

# Parallel Investigations Policy

## Introduction

1. This policy sets out the Pharmaceutical Society of Northern Ireland's approach to investigating fitness to practise concerns arising out of the same or similar facts which are also the subject of investigation or proceedings by another regulator or investigating body (such as the police or the GPhC).
2. When a concern is raised with the Pharmaceutical Society of Northern Ireland, it is important that an investigation should proceed in a timely manner in order that the public are adequately protected. In some circumstances, the Registrar may have to decide if he should suspend his investigation until another investigation and/ or proceedings are concluded. The factors which he will consider when making that decision are set out in this policy.

## Relevant factors

3. Before a decision is taken, the Registrar will make contact with the other investigating body with a view to establishing:
  - The extent to which the two investigations overlap;
  - The timeline for the other investigation, how long before it is likely to conclude;
  - The other investigating body's willingness to share evidence with the Registrar;
  - The other investigating body's view on the Registrar's investigation proceeding in parallel with its investigation.
4. Depending on the extent to which the two investigations overlap, the Registrar may be able to investigate some aspects of the case which are not being investigated by the other body, while suspending his investigation into other aspects of the case. For example, if the police are investigating an offence involving drug or alcohol misuse, the Registrar can usually still proceed to investigate any related health concerns which may impact upon the registrant's fitness to practise which are not being investigated by the police.

## General principle

5. In order to protect the public, the general principle is that the Registrar's investigations will proceed, while other investigations or proceedings are ongoing, unless there is a real risk that the Registrar's investigation will prejudice another investigation.
6. Each case is considered on its own merits but a real risk of prejudice which would warrant suspending an investigation may arise, for example, when the other investigation may lead to a criminal prosecution (e.g. investigations by the police or the Department of Health NI) and there is a risk that the evidence

gathered by the Registrar may taint the evidence being gathered by the other investigating body or otherwise interfere with its ability to prosecute.

### **Practical or pragmatic reasons for suspension**

7. In addition to the general principle outlined above, the Registrar's investigation may be suspended in some cases for practical or pragmatic reasons. For example, it would not be practical for the Registrar to proceed with his investigation if essential records (e.g. patient records or prescriptions) had been obtained by another investigating body and the Registrar could not investigate without those records.
8. It may also be pragmatic to suspend the Registrar's investigation to allow another body to investigate if the other body is better placed or equipped to investigate the matter and it is willing to share the evidence it gathers with the Registrar when it has concluded its investigations. In those circumstances, the Registrar may be able to obtain the best evidence available from the other investigating body without placing an additional burden on the registrant and any witnesses to cooperate with the Registrar's investigation either at the same time or after the other investigation.
9. An example of a situation where it may be pragmatic for the Registrar to suspend his investigations while another investigation is carried out arises when the GPhC are investigating matters which occurred in England, Wales or Scotland where the registrant is also registered with the Pharmaceutical Society of Northern Ireland. In such cases the Registrar will usually await the outcome of the GPhC investigations and consider appropriate action on the basis of the evidence provided by the GPhC.
10. Similarly, if there is a police investigation into possible offending outside the registrant's professional role, it would not be appropriate or practical for the Registrar to investigate those allegations. Rather, the Registrar would await the outcome of those investigations and consider appropriate action once they have concluded.
11. If the Registrar is considering suspending an investigation for pragmatic reasons, he will consider how long the other investigation is likely to take and whether the other organisation is willing to share the information it gathers with the Registrar at the conclusion of its investigation. Without assurances that information will be shared in a timely manner, the Registrar may proceed with his own investigation unless a real risk of prejudice has been established.

### **Action on suspension**

12. If a decision is taken to suspend the Registrar's investigation, he will seek regular updates from the other investigating body. He will keep the registrant, complainant and any witnesses updated of developments and be careful to avoid creating the false impression that a case has been concluded.

13. If a decision has been taken to suspend the Registrar's investigation to allow another investigation to proceed, the Registrar may apply to the Statutory Committee for an interim order if he considers that it is necessary for the protection of the public or is otherwise in the public interest or is in the interests of the registered person for an interim conditions order or interim suspension order to be made until such time as the Registrar can conclude his investigation.

### **Memoranda of Understanding**

14. The Pharmaceutical Society of Northern Ireland will establish Memoranda of Understanding with other investigating bodies to clarify issues regarding the conduct of parallel investigations, the sharing of information and provision of updates in the event the Registrar suspends an investigation.