

Evidence to the Health and Social Care Committee Inquiry into New Psychoactive Substances – 26th November 2014.

The Welsh Government welcomes the inquiry into new psychoactive substances (NPS) and presents the following evidence in relation to the specific terms of reference for the inquiry. For the purposes of the evidence provided all references to NPS in this paper include 'legal highs' as well as other NPS which may have previously been referred to as legal highs but have since been controlled by the Misuse of Drugs Act 1971, including those which are currently subject to a Temporary Control Drug Order.

Almost £50m annually is invested to deliver the commitments within the 10 year Substance Misuse Strategy, *'Working Together to Reduce Harm' 2008-2018*. The strategy recognises the impact substance misuse has on families as a whole and the Welsh Government are taking forward a range of actions to better inform people about the harm and impact that substance misuse can have on individuals, their families and their communities. The strategy is underpinned by a Substance Misuse Delivery Plan 2013-15 which outlines the specific actions being taken to tackle NPS.

1. How to raise awareness of the harms associated with the use of legal highs among the public and those working in the relevant public services.

A range of actions to raise awareness of new psychoactive substances amongst the public and those working in relevant public services is being undertaken by the Welsh Government and substance misuse partners. Actions range from media campaigns through radio and social media to joint awareness raising campaigns with the Welsh Rugby Union and Oakwood Leisure Park.

Specific examples include the 'Know the Score' campaign run by Dan 24/7, the Welsh Government's 24 hour, 7 day a week bilingual substance misuse telephone helpline.. The campaign, which ran from December 2012 to March 2013, consisted of a Ministerial launch; radio advertisements and announcements on Real Radio Wales (now Heart radio); press advertisements; social media and a tie into the Six Nations Rugby tournament with display boards at two of the games. The campaign placed a strong emphasis on mephedrone due to the multiple problematic incidences that were occurring at the time and the need to raise awareness to the public about the risks and harms of taking this drug.

The campaign resulted in an 82% increase in the number of hits to the DAN 24/7 website, 144% increase in direct views to the mephedrone page and an increase of 39% in the number of calls to the website. Activity on the social media sites facebook and twitter also increased significantly during the campaign. The campaign was repeated earlier in 2014 to encompass wider new psychoactive substances with similar success.

Ensuring that all children in Wales are protected from the dangers of drugs and alcohol, and ensuring support is available for those who get into difficulty is also a key commitment for the Welsh Government. More than £3m is invested each

year on the All Wales School Liaison Core Programme. This is a joint Welsh Government and Police and Crime Commissioner initiative delivered in 99% of schools across Wales, providing substance misuse education to children and young people at key stages one to four.

The Programme is regularly reviewed to ensure the content remains relevant and has recently been updated to include additional provision focusing on the harms posed by NPS. Information packs on NPS have also been developed for pupils, teachers and parents.

The Welsh Government will undertake a further awareness raising campaign on NPS in early 2015. Work is also ongoing with DAN 24/7 to extend its outreach through targeted campaigns and to further extend the use of the internet and social media to better engage NPS users and potential NPS users.

As part of any action to raise awareness we understand that it is important to ensure that all prevention and education initiatives are carefully planned and delivered in a measured way and we must always balance this with the risk of glamorizing the issue and unintentionally encouraging experimentation.

2. The capacity of local services across Wales to raise awareness of – and deal with the impact of – the harms associated with the use of legal highs.

Historically, substance misuse services in Wales have been set up to respond to traditional drugs and the workforce trained to address the issues associated with such substances.

Over the last couple of years, substances such as mephedrone have become household names in the drug and alcohol field, leading to mephedrone becoming the fourth most popular drug in 2012 according to the British Crime Survey (2012). The emergence of these NPS, combined with a gradual decrease in substances such as heroin over a period of time, has presented substance misuse agencies with a challenge to adapt to the changing needs of drug users. The Welsh Government's view is that the key issue for front line agencies is about the range of services provided and not necessarily capacity. The Welsh Government's annual substance misuse report, published on 30th October 2014, showed that there has been good progress made on waiting times for treatment, with the percentage of clients who started treatment within 20 working days increasing from 73% in 2009-10 to 87% in 2013-14, continuing the trend of improvement over the 5-year period.

In response to the challenges posed by the increasing existence and use of NPS, the Welsh Government has taken a number of steps in recent years to ensure that the substance misuse workforce is equipped to respond to the threat.

