

# MEDICATION MANAGEMENT

Final Version, Ref No: OCDC9

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## 1. Purpose of Policy

The purpose of this document is to set out the Oberstown policy in relation to medication management in order that this function is carried out to the highest safety standards and to ensure equality of treatment, traceability and accountability.

## 2. Policy statement

The administration of prescription and over-the-counter medicinal products at Oberstown must be safe, effective, efficient, ethical and accountable, and the administration of medication must be recorded appropriately and monitored on an ongoing basis.

All medical treatment and the administration of medicines must be carried out in consultation with, and with the prior verbal or written consent of the young person and their parent or guardian. Where parental/ guardian consent is unobtainable, medicine and medical products may be administered in consultation with the medical team and Director (or his nominee) who is acting in loco parentis.<sup>1</sup>

Prescribed medicines and medical products will only be administered to the young person for whom they are prescribed, labelled and supplied, and **must not be used for any purpose other than which they are prescribed for.**

Medical advice must be sought as a priority if any adverse reaction is noted in the young person's condition following the administration of any medicines.

All medicines must be stored appropriately, safely and securely, and all staff dealing with the administration of medicines must be appropriately trained.

## 3. Scope of Policy

This policy applies to all staff as they go about their duties in the area of healthcare management. The policy relates to all medicines administered and available on Campus, that is:

- Over the Counter Medicines and Medical Products
- Prescription Medicines and Medical Products
- Scheduled/ Controlled Drugs

This policy should be read in conjunction with the medication management procedure and the Oberstown [Health Policy](#).

## 4. Legal framework

It is the principal aim of Oberstown Children Detention Campus under s 158 of the *Children Act, 2001* to provide appropriate educational and training programmes for children referred to the Campus by a court and to promote their reintegration into society as persons who are capable of making a positive and productive contribution to society.<sup>2</sup> This must be secured by having regard to young people's health, safety, welfare, interests; providing them with proper care, guidance and supervision; preserving and developing young people's relationships with their families; exercising proper moral and disciplinary influences on young people and recognising their personal, cultural and linguistic identity.

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<sup>1</sup> s 180 of the *Children Act, 2001*.

<sup>2</sup> See 158 of the *Children Act, 2001*.

According to s 180 of the Act, young people in Oberstown are in the lawful custody of the Director who is 'to do what is reasonable...in all the circumstances .... for the purpose of safeguarding or promoting the child's... health, development or welfare'.<sup>3</sup>

These obligations are fulfilled, among other means, through the implementation by staff of Oberstown's policies and procedures.

In cases where parental/ guardian consent is required but is unobtainable, medicine and medical products may be administered in consultation with the medical team and Director who is acting in loco parentis.<sup>4</sup>

Additionally, all controlled drugs must be stored, administered and recorded in line with the *Misuse of Drugs Act, 1988*.<sup>5</sup>

#### 4.1 Human rights standards

The United Nations Convention on the Rights of the Child (UNCRC), to which Ireland is a party, sets out the rights to which all children, including children in detention, are entitled.<sup>6</sup> The Convention requires that all children are entitled to enjoy their rights without discrimination, they must have their best interests taken into account in all matters concerning children and have their views taken into account in all matters affecting them in line with their age and maturity. Under Article 40 of the Convention, every young person in conflict with the law has the right to be treated in a manner consistent with the promotion of the their sense of dignity and worth, which reinforces the respect for the human rights and fundamental freedoms of others and which takes into account the young person's age and the desirability of promoting reintegration and assuming a constructive role in society.

Under Article 24 of the Convention, children have the right to enjoy the highest attainable standard of health, and to facilities for the treatment of ill-health. States Parties shall also strive to ensure that no child is deprived of his or her right of access to such health care services.

Further, under the *European Convention on Human Rights Act, 2003*, Oberstown is an 'organ of the state' required to act in a manner consistent with obligations under the European Convention on Human Rights.<sup>7</sup> Regard should also be had to the European Convention for the Prevention of Torture and inhuman and degrading treatment and punishment (CPT). Both instruments are relevant to detention, although neither is specific to children.

The UN Rules for the Protection of Juveniles Deprived of their Liberty (1990)<sup>8</sup> and the European Guidelines on Child-friendly Justice (2010)<sup>9</sup> also note the importance of the promotion of health services for young people in conflict with the law.

