

Meeting	Forensic Services Committee
Date	2 February 2022
Location	Via MS Teams
Title of Paper	Drug Driving Update
Presented By	Alastair Patience
Recommendation to Members	For Discussion
Appendix Attached	No

PURPOSE

To provide members with an update on progress on the Drug Driving Toxicology Service.

The paper is submitted for discussion.

1. BACKGROUND

- 1.1 Changes to the Road Traffic Act 1988 (RTA) were enacted in Scotland on 21 October 2019. This legislation sets specific drug driving limits for 17 specified drugs. This legislative change was part of Scottish Government's Programme for Government in 2019/20.
- 1.2 The response to the new Drug Driving legislation was developed in partnership with Police Scotland and COPFS with oversight by Scottish Government. A working group enabled co-ordinated planning across all bodies to the new legislation.
- 1.3 Forensic Services support the delivery of the drug blood limit testing requirement for this Act prompted by a positive roadside test. This process is accredited to the recognised laboratory standard ISO 17025 by UKAS – the UK Accreditation Service.
- 1.4 Forensic Services analyse blood samples from those who have been accused of Drug Driving, having tested positive for a banned drug at the roadside.
- 1.5 The examination process to detect and quantify drugs subject to the S5A legislation has a high degree of complexity when compared with the more traditional drink driving samples. In drink-driving cases blood is examined for alcohol only. Examination times are longer for S5A drugs driving cases and as such the turnaround times are longer than more simple blood alcohol work.
- 1.6 Since the legislation was introduced in Scotland there has been a significantly higher demand for the service than initially forecast by Police Scotland. Initial casework was anticipated at circa 1,000 cases per year, however, the actual demand is currently in the region of 2,300 cases per annum and forecast to increase.
- 1.7 The Scottish Government provided additional £180k capital funding to help enable this growing Forensic Services laboratory capacity with for the one-off procurement of additional instrumentation necessary to increase service capacity.
- 1.8 Additional funding for the outsourcing of Section 5A cases was identified and agreed.

- 1.9 The number of drug-driving cases is reported to the Scottish Police Authority Policing Performance Committee as part of the Police Scotland quarterly performance report.

2. FURTHER DETAIL ON THE REPORT TOPIC

- 2.1 Demand for Section 5A drug driving analysis remains significantly higher than Forensic Services capacity, with the caseload remaining at an elevated level.
- 2.2 Outsourcing of Section 5A cases has continued since the last update to the Forensic Services Committee.
- 2.3 Additional funding was approved by the Scottish Government in November 2021 which will allow c.900 cases to be outsourced.
- 2.3 Marginal gains, with modest capacity increases have been implemented / are being taken forward, but these initiatives will not solve the underlying issue of high demand.
- 2.4 The FS2026 Operating Model project includes a potential increase in capacity for Toxicology services, however, there remains a significant shortfall in capacity based on ongoing forecasting work undertaken by Police Scotland and Forensic Services.
- 2.6 Building on the workshop-based discussions with partners, mentioned in the previous update, further dialogue with Police Scotland and COPFS has helped scope and clarify what options could be considered for the provision of a longer-term, sustainable, model.
- 2.7 A tri-partite position paper is in the process of being submitted to the Scottish Government in this regard.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications associated with this report. There may be significant financial support required to deliver a long-term, sustainable, service going forward, depending on which options are developed for this new enhanced drug-driving toxicology service. The position paper will be for consideration by the Scottish Government.

4. PERSONNEL IMPLICATIONS

4.1 There are no personnel implications associated with this paper.

5. LEGAL IMPLICATIONS

5.1 There are no legal implications associated with this paper.

6. REPUTATIONAL IMPLICATIONS

6.1 There are reputational implications associated with this paper. If the capacity of the Drug Driving Toxicology service is not managed sustainably to cope with the high levels of demand, this could have implications for Forensic Services, Police Scotland, Crown Office and Procurator Fiscal Service and the Scottish Government.

7. SOCIAL IMPLICATIONS

7.1 There are no social implications associated with this paper.

8. COMMUNITY IMPACT

8.1 There are no community implications associated with this paper.

9. EQUALITIES IMPLICATIONS

9.1 There are no equality implications associated with this paper.

10. ENVIRONMENT IMPLICATIONS

10.1 There are no environmental implications associated with this paper.

RECOMMENDATIONS

Members are requested to note:

- The current position where marginal gains have been made / are being identified / are being taken forward, however, there is still a fundamental imbalance between demand and capacity.
- Further funding for outsourcing has been approved by the Scottish Government and is being utilised.
- A tri-partite position paper is in the process of being submitted to the Scottish Government regarding options which could be considered for the provision of a longer-term, sustainable, model for Drug Driving Toxicology service.
- The recognition that this is a partnership challenge requiring a strategic partnership solution.