Examples include the development of a half day mephedrone session for agencies and workers from various fields that are engaged with drug users and vulnerable people. The aim of the information session was to increase

knowledge and understanding of the effects, risks and potential harms of mephedrone use.

Further training has also been developed for substance misuse professionals across Wales about NPS current trends. The course is designed to raise awareness about new substances entering the market, the composition and effects of such substances and to advise substance misuse professionals how best to work with clients using these substances.

The Welsh Government also supported a national conference in March 2013 focusing on the use of NPS. The conference which was well attended by professionals and service users, helped raise the profile of NPS throughout the substance misuse community.

A range of leaflets, posters and workbooks have also been developed nationally to assist those working with individuals who are using NPS but also carers who are dealing with any related issues.

The Welsh Government also supports – both financially and operationally - the action being taken by the police who are also seeking to address NPS at both a national and local level. Nationally, the regional task force Operation Tarian brings the three southern Welsh police forces together to target organised crime groups. At a local level the South Wales Police is raising awareness through its NPS steering group and has arranged awareness raising training for police, fire, ambulance, local authorities and prison staff about the risks associated with NPS.

New Psychoactive Substances : Review of the Home Office Expert Panel

In December 2013, the Home Office appointed an expert panel to consider how best to tackle the issue of NPS including considering the education, prevention and treatment response to NPS. The published on 30th October 2014 made a number of recommendations around intervention and treatment; prevention and education; and information sharing. The Welsh Government will consider the recommendations as part of the development that is now underway to inform the new Substance Misuse Delivery Plan from 2015 onwards. The report can be found at:

<https://www.gov.uk/government/publications/new-psychoactive-substances-review-report-of-the-expert-panel>

3. The effectiveness of data collection and reporting on the use of legal highs in Wales and their effects.

The Welsh Government has put in place or supported a number of data collection mechanisms to capture the use of NPS across Wales:-

Welsh National Database for Substance Misuse (WNDSM)

The WNDSM captures primary substance at the point of referral to substance misuse treatment services. All agencies in receipt of Welsh Government substance misuse funding are required to populate the database and substance misuse statistics taken from the WNDSM are available on the stats wales website on a quarterly basis and published annually. This allows commissioners and providers to monitor the number of referrals for NPS in a consistent manner across Wales. However, the WNDSM does have its limitations in that it is reliant upon providers to populate it in a timely fashion. In addition, secondary and tertiary substances are not captured leading to under reporting and we understand that the majority of NPS users will not present to specialist treatment services.

Harm Reduction Database

The harm reduction database has a needle syringe exchange module that captures information on all those who are injecting NPS and in contact with needle exchange services. The module has been rolled out to all voluntary and statutory sector needle exchange services, including all pharmacies across Wales. However, the harm reduction database does not capture those NPS users not in contact with needle exchange programmes nor does it capture the large number of NPS users using other methods of administration.

WEDINOS (Welsh Emerging Drugs and Identification of Novel Substances)

The Welsh Emerging Drugs and Identification of Novel Substances (WEDINOS) project was launched in October 2013 in response to an increase in presentations at hospital emergency departments reporting unexpected / ill effects by users of NPS and new combinations of performance/image enhancing substances.

Developed by Public Health Wales, in conjunction with the Cardiff & Vale Toxicology Laboratory and Cardiff University Pharmacology Department, the programme is funded by the Welsh Government and provides a framework for the collection and testing of samples of NPS and combinations of drugs along with information regarding the symptoms users experienced, both expected and unexpected.

Collation of these findings, along with identification of the chemical structure of the samples helps facilitate dissemination of timely and accurate information to both general and targeted populations at specific risk. This includes information about the make up of specific NPS, the potential physical, psychological and behavioural harms that may result as a consequence of use, and pragmatic public health harm reduction advice.

This innovative project is the first of its kind in the UK. In order to develop the project further and enhance its scope, the next stage is to implement WEDINOS within all emergency departments across Wales and work is now ongoing with health boards to deliver this. It is planned that WEDINOS will be operational in all emergency departments by April 2015.

Prevalence estimate of problematic drug misuse

The Welsh Government has commissioned Public Health Wales to undertake a prevalence estimate of problematic drug use to include opioids, cocaine/crack cocaine, amphetamines and amphetamine-like substances including NPS and cathinones for the ten year period 2011/12 to 2020/21. The proposal is currently seeking ethical approval with work expected to commence in 2015.

