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Dame Diana Johnson MP
Chair, Home Affairs Committee
Select Committee Team
House of Commons
London
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20 December 2022

Dear Dame Diana

This is the Government's update on whether there is a need for a specific criminal offence for spiking, following the commitment given by the former Policing Minister in Parliament on 28 February 2022, and recommendation 3 of the Home Affairs Committee report, 'Spiking' (HC 967) published on 26 April 2022.

The Government is grateful to the committee for their continued consideration of this important issue and their understanding for the delay in providing this update as we carefully considered the case for legislation.

We have concluded that there are already several offences which cover incidents of spiking, and we have not found any gap in the law that a new spiking offence would fill. We have therefore concluded that a new offence is not required and will not be bringing in new legislation.

Statutory Guidance

Spiking is an abhorrent crime. There are no excuses for it and offenders should feel the full force of the law. Spiking has always been illegal, and there are a range of offences that can be used to cover spiking. However, we recognise that there is more to do to ensure absolute clarity around what spiking is and how it should be reported. That is why the Home Office will be undertaking a targeted consultation on amendments to the statutory guidance issued under section 182 of the Licencing Act 2003. Depending on the outcome of this consultation, the section 182 guidance could include explicit reference to spiking, providing a government definition of the crime, highlighting the existing offences which can be used to prosecute incidents of spiking including examples of spiking and providing signposting to resources for venues. By

using the section 182 guidance in such a way, this recognises that many spiking incidents happen in high density night-time economy locations such as bars and clubs. This could also allow the Government to direct local licensing authorities to send a strong and explicit message that “no matter how you spike someone – whether it is by a drink, needle, food, cigarette or vape – it is against the law.”

The Government are aware of the arguments put forward by the committee. We have considered these alongside the existing range of criminal offences, and the Law Commission report (LAW COM No 361) (HC 555) on Reform of the Offences Against the Person Act. We are keen to ensure the criminal laws are fit for purpose. Below, we have set out the range of existing offences that can be used for this type of offending behaviour, alongside the rationale for our decision not to introduce an offence.

Legal framework

Existing offences

There are currently a wide range of offences that exist in law that can be used to cover spiking. These include:

Section, Act	Description	Maximum penalties
S.18 Offences Against the Person Act 1861	Wounding with intent to do grievous bodily harm	The maximum penalty for this offence is life imprisonment.
S.20 Offences Against the Person Act 1861	Inflicting bodily injury, with or without weapon.	Maximum 5 years.
S.23 Offences Against the Person Act 1861	Maliciously administering poison, &c. so as to endanger life or inflict grievous bodily harm.	The maximum penalty for this offence is imprisonment for a term not exceeding 10 years.
S.24 Offences Against the Person Act 1861	Maliciously administering poison, &c. with intent to injure, aggrieve, or annoy any other person.	Maximum 5 years.
S.47 Offences Against the Person Act 1861	Assault occasioning bodily harm.	Maximum 5 years.
S.61 Sexual Offences Act 2003	Administering a substance with intent to engage in a non-	On summary conviction: Imprisonment not exceeding 6 months or a fine not exceeding the statutory maximum, or both.

	consensual sexual activity	On conviction on indictment: Imprisonment for a term not exceeding 10 years.
S.39 Criminal Justice Act 1988	Common assault and battery	Imprisonment not exceeding 6 months or a fine not exceeding the level 5 on the standard scale, or both.

Working with the Ministry of Justice and law enforcement bodies (including the National Police Chiefs' Council (NPCC) the Crown Prosecution Service and police forces) we have concluded that there is no gap in the existing law which a new offence would fill. The existing offences cover all methods of spiking including by drink, needle, vape, cigarette, food or any other known form. Police are yet to encounter a single case where they could not apply an existing offence. The primary barriers to prosecution are the lack of an identifiable suspect and gathering sufficient evidence to both charge and support a prosecution. These barriers to prosecution would continue to apply even if a new offence were created and would therefore be unlikely to increase prosecutions.

