

<b>Meeting</b>	<b>Forensic Services Committee</b>
<b>Date</b>	<b>25<sup>th</sup> October 2021</b>
<b>Location</b>	<b>MS Teams</b>
<b>Title of Paper</b>	<b>Drug Driving Toxicology Service</b>
<b>Agenda Item No</b>	<b>7</b>
<b>Presented By</b>	<b>Alastair Patience</b>
<b>Recommendation to Members</b>	<b>For Consultation</b>
<b>Appendix attached</b>	<b>No</b>

**PURPOSE**

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

## **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 2,500 cases per annum and expected to continue 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 caseloads increasing.
- 2.2 Funding for the outsourcing of a further 300 cases was agreed previously, and this commenced in September. Further internal and external funding streams are being explored.
- 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 exceptional demand.
- 2.4 Since the last update, engagement has continued between Forensic Services, COPFS, Police Scotland and Scottish Government to explore options to develop this new enhanced drug-driving toxicology service.
- 2.5 Workshop-based discussions are still at a relatively embryonic stage, in order to scope what options are available for the provision of a long-term sustainable solution. However, this process will require resource to develop a business case for consideration through partner governance processes.
- 2.6 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.

## **3. FINANCIAL IMPLICATIONS**

- 3.1 There are no direct financial implications at this stage of the drug driving service, however, it is clear that could will be significant financial support required to deliver a sustainable service going forward depending on which options are developed for this new enhanced drug-driving toxicology service.

#### **4. PERSONNEL IMPLICATIONS**

4.1 There are no direct 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 potential reputational implications for Forensic Services, Police Scotland and COPFS if the capacity for the Drug Driving analysis is not managed sustainably to cope with the increased high levels of demand.

#### **7 SOCIAL IMPLICATIONS**

7.1 There are no direct social implications associated with this paper.

#### **8 COMMUNITY IMPACT**

8.1 There are no direct community impact 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 content of the paper.

- The current position where marginal gains have been made / are being identified / are being taken forward, however, there will still be a fundamental imbalance between demand and capacity.
- Further funding for outsourcing is being explored for 21/22 and has been requested for 22/23
- The recognition that this is a partnership challenge requiring a strategic partnership solution.