Police led Regional Task Force, Operation Tarian

Operation Tarian, which is supported by the Welsh Government, undertook a problem profile of mephedrone use and supply in Wales in 2012. The profile concentrated on a 24 month period between 1st April 2010 and 31st March 2012 with an analysis of arrests, seizures and availability of mephedrone. The report, which was completed in consultation with key stakeholders including force analysts and substance misuse commissioners officers providing an overview of the prevalence of mephedrone throughout the region (broken down to Welsh forces), a comparison of arrests seizures and the availability of mephedrone for the periods 2011/2012 and 2010/2011. It also identified 'hot spots' or risk areas where mephedrone was most prevalent within the Wales region.

These reports enable partner agencies to develop effective prevention and enforcement plans and to put in place effective communication strategy through key messages.

Research

Research, funded by Welsh Government and South Wales Police in 2012, was undertaken in order to provide the first detailed assessment of the possible links between mephedrone use, violence and other harms in South Wales. The research combined data from a survey of 67 users across South Wales with in-depth semi-structured interviews with 12 mephedrone users and 20 'expert' practitioners who worked with users in order to further unravel the various impacts of mephedrone and, specifically, its links to violence. A copy of the report can be found at: <http://wales.gov.uk/topics/people-and-communities/safety/substancemisuse/research/harm/?lang=en>

In summary, there is no single source of data collection for NPS in Wales which reflects the situation elsewhere in the UK. However, the various data collection systems that are in place allow the Welsh Government, Police and other partners such as substance misuse commissioners and providers to build a picture of NPS use throughout each region.

4. The possible legislative approaches to tackling the issue of legal highs, at both Welsh Government and UK Government level.

The legislation and classification of drugs is a matter reserved to the UK Government. The Home Office expert panel referenced at point 2 above considered how best to tackle the issue of NPS, including reviewing the existing legal framework to see if the current approach under the Misuse of Drugs Act 1971 could be enhanced. In doing so the panel reviewed the effectiveness of the UK's current and legislative and operational response and looked at international and other evidence to identify legislative options for enhancing this approach.

The report of the expert panel considered that the Misuse of Drugs Act 1971 is 'well understood and should continue to be the main vehicle for controlling harmful NPS, using group definitions where appropriate'. However, the expert panel recommended an enhanced legislative approach, including exploring a new basis by which future synthetic cannabinoids might be controlled. The report also recommended exploring the feasibility of a UK wide offence by which the distribution for human consumption of non-controlled NPS is prohibited, based on the approach taken in the Republic of Ireland since 2010.

In its response the UK Government has committed to addressing the recommendations as well as a number of others including:-

- Continuing to update the group definitions used in the Misuse of Drugs Act 1971 informed by independent expert advice through a system of regular reviews through the Advisory Council on the Misuse of Drugs (ACMD), where appropriate.
- Considering the benefits of extending the length of temporary class drug orders from 12 to 24 months, thereby giving the ACMD a longer window within which to advise.
- Working with the Crown Prosecution Service to update its existing guidance on drug offences to include controlled NPS and with the Local Government Association to update the guidance in 2013 to reflect the latest cases and developments.
- Developing a thorough understanding of the scale of the threat from the internet, and the capability of law enforcement agencies to counter it.

The Welsh Government has written to the Home Office confirming that the implications for those areas covered by the report that are devolved to Wales will be considered and addressed as part of the new substance misuse delivery plan being developed in 2015. However, it should be noted that our policy framework in Wales is already firmly based on the principles of harm reduction and treatment to allow us to respond to the needs of individuals and communities. This is reflected by the fact that substance misuse is part of the health and social service portfolio in Wales and demonstrated by the actions contained in our current substance misuse delivery plan for 2013-15.

Whilst the legislation and classification of drugs is a matter reserved for the UK Government, the report of the expert panel is welcomed. This is an area where there is merit in having a UK wide approach for drug classification and the Welsh Government has not sought further powers in this area. However, any UK wide approach does not necessarily need to be led by the UK Government and could be taken forward in partnership by the four government administrations.