Coverage of existing offences

The current offences are broad and flexible in terms of their coverage. The most frequently used offence for spiking incidents is section 24 of the Offences Against the Person Act (OAPA) 1861. Section 24 (maliciously administering poison) covers the offence of spiking, but also covers other behaviour that would not be considered as spiking e.g., being pepper sprayed, or having faeces thrown at an individual (known as 'potting'). This broad coverage and flexible use of section 24 and other available offences, means that all methods of spiking are already covered within the current legislation. Furthermore, the section 24 offence only requires evidence which demonstrates that the offender only administered a substance 'to annoy' the victim. This is an extremely low level of harm threshold to prove. It is unlikely that any new offence drafted to deal with spiking, particularly anticipated to attract the same maximum penalty as the existing offences, could attract a similar low harm threshold currently available under section 24 of the OAPA 1861.

In the sentencing stage of cases involving spiking, aggravating factors can also be considered by the court in determining the level of sentence under which an offender will be convicted. For example, where it could be clearly shown that the offender who planned the offence, deliberately targeted a vulnerable victim, and intended to commit more serious harm than resulted from the offence, these factors may result in a higher sentence within the range of offences of which the offender could be convicted.

Specificity and terminology

It has been highlighted that the current offences do not include the term 'spiking' and this may be a good reason for introducing a new offence. We recognise that there may be a call for behaviour which is particularly egregious to be specified in law to highlight and label the seriousness of that type of offending. However, introducing a new offence for specificity would overlap with existing offences, which can cause

unnecessary complexity not only within our statute books but for prosecutors in terms of what offence they should apply to any given case.

Modern terminology

It can be tempting to reflect modern terminology within legislation, and whilst the term 'spiking' is not referenced within the current legislation, it is a modern colloquial term rather than a legal term. Any legal definition of the act of spiking would likely include language such as "unlawfully and maliciously administer to or cause to be administered to or taken by any other person any poison or other destructive or noxious thing", in effect this would be a repetition of the existing definitions of section 23 and 24 of the Offences Against the Person Act 1861.

Furthermore, whilst it is commonplace to refer to administering a noxious substance to someone as 'spiking' there have been several terms or phrases over the decades to reference such behaviour such as 'to slip a Mickey'; being 'roofied'; or 'poisoning'. Whilst considering this issue, we occasionally heard the suggestion that we should move away from the term 'spiking' and instead mirror legislation by using 'poisoning' hopefully bringing home to perpetrators the seriousness of their offending. The existing offences covered in the 1861 Act and others, continue to be engaged regardless of modern terms or trends that naturally arise and evolve over time.

Public understanding of spiking

It is our understanding is that the general public believe that spiking is illegal, even if they cannot name the specific offence that it comes under. This is consistent with other crimes, such as possession of controlled drugs where the general public would be expected to know it is illegal, but most would be unable to specify which offence or Act covers possession. There is no expectation that the general public should know which offence is used to prosecute cases involving spiking. The general public do, however, need to feel confident that if an incident of spiking is reported, the police investigate, arrest and then hopefully charge someone under one of the current offences. We recognise that introducing a specific spiking offence may be beneficial in raising the profile of spiking, but we do not believe that a new offence alone would provide any significant change in terms of increased prosecution or understanding of the offence.

Australian precedent

The Committee's Spiking Report highlight there is a precedent for a specific drink spiking offence in Queensland, Australia.¹ We considered the Model Criminal Law Offices' Committee of Attorneys-General (MCLOCAG) report from 2006 referenced by the Committee². Australia operates a federal system with six self-governing Australian states. The MCLOCAG report considered the laws covering spiking across those states, highlighting potential gaps within those laws, and inconsistencies between states. The MCLOCAG found a potential gap in the law in Queensland, where the existing offences were found potentially unlikely to cover drink spiking with alcohol,

¹ Referenced at paragraph 22 of the HASC report.

