Annex F – FOI Requests to Home Office and DHSC

Annex F is included for transparency and as a reference point to establish the sequence of events that both preceded the laying of Statutory Instruments 2018/1055 and 1356 and the effect and impact of the Regulations since that time. Given the respective statutory obligations of the Home Office and the DHSC raise similar but different questions for each Department as defined by those statutory obligations. Both requests were sent to the Home Office and DHSC respectively on 27/10/2025 by email. Responses to the questions raised will be included in future iterations of Discrimination by Design. The FOI requests are set out on separate pages in order to clearly distinguish them from this explanatory paragraph

Home Office – Freedom of Information Request

Dear Home Secretary and Home Office FOI Team,

Thank you for your continued engagement on this subject. I am submitting the attached Freedom of Information request concerning the equality and impact assessments undertaken during the drafting of the **2018 Misuse of Drugs Regulations**. My purpose is to assist in ensuring that the evidential record around **Regulation 16A(3)** remains complete, transparent, and aligned with the Home Office's duties under the **Equality Act 2010**.

I recognise the statutory 20-working-day timeframe and appreciate the effort required to collate and review historical material. Please find the detailed questions set out below, seeking information held by the Home Office relating to the development, implementation and subsequent consideration of Regulation 16A(3) of the Misuse of Drugs Regulations 2001, as inserted by S.I. 2018 Nos. 1055 and 1056. Note change log correction.

Whilst some of these questions may have been raised previously in outline, I am now restating them formally under the Freedom of Information Act 2000 to ensure that any recorded information identified or considered in response is handled in accordance with the Act's provisions and timescales.

This request falls into three categories:

A. Development and Laying of Regulation 16A(3)

(1 January – 30 November 2018)

1. All correspondence, policy submissions, working drafts, clearance notes or impact-assessment material created or received by the Department between **1 January 2018 and 30 November 2018** that were taken into account in shaping, clearing or laying Regulation 16A(3).
2. Any legal advice or analysis obtained or considered within that period concerning the statutory powers relied upon, the wording of Regulation 16A(3), or its interaction with clinical or equality duties.
3. Any equality-screening, equality-impact or other assessment material (including drafts or internal sign-off forms) used in informing ministerial decision-making at the time of laying.

B. Post-implementation Follow-up

(from implementation of the 2018 Regulations up to the scoping of the recent call for evidence, which closed on 17 October 2025)

4. Any departmental or ministerial correspondence, briefing or review addressing Regulation 16A(3) or its practical effects after implementation and **before** the point at which the Home Office call-for-evidence review on medicinal cannabis was scoped, defined or commissioned.

5. Any record of ministerial comments, commitments or instructions to revisit the 2018 framework and the Department's follow-up actions in response.

C. Scoping and Definition of the Call for Evidence

6. Please confirm whether the review of cannabis-based products for medicinal use now being completed by the Advisory Council on the Misuse of Drugs (ACMD) was commissioned under the Council's **statutory advisory function** in the Misuse of Drugs Act 1971, or whether it was established through **a competitive or commercial process**.

7. If the review was undertaken under a competitive or commercial arrangement, please provide:
   (a) the terms of reference, scope and specification issued;
   (b) any advertisement, invitation-to-tender or call for proposals; and
   (c) any record of award, including evaluation criteria or scoring summaries.

8. If the review was initiated under the ACMD's statutory advisory function, please provide copies of any **formal request, direction or commissioning letter** from the Home Office to the ACMD setting out the objectives, scope and expected outputs of the review.

9. **In the event that the review was conducted under a contract award, and given that any such award is now complete as are the evidence-gathering phases, please confirm whether any relevant information is being withheld on commercial-confidentiality grounds and the reasons for doing so.**

This request forms part of the ongoing correspondence already acknowledged by the Department, including the **open letter of June 2025, *Discrimination by Design* (September 2025), and Supplementary Annexes D and E (October 2025),** together with my formal submission of this analysis to the Home Office call for evidence, which closed on 17 October 2025.

I appreciate that officials must be able to provide frank advice to Ministers without fear of premature disclosure. However, the information sought here concerns work completed and implemented in 2018 and subsequent follow-up **actions up to and including the period in which the Home Office issued the requirement for the now-concluded call for evidence.**

Given the passage of time and the closure of the public evidence-gathering process, the balance of the public interest now lies firmly in transparency over any pre-existing policy rationale and equality considerations rather than preservation of Government's need for deliberative space. Accordingly, any reliance on section 35(1)(a) or related exemptions should be accompanied by the Department's full public-interest test.

