



Your reference: n/a

Our reference: FOI_24_0417

E-mail: FOI

@gloucestershire.police.uk

Direct dial: 01452 754304

Postal Address: As above

Date: 14/05/2024

Dear

Gloucestershire Constabulary Freedom of Information request FOI_24_0417

On 16/04/2024 you sent an email constituting a request under the Freedom of Information Act asking the following:

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.

Under the Freedom of Information Act 2000 s1, I can confirm that Gloucestershire Constabulary holds some relevant information.

Section 17 of the Freedom of Information Act 2000 requires Gloucestershire Constabulary, when refusing to provide information (because the information is exempt) to provide you the applicant with a notice which: (a) states the fact, (b) specifies the exemption in question and (c) states (if not otherwise apparent) why the exemption applies.

The following exemptions apply:

Section 21 – Information reasonably accessible by other means

The above exemption is absolute and class-based and therefore no Public Interest Test or Harm Test is required.

The information that you have requested is already reasonably accessible to you by other means and is therefore exempt by virtue of Section 21 of the Freedom of Information Act 2000. Gloucestershire Constabulary are required to make certain information available to the public as part of a publication scheme.

For questions 1 – 6 the information requested is available in the public domain via the following address:

[foi 24 0087 medicinal-cannabis.pdf \(gloucestershire.police.uk\)](https://www.gloucestershire.police.uk/foi/24/0087/medicinal-cannabis.pdf)

7) No information held

8) No information held

If you are not satisfied with this response or any actions taken in dealing with your request, you have the right to ask that we review your case under our internal procedure. Please note that a request for an internal review must be made within 20 working days of the response to your original request.

If you decide to request that such a review is undertaken and following this process you are still unsatisfied, you then have the right to direct your complaint to the Information Commissioner for consideration.

The Information Commissioner can be contacted via the following means:

Website - <https://ico.org.uk/>

Call their helpline - 0303 123 1113

Email - casework@ico.org.uk

Post –

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Disclosure Officer
Gloucestershire Constabulary