The UK tinkers around the edges of drug policy but it still needs national reform

Local trials can attempt to minimise the harm from illegal drugs, but what the UK really needs is an overhaul of its drug policy, says Ian Hamilton

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The UK has seen a flurry of activity recently in relation to illegal drugs. The government published its long awaited drug policy plan From harm to hope in December 2021, setting out its intended approach to drug use and its associated harms. More recently, the Metropolitan police released footage of their officers drug swabbing members of the public with the apparent aim of keeping those going to nightclubs safe. The video, which was promoted on Twitter, sparked a public backlash when first published, with commentators questioning its legality.

This was quickly followed by a leak in the Telegraph that the mayor of London, Sadiq Khan, was planning to divert young people caught in possession of drugs from the courts to an education programme. Demonstrating just how difficult it is to publicly discuss any change to the policing of drugs, the mayor’s office had to rush out a statement providing clarification of the proposed scheme. In particular, they were keen to stress that despite reports this pilot would apply to drugs like amphetamine and ketamine, it was in fact only aimed at those in possession of cannabis. Khan also emphasised that this wasn’t the first step towards decriminalisation, as this is not within the mayor’s authority.

Recognising the considerable impact that a drug related criminal record has on a young adult’s life chances, pilots like this aim to reduce what is a lifelong disadvantage and the inequalities it can perpetuate. We know that the enforcement of current drug policy has a disproportionate impact on people from ethnic minority communities. The non-governmental organisation Release found that black people were 2.5 times more likely to be stopped and searched for drugs, while Asian people were 2.5 times more likely.

Khan’s pilot and the Met’s drug swabbing initiative illustrate contrasting approaches to implementing drug policy on the ground. The Met’s drug swabbing continues the UK’s tradition of enforcement, whereas Khan’s scheme works within the constraints of the mayor of London’s power to try and reduce the harm that drug policy inflicts on some sections of the community. This is not an entirely novel initiative as similar drug diversion schemes have been tried in other parts of the country. As reported in The Times recently, at least 13 of the 43 police forces in England and Wales have or plan to have a drug diversion scheme. Some of these schemes have gone even further than depenalising cannabis and included all illegal drugs. Back in 2015, for example, Durham constabulary introduced a scheme that diverted those caught in possession of drugs from the courts to a tailor-made education programme aimed at dealing with the root causes of the individual’s use of drugs.

These schemes mirror the two central themes of the government’s new drug strategy, From harm to hope, which are enforcement and treatment. The former has little in the way of evidence of effectiveness, whereas the latter does have evidence to support it. Based on recommendations made by the two year drugs review led by Dame Carol Black, this new policy plan recognises the need to invest in high quality treatment for problem drug use. Dame Carol was fairly damning in her assessment of the current state of the specialist drug treatment sector, describing it as “not fit for purpose” and requiring significant investment. The Treasury agreed to the recommendation of investment, promising last month a further £780 million for treatment services, taking the total amount spent on treatment and enforcement to three billion over the next three years. In tandem, the government’s strategy also aims to reduce not just the supply of drugs but the demand for them too. This more familiar ambition follows decades of attempts to reduce illegal drug use, which have so far failed.

Welcome as this new diversion scheme in London is, it demonstrates how police and crime commissioners and other regional politicians are only able to tinker with local trials in their efforts to minimise the harm from drugs. What is really needed is whole scale reform of the UK’s drug policy, which overhauls the current 1971 Misuse of Drugs Act. Ideally, this would be done by an independent panel that employs evidence to make recommendations, looking at international examples as well as the evidence from regional schemes in the UK. This could have already been done if Dame Carol Black had been allowed to include the legal framework in her recent review of drug use and its harms published last year. Unfortunately, the Home Office was adamant that this would not be part of her review.

While it is encouraging to see investment in specialist drug treatment, this does not tackle why some people develop problems with drugs in the first place. Punishing those dependent on drugs is not only futile, but also immoral. It perpetuates stigma, a factor that will put many people off seeking the very treatment the government has pledged to improve.

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