It should also be noted that young people have significant personal rights under the Constitution, the European Convention of Human Rights as well as the UNCRC. These rights include rights to liberty, bodily integrity, the freedom to communicate with others and to follow their own conscience.<sup>10</sup>

## 5. Definitions

**Medication Management** is the facilitation of safe and effective use of prescription and

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<sup>3</sup> s 180 of the *Children Act, 2001*.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Misuse of Drugs Act, 1988*.

<sup>6</sup> Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

<sup>7</sup> European Convention on Human Rights. Available at: [http://www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf).

*European Convention on Human Rights Acts, 2003*. Available at: <http://www.irishstatutebook.ie/eli/2003/act/20/enacted/en/print.html>

<sup>8</sup> Available at

[https://www.unodc.org/pdf/criminal\\_justice/United\\_Nations\\_Rules\\_for\\_the\\_Protection\\_of\\_Juveniles\\_Deprived\\_of\\_their\\_Liberty](https://www.unodc.org/pdf/criminal_justice/United_Nations_Rules_for_the_Protection_of_Juveniles_Deprived_of_their_Liberty).

<sup>9</sup> <http://www.coe.int/en/web/children/child-friendly-justice>

<sup>10</sup> Tusla, National Consent Policy, section 3. Available at: <http://www.tusla.ie/uploads/content/NationalConsentPolicyPart2.pdf>

over-the-counter medicinal products.<sup>11</sup>

### **Over the Counter Medicines and Medical Products**

- Over the counter medicines and medical products are those that can be purchased without prescription in a shop and/or pharmacy.
- These are intended to meet the recognised need to treat minor ailments without necessarily consulting a doctor.

**Prescription medicines and medical products** are those that require a valid and legible, original prescription by a doctor, to be presented to the pharmacist before they can be dispensed.

## **6. Related Documentation**

- United Nations Convention on the Rights of the Child (1989).<sup>12</sup>
- UN Rules for the Protection of Juveniles Deprived of their Liberty (1990).<sup>13</sup>
- UN Committee on the Rights of the Child, General Comment No 10 on Children's Rights and Juvenile Justice, 2007.<sup>14</sup>
- European Guidelines on Child-friendly Justice (2010).<sup>15</sup>
- IYJS, Standards & Criteria for Children Detention Schools.<sup>16</sup>
- Tackling Youth Crime, *Youth Justice Action Plan*, 2014-2018.<sup>17</sup>
- Article 42A, Irish Constitution.<sup>18</sup>

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<sup>11</sup> An Bord Altranais definition, see Standards for Medicines Management for Nurses and Midwives, 2015 at 13.

<sup>12</sup> Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>.

<sup>13</sup> Available at:

[https://www.unodc.org/pdf/criminal\\_justice/United\\_Nations\\_Rules\\_for\\_the\\_Protection\\_of\\_Juveniles\\_Deprived\\_of\\_their\\_Liberty](https://www.unodc.org/pdf/criminal_justice/United_Nations_Rules_for_the_Protection_of_Juveniles_Deprived_of_their_Liberty)

<sup>14</sup> Available at:

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f10&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f10&Lang=en)

<sup>15</sup> Available at: <http://www.coe.int/en/web/children/child-friendly-justice>

<sup>16</sup> Available at: [https://www.hiqa.ie/system/files/Standards\\_and\\_Criteria\\_for\\_Children\\_Detention\\_Schools\\_2008%20.pdf](https://www.hiqa.ie/system/files/Standards_and_Criteria_for_Children_Detention_Schools_2008%20.pdf)

<sup>17</sup> Available at: <http://www.iyjs.ie/en/IYJS/Tackling%20Youth%20Crime%20-%20Youth%20Justice%20Action%20Plan%20FINAL.pdf>

[Files/Tackling%20Youth%20Crime%20-%20Youth%20Justice%20Action%20Plan%20FINAL.pdf](http://www.iyjs.ie/en/IYJS/Tackling%20Youth%20Crime%20-%20Youth%20Justice%20Action%20Plan%20FINAL.pdf)

<sup>18</sup> Available at: <http://www.irishstatutebook.ie/eli/cons/en/html>