participation in a rebate scheme.

- 5.1.2 Benefit derived from such schemes will go directly to the finance department of NHS Devon and will be used as resources for the commissioning of services as prioritised by the organisation.
- 5.1.3 Companies offering such schemes are responsible for ensuring their compliance with the Association of British Pharmaceutical Industry (ABPI) rules where these apply. Some companies, e.g. some appliance manufacturers, may not be covered by the ABPI rules.
- 5.1.4 NHS Devon will enter into such schemes, as it deems fit, in good faith.
- 5.1.5 Each scheme entered into will have a break clause of no more than 3 months' notice.
- 5.1.6 The procedure for management of rebate schemes should be kept separate from the evidenced based evaluation of medicines and formulary process, except when commercial access arrangements are described within specific NICE technology appraisal guidance.
- 5.1.7 The integrity and value of the nationally reported GP practice monthly reported prescribing costs and forecast position must be maintained
- 5.1.8 No adjustment will be made to any reported practice prescribing budgets in respect of any rebate achieved on prescribing
- 5.1.9 This policy should be read in conjunction with the NHS Devon Standards of Business Conduct Policy and Working with industry and sponsorship guidance.

5.2 Governance and Management

- 5.2.1 The approved signatory for entering into rebate schemes will be the NHS Devon Chief Finance Officer or their deputy.
- 5.2.2 Rebate schemes considered by NHS Devon will be evaluated by a group to consider clinical, financial and contractual appropriateness, taking account of the PrescQIPP PISGRB evaluated outcome, and recommend to the Chief Finance Officer or their deputy whether the rebate scheme should be entered into. This group will consist of:
- Chief Pharmacist, Primary Care
 - Deputy Chief Pharmacist, Primary Care
 - Medicines Optimisation Pharmacist with knowledge of the proposed scheme
 - Finance representation
- 5.2.3 Rebate schemes for an 'in formulary' or 'preferred brand' drug that have been assessed by PrescQIPP will be entered into, following evaluation.

- 5.2.4 Schemes for drugs not included in the formulary, or the preferred brand list, and/or those evaluated by PrescQIPP as ‘significant reservations (red)’ will not be routinely entered into but will be considered by the group by exception.
- 5.2.5 Schemes not assessed by PrescQIPP will not be routinely entered into but will be considered by the group by exception.
- 5.2.6 If a formulary evaluation is positive but the scheme not approved, the medicine will remain on formulary, but the scheme will not be entered into.
- 5.2.7 The Chief Pharmacist, Primary Care will ensure maintenance of the register of schemes entered into by NHS Devon.
- 5.2.8 The Chief Pharmacist, Primary Care will ensure the formal rebate agreements are held in an appropriate place, and that the finance department are notified about each scheme.
- 5.2.9 The Chief Pharmacist, Primary care will ensure that prescribing information relevant to each scheme (such as ePACT2 data) is provided to the pharmaceutical company in a timely manner, as agreed in contractual terms.
- 5.2.10 Removal of a rebate scheme will not affect the formulary status of a medicine.
- 5.2.11 The evidence-based evaluation of new drugs will continue to be made by the Clinical Policy Recommendations Committee without consideration of any proposed rebate schemes, except when commercial access arrangements are described within specific NICE technology appraisal guidance.
- 5.2.12 The signatory will review documentation with appropriate due diligence and sign on behalf of NHS Devon in good faith.

6 Accountabilities, Duties and Responsibilities

Chief Executive Officer	The Chief Executive Officer has ultimate accountability for the strategic direction and operational management of NHS Devon, including compliance with all legal, statutory and policy requirements.
Policy Sponsor	The Policy Sponsor is responsible for: - ensuring that policy is appropriate for consideration for approval; - endorsing this policy ahead of submission for approval; - with the Policy Lead, maintaining and updating procedures/protocols and other supporting documents for this policy,

Policy Lead / Author	It is the responsibility of the Policy Lead / author to: • ensure as far as possible that the policy is in line with Department of Health and Social Care guidance, legal requirements, and advice from clinical bodies; • to complete an EQIA and Implementation Plan where required • undertake a fair and proportionate consultation period with the relevant stakeholders as part of the policy's development • to ensure that the policy is in alignment with NHS Devon's strategy and values • ensure that the policy is developed, approved, disseminated and monitored as set out in the document; with Policy Sponsors, maintaining and updating procedures / protocols and other supporting documents for this policy.
Titles of any Committee	The rebates group have a responsibility for agreeing participation in primary care rebate schemes and reviewing the NHS Devon rebates policy
Line Managers	Line managers have a responsibility to ensure their staff comply with NHS Devon policies and standards within their areas of responsibility
All Staff	Employed or engaged staff have a duty to comply with NHS Devon policies and standards as outlined in their contracts of employment and codes of conduct.

7 Implementation

- 7.1 All staff will be informed of the approval of the Policy via the Staff Bulletin which will provide a link to the document on the One Devon website.
- 7.2 NHS Devon Senior Managers, or their designated representatives, will implement this policy by:
- Notifying all staff of its existence. New staff will be informed of this policy as part of their induction.
 - Destroying all superseded paper-based versions of the policy and electronic versions retained in their area.
 - Having adequate knowledge of, and / or access to, all relevant legislation in order to ensure that compliance with such legislation is maintained.
 - Discussing with staff as part of their regular one-to-ones how they seek to achieve their individual objectives around policy review and maintenance.

8 Approval and Review

- 8.1 The approval route for this policy is via the Chief Medical Officer and Chief Finance Officer.
- 8.2 This policy will be reviewed annually, or sooner if required, in order to ensure that it is current, relevant and reflects the strategic aims, objectives, organisational structures and responsibilities of NHS Devon.

9 Monitoring compliance and effectiveness

- 9.1 All staff will be informed of the approval of the Policy via the Staff Bulletin which will provide a link to the document on the One Devon website.
- 9.2 A public register of schemes, including company name and product, entered into by NHS Devon will be maintained on the One Devon website.
- 9.3 Specific details of schemes entered into by NHS Devon may be confidential and commercially sensitive and therefore are not publicly available documents. However, the rebates policy and register will be publicly available on the One Devon website.
- 9.4 Chief Finance Officer will be notified of all rebate schemes entered into by NHS Devon and will monitor all funds received as per standing financial arrangements.

10 Equality and Quality Impact Assessment (EQIA)

- 10.1 Not required at this stage

11 References

- 1. <https://www.prescgipp.info/our-resources/webkits/primary-care-rebates/>