² Model Criminal Code Officers' Committee of the Standing Committee of Attorneys-General, Drink Spiking Discussion paper, May 2006.

which the subsequent introduction of the offence of unlawful drink spiking into the Criminal Code 1899 (Qld), sought to address. In comparison, spiking, involving the use of alcohol, is covered by our current legislation³, and those offences apply consistently across England and Wales. Unlike the MCLOCAG report, we have been unable to find any gap in our current law, that would necessitate legislating specifically for a new offence to deal with incidents of spiking.

Data

It has been suggested that a further benefit is that a specific spiking offence would enable improved crime reporting and data analysis, by providing a unique code. The introduction of a new spiking offence would add to the existing offences that a spiking incident could be recorded under, hence potentially confusing the data analysis picture further. Working with the NPCC, the Home Office National Crime Registrar and the Crime Registrars in each police force in England and Wales, we believe consistency of recording can be assured without the need for additional legislation, through the development of central procedures. Using the established network of Crime Registrars to develop central procedures will also be a quicker solution to improving data capture when compared with the lengthy process involved in introducing and training law enforcement on a new offence.

Practical rather than legal action

The Government's priority is to support victims and bring perpetrators to justice. The Home Office continues to manage cross-Government work to tackle spiking. For the reasons outlined above, we do not consider that a new offence will offer the means to tackle it and suggest that our efforts be focussed on practical and long-lasting actions. This includes:

- Since October 2021, there has been £30 million investment to date for projects with a particular focus on protecting women in their communities through Round Three of the Safer Streets Fund and the Safety of Women at Night Fund. An additional £50 million for 111 projects has been invested through Round Four of the Safer Streets Fund, which has a focus on tackling violence against women and girls in public places, as well as neighbourhood crime and anti-social behavior.
 - This funding has supported a range of interventions which seek to tackle violence against women and girls, including bystander training programmes, taxi marshals and educational awareness raising initiatives. Through the Safety of Women at Night Fund and the current (fourth) round of the Safer Streets Fund we have awarded funding for a range of initiatives to tackle drink spiking, including training for night-time economy staff, CCTV and street lighting and drink protectors.
- The Police have produced a forensic strategy and have worked with the forensic provider Eurofins to develop a rapid testing capability. This accredited capability enables the police to send up to 50 samples per week with a project turnaround of 2-3 weeks, with the options for samples to be upgraded to be

³ Section 24 of the Offences Against the Person Act 1861.

used as evidence in criminal proceedings. This enables law enforcement to better support victims, and also build our understanding of what drugs are being used and how common or not they are.

- In April 2022, the Government reclassified Gamma-Hydroxybutyric Acid (GHB) and the related substances Gamma-Butyrolactone (GBL) and 1,4-Butanediol (1,4-BD), from Class C to B under the Misuse of Drugs Act 1971. These so-called “date rape” drugs, which have been used in drug-facilitated crime (though there is little evidence to link these drugs to needle-spiking specifically). This followed expert advice from the Advisory Council on the Misuse of Drugs (ACMD), which conducted a review of the harms of these substances.
- The Home Office has worked closely with the Festivals and Outdoor Events sector to ensure the safety of the public at summer events, ensuring that sufficient protocols, training, communications, and guidance was in place for event organisers, the police, security personnel and audiences.
- In relation to wider action in the education sector, on 24 May 2022, former Ministers for Higher Education and Safeguarding hosted a roundtable, inviting contributions from universities, law enforcement, victims and campaigners on the issue of spiking at universities, and barriers to tackling the issue.
- The Home Office has supported Universities UK and the Department for Education to provide guidance to universities on spiking published ahead of the Autumn term and the ‘freshers’ period. We provided further communications on spiking to local authorities’ bulletins and supported NPCC bespoke communications targeted for the fresher’s period.
- Spiking has also been incorporated into the Government’s communications campaign to tackle violence against women and girls, known as ‘ENOUGH’. This includes providing important information about the crime on the campaign website and signposting victims to support services.