Please confirm receipt of this request and respond within twenty working days as required by the Act.

Yours faithfully

Pete Lindsay

DHSC – Freedom of Information Request

Subject: Freedom of Information Request – Clinical, Regulatory and Equality Evidence Relating to Regulation 16A(3) of the Misuse of Drugs Regulations 2001

Dear Health Secretary and DHSC FOI Team,

Thank you for your continued engagement on this subject. I am submitting the attached Freedom of Information request concerning the equality and impact assessments undertaken during the drafting of the **2018 Misuse of Drugs Regulations**. My purpose is to assist in ensuring that the evidential record around **Regulation 16A(3)** remains complete, transparent, and aligned with the Home Office's duties under the **Equality Act 2010**.

I recognise the statutory 20-working-day timeframe and appreciate the effort required to collate and review historical material. Please find the detailed questions set out below, seeking information held by the Home Office relating to the development, implementation and subsequent consideration of Regulation 16A(3) of the Misuse of Drugs Regulations 2001, as inserted by S.I. 2018 Nos. 1055 and 1056. Note change log correction.

Whilst some of these questions may have been raised previously in outline, I am now restating them formally under the Freedom of Information Act 2000 to ensure that any recorded information identified or considered in response is handled in accordance with the Act's provisions and timescales.

This request falls into three categories:

A. Development and Laying of Regulation 16A(3)

(1 January – 30 November 2018)

1. All correspondence, policy submissions, working drafts, clearance notes or impact-assessment material created or received by the Department between **1 January 2018 and 30 November 2018** that were taken into account in shaping, clearing or agreeing Regulation 16A(3) or any related clinical-governance guidance.
2. Any legal advice or analysis obtained or considered within that period concerning the Department's statutory and clinical responsibilities in relation to cannabis-based products for medicinal use, and the equality or patient-safety implications of prohibiting smoked administration.
3. Any equality-screening, equality-impact or other assessment material (including drafts or internal sign-off forms) used in informing departmental or ministerial decision-making during that period.

B. Post-implementation Follow-up

(from implementation of the 2018 Regulations up to the scoping of the Home Office-led call for evidence, which closed on 17 October 2025)

4. Any departmental or ministerial correspondence, briefing or review addressing Regulation 16A(3) or its clinical, prescribing or equality effects after implementation and **before** the point at which the Home Office-led call-for-evidence review on medicinal cannabis was scoped, defined or commissioned.
5. Any record of ministerial comments, commitments or instructions to revisit the 2018 framework and the Department's follow-up actions in response.

C. Scoping and Definition of the Home Office-led Call for Evidence

6. Please confirm what role DHSC has played in the **scoping and definition** of the Home Office-led review of cannabis-based products for medicinal use now being completed by the Advisory Council on the Misuse of Drugs (ACMD).
7. Please provide copies of any **correspondence, briefing, or minutes of meetings** between DHSC, the Home Office, or the ACMD regarding the establishment, remit or scope of the review.
8. If DHSC was consulted on or contributed to the formulation of any **terms of reference or specifications** for that review, please provide copies of those documents and any comments or submissions from DHSC officials or Ministers.
9. Given that **any potential contract-award and evidence-gathering phases** are now concluded, please confirm whether **any relevant information** is being withheld on commercial-confidentiality grounds and the reasons for doing so.

This request forms part of the ongoing correspondence already acknowledged by the Department, including the **open letter of June 2025**, *Discrimination by Design* (September 2025), and **Supplementary Annexes D and E** (October 2025), together with my formal submission to the **Home Office-led call for evidence**, which closed on 17 October 2025.

I appreciate that officials must be able to provide frank advice to Ministers without fear of premature disclosure. However, the information sought here concerns work completed and implemented in 2018 and subsequent follow-up **actions up to and including the period in which the Home Office issued the requirement for the now-concluded call for evidence.**

Given the passage of time and the closure of the public evidence-gathering process, the balance of the public interest now lies firmly in transparency over any pre-

existing policy rationale and equality considerations rather than preservation of Government's need for deliberative space. Accordingly, any reliance on section 35(1)(a) or related exemptions should be accompanied by the Department's full public-interest test.

Please confirm receipt of this request and respond within twenty working days as required by the Act.

Yours faithfully

Pete Lindsay