

To: Chief Executives of Designated Bodies

5th October 2011

Safer Management and Use of Controlled Drugs

You will be aware of significant changes in recent years in relation to Controlled Drugs and legislation relating to their management and use and these are summarised below.

1. The Northern Ireland response to the Shipman Inquiry's Fourth Report was set out in *Improving Patient Safety – Building Public Confidence*. [27th Nov 2006, www.dhsspsni.gov.uk/improving_patient_safety_-_building_public_confidence.pdf] The response identified ways for strengthening the current systems for managing controlled drugs to minimise the risks to patient safety of the inappropriate use of controlled drugs.
2. As a result of the response, a number of changes affecting the prescribing, record keeping and destruction of controlled drugs were introduced through amendments to the Misuse of Drugs Regulations (Northern Ireland) 2002 (SR 2002 No. 1).
3. Changes were also implemented through the Health Act 2006 which provided for regulations to be made relating to strengthened governance and monitoring arrangements for controlled drugs. The Health Act 2006 is primary legislation and applies to the whole of the UK and Regulations developed under the Health Act may differ to some extent in the different administrations. The Northern Ireland legislation, The Controlled Drugs (Supervision of Management and Use) Regulations (Northern Ireland) 2009, came into operation on 1st October 2009.
4. The new arrangements, which are integrated within the overall framework for improving quality in healthcare, are intended to encourage good practice in the management of controlled drugs as well as help to detect unusual or poor clinical practice or systems, criminal activity or risk to patients.
5. The Health Act 2006 contains three provisions in relation to the Fourth Report of the Shipman Inquiry to improve and strengthen the management and use of controlled drugs:
 - The appointment of an Accountable Officer by Designated Bodies
 - A duty to collaborate and share intelligence on controlled drugs by Responsible Bodies and
 - A power of entry and inspection by certain authorised persons.

6. The Controlled Drugs (Supervision of Management and Use) Regulations (Northern Ireland) 2009 make requirements to appoint an Accountable Officer (regulation 4) and the limitations on who may act as an Accountable Officers (regulation 5).

Appointment of Accountable Officers

4.—(1) A designated body shall nominate or appoint (or under regulation 5(2) or (4) jointly nominate or appoint with one or more other bodies) a fit, proper and suitably experienced person as its accountable officer.

(2) A designated body must notify the Department in writing of —

(a) any nomination or appointment by it in under paragraph (1) as soon as practicable; and

(b) the removal of an accountable officer by it (whether or not under regulation 6) as soon as practicable.

(3) The Department shall publish, from time to time and in such manner as it sees fit, a list of accountable officers of designated bodies in Northern Ireland.

Persons who may be appointed as accountable officers

5. — (1) An independent hospital may only nominate or appoint a person as its accountable officer if—

(a) the person is—

(i) its registered manager, or

(ii) one of its officers or employees who is answerable to its registered manager,

and if the person is its registered manager, he must be answerable to the chief executive, chairman or managing director of the hospital; and

(b) the person does not routinely supply, administer or dispose of controlled drugs as part of his duties.

(2) Two or more independent hospitals may jointly nominate or appoint one registered manager to be the accountable officer for both or all of the hospitals if the registered manager —

(a) is registered as manager in relation to both or all of the hospitals; and

(b) does not routinely supply, administer or dispose of controlled drugs as part of his duties.

(3) Subject to paragraph (4), a designated body which is not an independent hospital may only nominate or appoint a person as its accountable officer if—

(a) the person is an officer or employee of the designated body, and—

(i) a member of the board of directors, or the management or executive committee of the designated body,

(ii) a member of the body (howsoever it may be called) that has the responsibility for the management of the designated body, or

(iii) is answerable to a person referred to in paragraph (i) or (ii); and

(b) the person does not routinely supply, administer or dispose of controlled drugs as part of his duties.

(4) *Two or more designated bodies which are not independent hospitals but which are of the same type may jointly nominate or appoint one person to be the accountable officer for both or all of the bodies, if—*

(a) the person satisfies paragraph (3)(a) in relation to one of the designated bodies;

(b) each designated body is satisfied that the person can properly discharge his responsibilities in relation to it; and

(c) the person does not routinely supply, administer or dispose of controlled drugs as part of his duties.

(5) *In this regulation—*

“registered manager”, in relation to an independent hospital, means the person who is registered under Part III of the 2003 Order as the manager of the hospital.

Action

Regulation 4 2(a) requires each Designated Body to notify the Department of Health, Social Services and Public Safety (“the Department”), in writing, of their nominated or appointed Accountable Officer.

In the event that the Accountable Officer is removed from your organisation (or that the person nominated or appointed as Accountable Officer changes) please ensure that the Department is informed accordingly, and as soon as practicable, using the attached pro-forma which will be available on the Department’s website.

A list of Accountable Officers is maintained by the Department and can be found using the following link

<http://www.dhsspsni.gov.uk/accountable-officer-contact-list.pdf>

If you have any queries or require clarification of any point, please do not hesitate to contact me.

Yours faithfully

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Accountable Officer Nomination Form

Section 1: To be completed by Chief Executive or individual to whom the Accountable Officer is answerable

Particulars of Correspondence Address

Name of Organisation:.....

Address:.....

.....

.....

.....Post Code.....

I confirm that

Name of Accountable Officer (block capitals).....

Has been nominated/appointed by me as Accountable Officer and complies with the requirements of Regulations 4 and 5 of The Controlled Drugs (Supervision of Management and Use) Regulations (Northern Ireland) 2009

Position of Accountable Officer in Organisation:.....

Person nominating/appointing the Accountable Officer :

Signature: Name (block capitals):.....

Role in Organisation:.....

Date:.....

Section 2: To be completed by Accountable Officer

Particulars of Accountable Officer

Print Full Name of Accountable Officer:.....

Signed : Date:.....

Telephone No:

Mobile No: Fax No.

E-mail address:

The name, address, telephone number and e-mail address of the Accountable Officer will be published on the DHSSPS website