Conclusion

Ultimately, we have concluded that there is no gap in the existing law that a new spiking offence would fill. Moreover, introducing a new specific spiking offence, would not capture any new criminal behaviour, it would not reduce the evidential burden to prosecute such offences; it would not increase the sentencing powers available to judges in such cases, and it would not increase the likelihood of charging or prosecuting an offender for spiking offences. We therefore concluded that a new offence is unnecessary, and the Government’s focus should remain on non-legislative measures to tackle spiking. Subject to the outcome of the targeted consultation on amending the section 182 guidance, we hope to amend statutory guidance to include explicit reference to spiking being illegal and give examples of such spiking. I also attach to this letter a general update against the Committee’s recommendations on spiking from the 9th report of the 22/23 Session (HC 967) and will provide a further update against these recommendations alongside the statutory report on Spiking due to be published in April 2023.

Sarah Dines .

Sarah Dines MP

#	Recommendation	Update – December 2022	Initial Government Response
1	<p>Festival Staff Training</p> <p>We recommend that all staff working at music festivals, including vendors, be given compulsory safeguarding training, and this be a requirement that licensing authorities consider when approving events. This might be done along lines similar to training provided in voluntary schemes in other licensed premises, such as Ask Angela or the licensing security and vulnerability initiative (Licensing SAVI)</p>	<p>The Government recognises the value of safeguarding training for staff, and welcome initiatives such as Ask Angela and LSAVI and would encourage local areas to consider how they can be used or replicated where necessary.</p> <p>We still do not intend to mandate training for all festival staff as part of a licensing authority's considerations in granting a licence. However, The Home Office will be undertaking a targeted consultation on amendments to the statutory guidance issued under section 182 of the Licensing Act 2003. Depending on the outcome of this consultation, the section 182 guidance could include explicit reference to spiking, providing a government definition of the crime, highlighting the existing offences which can be used to prosecute incidents of spiking including examples of spiking and providing signposting to resources for venues.</p> <p>The Government would like to take the opportunity to thank law enforcement and the festival sector for their proactive engagement and close partnership during the 2022 festival period. We intend to include any trends and insights from the 2022 festival season as part of the statutory report on spiking due 28 April 2023.</p>	<p>The Government agrees with the Committee that safeguarding training for staff is vital to ensure people attending events such as festivals can do so safely. The Government welcomes initiatives such as Ask Angela and LSAVI and would encourage local areas to consider how they can be used or replicated where necessary.</p> <p>The Government believes that the devolved nature of decision making on licensing matters ensures local areas have the flexibility they need to address matters of public safety whilst also supporting a thriving local economy. It is a fundamental premise of the Licensing Act 2003 that any conditions imposed on a licence – whether for a permanent premises or an event such as a festival – are necessary and proportionate. The Government does not intend to mandate training for all staff at events such as festivals however we will review the section 182 guidance which accompanies the Licensing Act 2003 to reflect that when licensing committees are approving a licence for a festival, they should consider that staff are adequately trained in safeguarding.</p> <p>Separately, the Government would like to highlight constant engagement with the sector, including festival organisers to ensure that they, alongside local authorities, law enforcement, and hired security staff are taking appropriate action to protect potential victims and deter potential offenders. We are exploring with the sector what additional support the government can provide, including opportunities for joint communications and sharing the emergency service response to spiking incidents with festival and security personnel.</p>
2	<p>Awareness Raising, Specific Offence, Data</p> <p>We call on the Home Office to increase education and awareness about spiking and welcome its considering whether a specific new offence of spiking is required. We urge the Home Office, however, to focus its efforts first on improving reporting of the crime of spiking and on gathering information about the reasons for and outcomes of such reports.</p> <p>We invite the Home Office to set out steps it will take to improve data on the prevalence, scale and dangers of spiking.</p>	<p>The Government recognises that spiking is a largely under-reported crime, and that every report of needle or drink spiking is different and, consequently, there is no 'one size fits all', or default, crime classification solution.</p> <p>The Government, alongside law enforcement, have undertaken several steps to improve the quantity and quality of data on spiking incidents.</p> <ul style="list-style-type: none"> • The National Police Chief's Council (NPCC) has established a reporting mechanism to enable all police forces to centrally report any incidences. The NPCC provided weekly intelligence sharing to the Home Office throughout both the festivals and "freshers" (start of the Autumn term) period. • NPCC Gold co-ordination has taken place on a monthly basis to support the weekly tracking of large-scale events, mainly festivals, and includes all relevant partners, NCA, regulatory authorities and higher education institutes. Detailed intelligence has been provided and opportunities taken to best prevent spiking incidents. • The Home Office Crime Registrar has issued communications and guidance to all Police Force Crime Registrars with advice on how to more effectively indicate within crime recording software whether an incident is suspected to be drink or needle spiking. 	<p>The Government recognises that spiking is a largely under-reported crime, and that every report of needle or drink spiking is different and, consequently, there is no 'one size fits all', or default, crime classification solution. The Government, alongside law enforcement, have taken a number of steps to improve both the quantity and quality of data on these incidents.</p> <p>Following the Home Secretary's request for the National Police Chief's Council (NPCC) to review urgently the extent and scale of the issue of spiking, the NPCC established a reporting mechanism to enable all police forces to centrally report any incidences in order to help us gain a better understanding of the scale and nature of the problem. This reporting mechanism, and the information provided by forces is continuously under review to ensure that it is fit for purpose and that we have the right information to hand.</p> <p>The Police have been working closely with the Crown Prosecution Service to develop guidance procedures that prioritise victim care and support, including those who may also have taken recreational drugs. It is vital that these individuals are first and foremost seen as victims, and do not avoid coming forward to report an incident out of fear that they will be prosecuted for taking an illegal substance.</p> <p>The Home Office Crime Registrar has issued communications and guidance to all Police Force Crime Registrars with advice on how to indicate within crime recording software more effectively whether an incident was suspected to be drink or needle spiking.</p> <p>A number of Force Crime Registrars have developed local guidance for their forces on how to record incidents more effectively in different scenarios which is a positive step, particularly given their developed understanding of local procedures and systems.</p> <p>We anticipate that this guidance will take some time to embed within forces but expect that it will improve the overall quality of data being reported.</p>