In December 2013, the Home Office published guidance for local authorities on taking action against 'head shops' selling NPS. This guidance was published due to previous concern that head shops in some areas were causing increases in anti-social behaviour and health problems. It is commonly believed that because the products sold in these outlets are (mostly) legal, there is nothing that local authorities or law enforcement can do to disrupt head shops and minimise the damage they cause. In 2010, Ireland introduced a ban on synthetic

psychoactive drugs four years ago, which could provide a model for similar laws in the UK. Ireland introduced measures legislation tackling a proliferation of "head shops" - which offer a range of drug paraphernalia. The law made it an offence to advertise, sell, supply, import or export a psychoactive substance. Its remit had to be intentionally wide because of a problem previously faced with legislating against the synthetic drugs - each time a substance was banned, the dealers would subtly alter the chemical composition of the drug to get around the law.

Therefore, a new approach was required to address legal highs, which are also known as novel psychoactive substances (NPS). The blanket ban means that substances with a 'psychoactive' effect must have a specific exemption under the law, and anything which does not is illegal. Legal substances which affect the brain's chemistry, including caffeine, alcohol, tobacco and prescription medicines, had to be exempted.

In Ireland, anyone found guilty under the Criminal Justice (Psychoactive Substances) Act faces up to five years' imprisonment and a fine of up to £3,950 (€5,000).

The Irish Garda reported there were 102 head shops in Ireland prior to the new Act but they had "virtually disappeared after the new law, the Home Office report said.

While there is no simple solution to this issue, there are options for local partners to work together to tackle the problems posed by NPS. In the Public Health White Paper it has been advocated strongly, the National Assembly should be given competence to allow the consideration of public health to be one of the statutory licensing objectives under the Licensing Act 2003. This would mean that representations could be made in response to licensing applications on the grounds that they threatened the protection of public health. This, for example, would allow more scope for the use of health data in licensing decision making and to consider how wider public health implications should influence licensing decisions.

5. How effectively a partnership approach to tackling the issue of legal highs in Wales is being coordinated, both within Wales and between the Welsh and UK Governments.

'Working Together to Reduce Harm' reinforces the importance of partnership working to ensure services provide a holistic package of care to individuals. Partnership working in Wales has been far reaching and has included engaging with professionals both directly and indirectly involved with substance misuse, the night time economy, the general public and those who use substances. Examples of good partnership working in this area include Substance Misuse Area Planning Boards and the Substance Misuse National Partnership Board which are themselves made up of a range of partners including commissioners, service users, treatment agencies, health and criminal justice representation. The Welsh Government also supports and participates in regional Harm

Reduction Groups, the WEDINOS project and has good links with the Police, NOMS Cymru, the Youth Justice Board Cymru and the probation service.

The Welsh Government is in regular contact with the UK Government on a range of substance misuse issues, including the challenges posed by NPS, through the British Irish Council (BIC) drug and alcohol work streams. These meetings enable the dissemination and sharing of information and best practice across the four UK Government administrations and the Governments of the Isle of Man, Jersey, Guernsey and the Republic of Ireland.

Good links are also in place between the Welsh Government's independent Advisory Panel on Substance Misuse (APoSM) and the UK Government's Advisory Council on the Misuse of Drugs (ACMD). The chair of APoSM also sits on the ACMD and is ensuring that the work streams, where appropriate, are dovetailing with those of the ACMD to ensure that research and expertise is shared.

In addition, the Welsh Government is working with the UK Government to undertake a review of the UK Clinical Guidelines for Substance Misuse. The guidelines have had a major impact in supporting good clinical practice, and remain the basis for the approach to treating drug dependence in the UK. The review which involves officials across the four UK administrations with responsibility for drug treatment will consider the inclusion of NPS in the revised guidelines. It is envisaged that the new clinical guidelines will be available by autumn 2015.

6. International evidence on approaches taken to legal highs in other countries.

Countries are responding to the growth in demand and supply of NPS, and the associated harms in three main ways: enforcement, prevention and treatment. A range of different actions can currently be taken to place NPS under legal control. These include, adding new substances to the 1961 or 1971 UN Conventions; using the European Early Warning System (EWS) to identify NPS and place them under control; and various national measures which involve using consumer safety or medicines legislation, extending and adapting existing laws and processes, or devising new legislation for new substances.

The chair of APoSM has established strong links with the Pompidou Group, a European group aimed at action to combat drug abuse and illicit trafficking in drugs.

Within Wales the WEDINOS programme directly contributes to the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). The EMCDDA exists to provide the EU and its Member States with a factual overview of European drug problems and a solid evidence base to support the drugs debate. It offers policymakers the data they need for drawing up informed drug laws and strategies and helps professionals and practitioners working in the field pinpoint best practice and new areas of research.