

Are WE Intelligence Driven



Controlled Drugs Safe Use, Prescribing and
Management

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INTELLIGENCE LESSONS (remembered?)



The Controlled Drugs (Supervision of Management and Use) Regulations 2013

- Accountable officers to establish arrangements for sharing information
 - S.18.(1) An accountable officer must establish & operate, or ensure that his designated body establishes & operates, appropriate arrangements for ensuring the proper sharing of information ...

The Controlled Drugs (Supervision of Management and Use) Regulations 2013

■ Continued:

- S.18.(2) ... those arrangements must include establishing a network ("local intelligence network")

The Controlled Drugs (Supervision of Management and Use) Regulations 2013

Disclosure

- S.25 Duty to co-operate by **DISCLOSING** information as regards relevant persons
- S.26 Responsible bodies may **REQUEST** additional information be **DISCLOSED** about relevant persons
- **Restrictions relating to disclosures**
 - Only information necessary for the purposes of
 - identifying & taking action in respect of management or use of controlled drugs by a relevant person;

DUTY TO CO-OPERATE

- Responsible bodies - active duty to share information indicating inappropriate or unsafe use of controlled drugs by a "relevant" individual, body or person
- Responsible bodies can request other responsible bodies to share information
- Caveats include that they could refuse if to do so would prejudice an investigation or criminal proceeding

Duty to co-operate

- **ALLOWS** responsible bodies to share and request information about:

Actual or Potential CD offences or systems failures

- In sharing information you must have regard to the Data Protection Act 2018, codes of confidentiality and the Caldicott principles
- Is the information shared relevant?



Relevant Person



People who are:

- concerned with the provision of health care and/or the supply or administration of controlled drugs e.g.
 - a registered medical practitioner
 - a registered dentist
 - a registered pharmacist
 - a registered midwife or nurse
 - a registered person - a care home



Local Intelligence Network

Shall include as appropriate:

- a NHS Local Area Team (what is 'local'??)
- a NHS trust
- the Care Quality Commission
- the NHS Counter Fraud & Security Management Service Division (NHS Protect)
- a Regulatory body
- a Police force and
- Armed Forces
- (not exhaustive list)



Legislation

- Which Acts might impact upon **your** gathering of information about an individual in respect of a Management and Use of Controlled Drugs enquiry?

Acts to consider:

- Human Rights Act (ECHR)
- **Data Protection Act**
- Freedom of Information Act
- **Regulation of Investigatory Powers Act (RIPA)**
- Criminal Procedures & Investigations Act
- Police & Criminal Evidence Act (PACE)
 - PACE places a duty on persons other than police officers "who are charged with the duty of investigating offences or charging offenders" to have regard to any relevant provisions of the Codes of Practice
- **Health Act 2006**

Data Protection Act 2018

Standard grounds are established:

- If intelligence material is likely to be of value in the interests of:
 - national security,
 - prevention or detection of crime & disorder,
 - the maintenance of community safety,
 - the assessment or collection of any tax or duty
 - otherwise serves a significant public interest.
- **Must safeguard 'Confidential material'**

Record-keeping 'TO PROTECT YOURSELF'



YOU HAVE 1-MINUTE TO WRITE DOWN WAYS
YOU WILL USE MAKE CDs OR Rx DISAPPEAR?

GO!



How easy was it?

Case Examples

- McCluskey / GJM - hospitals
- ANP falsifying notes / records / letters
- Nurse stealing Oxynorm liquid - behaviours
- Radiologist stealing CD waste
- ODP "breakages" / Consultant death
- Care Homes still a growth area (MI)
- - tip of the iceberg
 - Liquid CDs.....
 - Schedule 5 CDs

INVESTIGATION TOOLS

- Straight evidence e.g. caught on CCTV
- Filtering to identify a single suspect
- Filtering to identify a range of suspects
- EPACT / CD Records / Scripts / day book

Disruption exercises

- why, when, how

Police experience VS In-house Miss Marple?