

13 September 2024

FOI Ref 16761

Request - You asked us the following:

- 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.

We received your request on 15/04/2024 and have processed this under the Freedom of Information Act (FOIA).

Please find below our response.

Staffordshire Police holds the following requested information.

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); - **No information held.**
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; - **No information held.**
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); - **No information held.**
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); - **Information held.**
5. the named lead for the Constabulary for matters pertaining to the verification of prescribed medical cannabis (CBPM's); - **Information held.**
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; - **No information held.**
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); - **No information held.**

8. the dates upon which any of the procedures, policies or positions engaged by your response to the above is due for review. - **No information held.**

Staffordshire Police withholds the following information.

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

The above information has been withheld for the following reasons:

In accordance with Section 17(1) of the Freedom of Information Act, this letter represents a refusal notice for this particular request.

The information can already be found within the public domain.

To release personal or third-party information held by Staffordshire Police, would breach the data protection principles; namely –

- Data is lawfully and fairly processed.
- Processed in line with an individual's rights.
- Data is secure.

Personal and third-party information cannot be released under the Freedom of Information Act.

Disclosure under Freedom of Information is a release of information to the world in general and not an individual applicant.

The following exemptions have been applied:

- Section 21(1) - Information reasonably accessible by other means.
Section 21 is an absolute, class-based exemption and as such there is no requirement to quantify the harm that may arise from the disclosure, nor is there a requirement to perform a Public Interest Test.
- Section 40(2) Personal Information
Section 40(2) is an absolute exemption which means that there is no need to quantify the harm that may arise from the disclosure; neither is it subject to a public interest test.



STAFFORDSHIRE
POLICE

Public Interest Test

Not Applicable

Advice and assistance

In order to comply with our obligations under Section 16 of the Act, the obligation to provide advice and assistance, please find below links to the information requested.

- <https://www.staffordshire.police.uk/SysSiteAssets/foi-media/staffordshire/2022-published-foi-requests/april/foi-14240-medical-cannabis.pdf>
- <https://www.staffordshire.police.uk/SysSiteAssets/foi-media/staffordshire/2022-published-foi-requests/april/foi-14240-medical-cannabis-data-1.pdf>
- <https://www.staffordshire.police.uk/SysSiteAssets/foi-media/staffordshire/2022-published-foi-requests/april/foi-14240-medical-cannabis-data-2.pdf.pdf>

Next steps

You can ask us to review our response.

If you would like us to carry out a review of our response, please let us know within two months of the date of receipt of this email, review requests should be addressed to:

foi@staffordshire.police.uk

Or by Post to:

Central Disclosure Unit
Staffordshire Police HQ
PO Box 3167
Stafford
ST16 9JZ

Please remember to quote the reference number in any future communications.

Freedom of Information
Central Disclosure Unit