



Department of

**Health, Social Services
and Public Safety**

www.dhsspsni.gov.uk

**Consultation Response Questionnaire
on proposed amendments to the
Controlled Drugs (Supervision of
Management and Use) Regulations
(Northern Ireland) 2009.**

Freedom of Information

DHSSPS will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations, they will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act 2000 gives the public a right of access to any information held by a public authority, namely, DHSSPS in this case. This right of access to information includes information provided in response to a consultation. DHSSPS cannot automatically consider as confidential, information supplied to it in response to a consultation.

However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity should be made public or be treated as confidential. If you do not wish information about your identity to be made public, please include an explanation in your response.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Secretary of State for Constitutional Affairs' Code of Practice on the Freedom of Information Act provides that:

- The Department should only accept information from third parties in confidence, if it is necessary to obtain that information in connection with the exercise of any of the Department's functions, and it would not otherwise be provided;
- The Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature; and

- Acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

For further information about confidentiality of responses please contact the Information Commissioner's Office (or see the web site at: <https://ico.org.uk/>)

The Department of Health, Social Services and Public Safety welcomes your views on the proposed amendments to the Controlled Drugs (Supervision of Management and Use) Regulations (Northern Ireland) 2009.

(Please tick a box)

I am responding: as an individual on behalf of an organisation

Name: Dr A D Dwarakanath FRCP Edin

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I do not wish information about my identity to be made public

If you do not wish information about your identity to be made public please include an explanation.

Views are invited on the following questions by 5pm Friday 1 May 2015

**Q1 Do you agree to the interpretation of a “regulatory body” being amended to include the Northern Ireland Social Care Council?
(Please tick a box)**

Yes x

No

Don't know / no views

Additional Comments

The College is in agreement with this proposal.

**Q2 Do you agree that only independent hospitals which provide health care and which manage and use CDs should be required to appoint an AO?
(Please tick a box)**

Yes x

No

Don't know / no views

Additional Comments

The College agrees this is a common sense approach.

Q3 Do you agree that the Department should be able to determine, but only where it is desirable to do so, that an independent hospital should not be required to appoint an AO and the proposed criteria that the Department would adopt? (Please tick a box)

Yes No Don't know / no views

Additional Comments

The College is in general agreement with this proposal.

Q4 Do you agree the list of designated bodies required to appoint AOs including the armed forces? (Please tick a box)

Yes No Don't know / no views

Additional Comments

The College is in general agreement with this proposal.

Q5 Do you agree the conditions for the appointment of an Accountable Officer? (Please tick a box)

Yes No Don't know / no views

Additional Comments

The College agrees that an element of flexibility in the area of appointment of an AO may be necessary for some organisations. Therefore the use of the terms fit, proper and suitably experienced are reasonable descriptions of the necessary qualities of an AO without being too restrictive.

Q6 Do you agree that Standard Operating Procedures (SOPs) on prescribing, supply and administration of CDs and the clinical monitoring of patients using CDs should be added to the current list of SOPs? (Please tick a box)

Yes No Don't know / no views

Additional Comments

The College agrees with this proposal.

Q7 Do you agree that the HSC Board AO should have legislative responsibility for the operation of the LIN and the arrangements for occurrence reports? (Please tick a box)

Yes x

No

Don't know / no views

Additional Comments

The College is in general agreement.

Q8 Do you agree that the definition of a 'relevant person' should be extended to include all health care professionals? (Please tick a box)

Yes x

No

Don't know / no views

Additional Comments

We agree this is a sensible approach.

**Q9 Do you agree the information sharing provisions of regulation 19?
(Please tick a box)**

Yes x

No

Don't know / no views

Additional Comments

The College views the allowance of information sharing beyond the boundaries of the LIN is a necessary adjustment to maintain public safety in the circumstances of well-founded concerns, particularly if the individual moves to another region.

Human Rights and Equality Implications

Section 75 of the Northern Ireland Act 1998 requires Departments in carrying out their functions relating to Northern Ireland to have due regard to the need to promote equality of opportunity:

- ❖ between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- ❖ between men and women generally;
- ❖ between person with a disability and persons without; and
- ❖ between persons with dependants and persons without.

In addition, without prejudice to the above obligation, Departments should also, in carrying out their functions relating to Northern Ireland, have due regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. Departments also have a statutory duty to ensure that their decisions and actions are compatible with the European Convention on Human Rights and to act in accordance with these rights.

In accordance with guidance produced by the Equality Commission for Northern Ireland and in keeping with Regulation 75 of the Northern Ireland Act 1998, the proposed amendment has been equality screened and a preliminary decision has been taken that a full EQIA is not required.

The Department is inviting responses to the following questions:

Q10 Are the actions/proposals set out in this consultation document likely to have an adverse impact on any of the nine equality groups identified under Section 75 of the Northern Ireland Act 1998?

Yes

No

If yes, please state the group or groups and provide comment on how these adverse impacts could be reduced or alleviated in the proposals

Q11 Are you aware of any indication or evidence – qualitative or quantitative – that the actions/proposals set out in this consultation document may have an adverse impact on equality of opportunity or on good relations?

Yes

No

If yes, please give details and comment on what you think should be added or removed to alleviate the adverse impact.

Q12 Is there an opportunity for the proposed amendments to the Controlled Drugs (Supervision of Management and Use) Regulations (Northern Ireland) 2009 to better promote equality of opportunity or good relations? Is there an opportunity to better promote equality of opportunity or good relations?

Yes

No

If you answered yes" to this question please give details as to how.

Q13 Are there any aspects of this where potential human rights violations may occur?

Yes

No

Any other comments:

Further Comments

Please use the box below to provide any further comments you would like to make in relation to the proposed amendments to the Controlled Drugs (Supervision of Management and Use) Regulations (Northern Ireland) 2009.

The College has no further specific comments.

Thank you for your comments.

You should send your completed consultation response questionnaire to:

Email: MRGconsultation@dhsspsni.gov.uk

Fax: (028) 9052 2335

Post:

Amendments to the Controlled Drugs (Supervision of Management and Use) Regulations (Northern Ireland) 2009 Consultation

Medicines Regulatory Group

Department of Health, Social Services and Public Safety

Room D4.3

Castle Buildings

BELFAST

BT4 3SQ

Please ensure that responses are clearly marked '*A Response to the Consultation on Amendments to the Controlled Drugs (Supervision of Management and Use) Regulations (Northern Ireland) 2009.*' Completed consultation response questionnaires must be received by the Department by **5pm Friday 1 May 2015**. Responses received after this date will only be considered with prior agreement from the Department.

If you have any queries regarding the consultation please telephone 028 9052 3326 or 028 9052 2669 or send an email with your query to email:

MRGconsultation@dhsspsni.gov.uk