
STATUTORY INSTRUMENTS

2006 No. 3148

**The Controlled Drugs (Supervision of
Management and Use) Regulations 2006**

PART 2

Accountable officers

Accountable officers to assess and investigate concerns

16.—(1) An accountable officer must establish and operate, or ensure that his designated body establishes and operates, appropriate arrangements for—

- (a) assessing concerns expressed about incidents that involved, or may have involved, the improper management or use of controlled drugs by a person who is, as regards his designated body, a relevant individual; and
- (b) investigating such concerns.

(2) If, after an assessment of a concern expressed, the accountable officer decides that an investigation is needed, the accountable officer may—

- (a) carry out that investigation himself;
- (b) make a written request for another officer or employee of his designated body to carry out the investigation; or
- (c) if appropriate, and subject to paragraphs (5) and (6)—
 - (i) make a written request for an officer or employee (including, in the case of a designated body, an accountable officer) from any of the responsible bodies listed in paragraph (3) to carry out the investigation, or
 - (ii) make a written request for a number of officers or employees from any of the responsible bodies listed in paragraph (3) to form a joint investigation team to carry out the investigation.

(3) The following are responsible bodies for the purposes of section 18 of the 2006 Act and this regulation—

- (a) a designated body;
- (b) the Healthcare Commission;
- (c) the Counter Fraud and Security Management Service Division of the NHS Business Services Authority;
- (d) the Commission for Social Care Inspection;
- (e) a police force;
- (f) NHSScotland Counter Fraud Services (which is part of the Common Services Agency); and
- (g) a regulatory body.

(4) An accountable officer may use his powers under paragraph (2)(c) to request an investigation (or a joint investigation with other responsible bodies) by—

(a) the Counter Fraud and Security Management Service Division of the NHS Business Services Authority; or

(b) NHSScotland Counter Fraud Services (which is part of the Common Services Agency), into any possible fraud in relation to the health service.

(5) In Scotland, if an accountable officer decides that an investigation into any possible fraud in relation to the health service is needed, he must exercise his powers under paragraph (2)(c) to request an investigation by NHSScotland Counter Fraud Services (which is part of the Common Services Agency) before exercising those powers in any other way.

(6) The accountable officer must keep, or ensure that his designated body keeps, a record of—

(a) any request made to an accountable officer from another designated body, or to another responsible body, under paragraph (2)(c) to investigate a concern that involved, or may have involved, the improper management or use of controlled drugs;

(b) any assessment or investigation of a concern that involved, or may have involved, improper management or use of controlled drugs by a relevant individual that the accountable officer or his designated body carried out; and

(c) any notification given to another responsible body or accountable officer under regulation 25(4).