

Date: 02/05/2024
Our ref: 01/FOI/24/012476/N

FREEDOM OF INFORMATION REQUEST REFERENCE NO: 01/FOI/24/012476/N

I write in connection with your request for information dated 15/04/2024, received by Greater Manchester Police (GMP) for the following information:

I wish to request, under the Freedom of Information Act (2000), the following from your Constabulary, Policing Authority, or Police Service -

1) a copy of the Constabulary's policy or procedure for the verification of the legitimate possession, use, or presence (in saliva, blood, or urine) of THC resulting from prescribed medical cannabis/cannabis-based prescription medicine (CBPM);

2) if the Constabulary does not have a local policy regarding this, could you please confirm that the Home Office guidance is adhered to by the Constabulary - namely that someone claiming the legitimate possession and/or use of medical cannabis will be expected to produce: the original medication container complete with the pharmacy dispensing label bearing the name of the patient; with either a copy of their FP10 prescription or a letter from the prescribing clinician; and a form of recognised photo ID (such as a passport, driving licence, or a PASS accredited photocard) bearing the same name as displayed on the dispensing label and the copy of the FP10 or clinician's letter;

3) if your Constabulary does not have a policy in response to question 1, could you please provide the Constabulary's policy regarding procedural compliance with the PSED (Public Sector Equality Duty) of the Equality Act 2010, especially with regards to the avoidance of discrimination against disabled people. In the absence of a substantive policy, could you provide a clarification on the procedures in place to prevent the procedural or systemic discrimination against disabled people for the legitimate possession and use of their prescribed medication (through the seizure of prescription medicine or the arrest of the disabled person for their possession of this prescribed medicine);

4) a copy of any internal briefing documents provided to police officers regarding the existence of - and the process for the verification of - prescribed medical cannabis flower or other CBPM's following the Home Office Circular 2018: 'Rescheduling of cannabis-based products for medicinal use in humans' and The Misuse of Drugs (Amendments) (Cannabis and Licence Fees) (England, Wales and Scotland) Regulations 2018 which allowed the prescribing of medical cannabis (CBPM);

5) the named lead for the Constabulary for matters pertaining to the verification of prescribed medical cannabis (CBPM's);

6) the Constabulary's policy or position relating specifically to the Constabulary's _recognition_ of unaccredited card schemes such as Cancard, despite an absence of such recognition by the Home Office, if such a policy exists;

7) if your Constabulary is responsible for a port of entry or a domestic airport, whether the policies or procedures you specify differ for those departing from the United Kingdom or passing from landside to airside - as the Home Office regulations in this regard apply to the regulations relating to the personal carriage of controlled drugs, but not the procedures that should be followed by patients locally in compliance with these regulations (i.e. in terms of the practical steps that should be followed by patients to comply with these regulations);

8) the dates upon which any of the procedures, policies or positions engaged by your response to the above is due for review.

The above information will be invaluable to patients in receipt of medical cannabis and will ensure a wider understanding and the subsequent compliance with the expectations of your Constabulary. It is clearly in the public interest to ensure that medical cannabis patients are aware of local policies and procedures and can comply accordingly, so that finite police resources are not spent on the avoidable and potentially unlawful arrest of patients in receipt of legitimately prescribed medical cannabis medication (CBPM's), or the seizure of their prescribed medicine.

Result of Searches

Following receipt of your request searches were conducted within Greater Manchester Police (GMP) to locate the requested information and I can confirm the information requested is held by GMP.

Question 1.

No information held.

Question 2.

Home office Guidance and the Misuse of Drugs Act is adhered to on a case-by-case basis.

Question 3.

Home office Guidance and the Misuse of Drugs Act is adhered to on a case-by-case basis and GMP have a DE&I strategy in place.

Question 4.

Please see the below link which is provided from Dept of Health and Social Care. This is shared internally. Also see the Misuse of Drugs Act.

<https://www.gov.uk/government/publications/circular-0012024-control-of-20-new-drugs/0012024-the-misuse-of-drugs-act-1971-amendment-order-2024-and-the-misuse-of-drugs-and-misuse-of-drugs-designation-england-and-wales-and-scotland#:~:text=The%202024%20Order%20amends%20the,as%20a%20Class%20C%20drug.>

<https://www.legislation.gov.uk/ukpga/1971/38/contents>

Question 5.

No information held.

Question 6.

GMP do not accept the Cancard as an official document. NPCC guidance states that the card in itself isn't identification without the APP which has confirmation from the individuals GP regarding their prescriptions. Therefore, each case would be treated in a sensitive manner and on a case-by-case basis.

Question 7.

No information held.

Questions 8.

No information held.