



Gwasanaeth Cenedlaethol
Rheoli Troseddwy

National Offender
Management Service

National Assembly for Wales
Health and Social Care Committee

Inquiry into new psychoactive substances (“legal highs”)

Evidence from National Offender Management Service – LH 02

Via email to

[REDACTED]

National Offender Management Service

3rd Floor Churchill House
Churchill Way
Cardiff CF10 2HH

Mike Hardy
Head of Offender Health Policy
Welsh Government
Mental Health & Vulnerable Groups Division
Department for Health and Social Services
Crown Building
Cathays Park
Cardiff CF10 3NQ

Telephone: [REDACTED]

Email : [REDACTED]

Sarah Payne
Director of NOMS Wales

Business manager - Louise Forman
Telephone: [REDACTED]

09.09.2014

Dear Mike,

The National Assembly for Wales’ Health and Social Care Committee Inquiry into new psychoactive substances (“legal highs”).

Thank you for the opportunity to respond to the above consultation. In May 2014 the Government published its command paper in response to the Home Affairs Select Committee’s report on *Drugs: new psychoactive substances and prescription drugs*. The range of new substances, their unknown long term harms and the manner in which they are often sold, whether on the internet or in high street retail outlets, are all matters of concern for the National Offender Management Service (NOMS) both in the community and in prison.

Raising awareness of harm associated with new psychoactive substances

In Wales we work closely with our criminal justice and other partners to educate and reduce the risks of harm caused by offenders who take new psychoactive substances. All the constituent parts of NOMS in Wales seek to address offenders’ substance misuse via cognitive behavioural programmes, advice and guidance, counselling and education, for example:

- In general we seek to raise offenders’ awareness of the harm associated with these substances throughout the offender journey and in particular in those instances where substance misuse is indicated as a trigger to offending behaviour

- Offenders who are subject to a substance misuse Specified Activity Requirement (SAR) are invited to disclose what drugs they are using and the frequency of abuse as part of the assessment process
- Those offenders who are required as part of their sentence to undergo a drug rehabilitation requirement are also required to attend a drug awareness course whereby the risks of the new psychoactive substances are discussed and harm reduction techniques are shared with a view to reaching abstinence
- There are substance misuse accredited programmes delivered in custody and, where an offender's behaviour is giving cause for concern (usually order and control issues) and the trigger is believed to be related to abuse of new psychoactive substances advice is sought
- Individuals who disclose use of new and emerging drugs are worked with through motivational and cognitive behavioural techniques in order to educate them about the harms associated with the use of legal highs
- Staff across NOMS make service users aware of the free and confidential Dan 24/7 helpline with a view to enabling individuals to become more aware of social media awareness raising campaigns, such as those around the use of mephedrone, M-Cat and Meow-Meow.
- Through IOM Cymru we work with other criminal justice and voluntary sector partners with not only the offender but also with their family to reduce the risks of reoffending and risks of harm.

Local Services

NOMS in Wales are keen supporters of Drug Early Warning Systems (DEWS) which aim to link various national and international partners to share information about emerging new psychoactive substances. The Welsh Emerging Drugs and Identification of Novel Substances (WEDINOS) harm reduction project is widely discussed with our offenders through partnership agencies and leaflets are shared in our drug rehabilitation units.

We know that education is key to raising awareness. As the new Community Rehabilitation Company becomes more established we anticipate that it will develop innovative ways of educating offenders about the dangers of such substances and signpost them routinely to services which could help them abstain from drug abuse in the future.

Data collection

Staff awareness of new and emerging drugs is raised through notification from Tarian, the Southern Wales Regional Organised Crime Unit. This enables us to monitor and disclose offender usage. Risks are then discussed with offenders such as mood changing behaviours which may in turn impact upon their licence conditions to be of 'good behaviour' and the resultant potential consequence of recall to custody.

We also monitor the information available on the Welsh National Database for Substance Misuse (WNDSM) as this enables us to target and work with those offenders most in need of interventions.

Legislative approaches

We are aware of the process for making recommendations to the UK Government on the control of dangerous or otherwise harmful drugs through the Advisory Council on the Misuse of Drugs (ACMD). Membership of the Council includes representation from the London Community Rehabilitation Company, with which we have good links through our membership of the Integrated Offender Management (IOM) National Strategy Board.

The NOMS Security Group is fully aware that new psychoactive substances are of increasing concern to law enforcement in communities and safety and order in prisons. Of particular concern is "synthetic cannabinoids", as cannabis is the drug most misused by prisoners, and it remains a significant problem, despite levels of misuse being on a downward trend. It is likely that the increase in misuse of synthetic cannabinoids has been caused at least in part by the demand for cannabis, coupled with the presence of effective measures against cannabis, such as drug tests and drug dogs, alongside an absence of such measures to counter synthetic cannabinoids. There are also anecdotal concerns about the affect of these new substances on prisoners' health and mental well-being. Abuse tends to be more common in the Category C and open estate.

For Compact Based Drug Testing (CBDT), the contractor has recently developed a "dip and read" indicative test for synthetic cannabinoids which prisons (or their drug treatment commissioners) are able to buy and use as part of a CBDT programme. The problem with this test is that it covers only 3% of known synthetic cannabinoids and whilst these are some of the more common substances, it is far from a complete solution. At the moment we think it is very unlikely that a CBDT test could be developed to detect all synthetic cannabinoids.

In respect of Mandatory Drug Testing (MDT) no test is yet available but the MDT laboratory is working to develop one for prisons and their other customers. Given the range of substances and the need to keep up with the changing chemical compounds, any test is likely to be expensive. Our power to MDT prisoners is also constrained to testing them only for drugs controlled under the Misuse of Drugs Act 1971. Whilst we are seeking an amendment to primary legislation, via the Criminal Justice and Courts Bill, to change this for the time being we are legally prevented from MDT testing for non-controlled synthetic cannabinoids.

The National Offender Management Service is looking to include non controlled drugs, which would capture new psychoactive substances and medication, into "List B" under the Prisons Act 1952 by way of secondary legislation. That would make it a criminal offence to convey them into a prison.

Partnership approach

NOMS in Wales works closely with partners to share information on new and emerging drugs. At a strategic level we are a member of the Advisory Panel on Substance Misuse (APoSM) and of the Substance Misuse National Partnership Board (SMNPB). Through the SMNPB, we provide information on progress on our related work streams, advise the Minister for Health and Social Service, via Welsh Government officials, on progress, emerging issues and future priorities.

Through our membership of the SMNPB we also contribute to strategy review and refresh in the light of changes we see in patterns of substance misuse, agreeing priorities for subsequent delivery plans and increasing ownership of the strategy through encouraging wider involvement and engagement.

We provide senior leadership representation on Substance Misuse Area Planning Boards across Wales. This mechanism facilitates our contribution to the planning, commissioning, performance management and delivery of substance misuse services within a framework which strengthens partnership working.

We welcome any opportunity to work with you and others to better understand, detect and combat the use of and harm caused by these new drugs.

All good wishes/ cofion gorau,

Sarah


Sarah Payne
Cyrfarwyddwr/Director
Gwasanaeth Cenedlaethol Rheoli Troseddwyr yng Nghymru/
National Offender Management Service (NOMS) in Wales