

VOLUNTARY ADMISSION BY ABBVIE

Failure to comply with examination requirements

AbbVie voluntarily admitted that one of its representatives had not taken an appropriate examination within one year of starting such employment and nor had he/she passed it within the first two years of being so employed.

In accordance with Paragraph 5.6 of the Constitution and Procedure, the Director treated the matter as a complaint.

The detailed submission by AbbVie is given below.

The Panel noted that the Code required that representatives must take an appropriate examination within their first year of employment and pass it within two years of starting such employment. The representative in question had commenced such employment in October 2015. The representative first sat some of the examination modules in November 2016 and passed one; a further two modules were sat and passed July 2017. Four other modules were each taken on at least two occasions and had not been passed. As acknowledged by AbbVie the requirements of the Code had not been met; an appropriate examination had not been taken within the first year of employment and had not been passed within two years. A breach of the Code was ruled.

AbbVie Ltd voluntarily admitted a breach of the Code in that one of its representatives failed to pass an appropriate examination within two years of starting such employment.

As Paragraph 5.6 of the Constitution and Procedure required the Director to treat a voluntary admission as a complaint, the matter was taken up with AbbVie.

VOLUNTARY ADMISSION

AbbVie noted that Clause 16.3 provided that first time pharmaceutical representatives must take an 'appropriate examination' within the first year of employment 'and pass it within two years of starting such employment'. AbbVie had recently noted that a representative who joined the company in October 2015 did not take all of the ABPI examination units within the first year of employment. This individual's role at AbbVie was the first time he/she was employed in the pharmaceutical industry. Once this breach of Clause 16.3 was known, the employee was promptly withdrawn from working in the field pending the outcome of a disciplinary process.

AbbVie had reviewed the representative's conduct against the company's standard operating procedure (SOP) and declaration/training requirements.

AbbVie noted that its 'ABPI Code of Practice Training' SOP specifically required representatives to take the ABPI Examination, and it also set out roles and responsibilities for line managers and human resources ('HR') to ensure representatives had the qualifications required for their role. In particular:

- adherence to the Code was a condition of employment and failure to adhere to it was a disciplinary offence and could result in the termination of employment; and
- it was an express requirement of the SOP that representatives must take an appropriate examination within their first year of employment as a representative and must pass it within two years of starting such employment.

The representative and his/her line manager completed training on this SOP. The representative's current line manager raised the representative's failure to take the appropriate examination and pass it with human resources (HR) in October 2017.

On joining AbbVie, all representatives had to certify that they had read and understood the meaning and the applicability of the Code to their role. The representative in question signed this declaration before starting employment with AbbVie.

All representatives had to complete in-house annual Code training. The training was supplementary to the Code and all applicable AbbVie policies and procedures. All documents had to be read and understood, which was confirmed in writing. This training covered topics such as:

- scope of Code and how it was regulated
- promotion and non-promotional activities – considerations and approval requirements
- items for patients, promotional aids, the provision for medical and educational goods and services, agreements to patients such as joint working, outcome agreements and patient access schemes
- meetings, hospitality and sponsorship
- use of consultants and transfers of values
- principles of communicating with the public, media and digital communications.

Although the representative in question completed this training in accordance with AbbVie's requirements, he/she did not comply with the requirement to take the requisite examinations.

AbbVie explained that the representative's contract of employment included a clause that his/her role was subject to obtaining the ABPI Examination qualification and abiding with the Code. AbbVie stated that as a result of the representative in

question's conduct, the company was currently following an appropriate disciplinary process.

AbbVie submitted that in the first quarter of 2017, in order to ensure timely communication between HR, a line manager and AbbVie's learning and development team, it had implemented a new process for recording and monitoring the education of representatives.

AbbVie stated that, out of an abundance of caution, it would review the examination status of all of its representatives.

AbbVie was asked to provide the Authority with any further comments in relation to the requirements of Clause 16.3.

RESPONSE

AbbVie provided full details of the representative's examination history.

As the representative started employment in October 2015, he/she failed to take the initial unit(s) within the first year of employment and pass all ten units by October 2017. AbbVie stated that when it was notified of this by the representative's current line

manager, the representative was withdrawn from the field and told that he/she should not communicate with any customers either directly or indirectly. This remained the case until the outcome of the disciplinary process was known.

PANEL RULING

The Panel noted that Clause 16.3 required that representatives must take an appropriate examination within their first year of employment and pass it within two years of starting such employment. The representative had commenced employment as a representative in October 2015. One module was sat and passed in November 2016 and a further two modules were sat and passed July 2017. Four other modules were each taken on at least two occasions and had not been passed. As acknowledged by AbbVie the requirements of Clause 16.3 had not been met; an appropriate examination had not been taken within the first year of employment and had not been passed within two years, a breach of that clause was ruled.

Voluntary admission received **2 November 2017**

Case completed **12 January 2018**