		<ul style="list-style-type: none"> We continue to explore with Police Force Crime Registrars and the NPCC options to improve crime recording, whether a new spiking offence was introduced with a unique crime code or developing central procedures to standardise crime recording of spiking incidents. The NPCC and Police Digital Contact team are developing an online reporting tool for spiking. This is expected to go live in 4 pilot forces [Gloucestershire, Greater Manchester, the Metropolitan Police Service, and Warwickshire] this financial year before being made available to all forces. The National Crime Agency are currently undertaking further research into the potential motivations and behaviour linked to needle spiking reports. They have engaged with trusted academic partners to facilitate a literature review and are also conducting analyses of needle spiking case reports, which should provide further insights into the nature of spiking. This will be included in the statutory report on spiking due 28 April 2023. 	
3	<p>Specific offence The Home Office should give the Committee a written update six months from the date of publication of this Report on progress towards creating a separate criminal offence of spiking.</p>	<p>Spiking is an abhorrent crime and already illegal, under legislation such as the Offences Against the Person Act and the Sexual Offences Act.</p> <p>The Home Office is leading the cross-government approach to understanding and tackling spiking and is considering the case for a criminal offence targeting spiking directly. We are working with the police and others to understand whether there is a gap in the law that a specific offence would address.</p> <p>This is an extremely important issue and it's important to get it right. We are aiming to provide an update before the Christmas Recess.</p>	<p>The Government is already committed to updating Parliament on whether it intends to introduce a specific criminal offence for spiking within six months of the Police, Crime, Sentencing and Courts Act receiving Royal Assent.</p> <p>We will bring this deadline forward from 28 October to 26 October in line with the Committee's recommendation.</p>
4	<p>National Comms Campaign (Awareness Raising) As part of its national communications campaign to say "Enough" to violence against women and girls, the Government should engage with the night-time industry, the education sector, and the health sector to produce a national anti-spiking communications campaign. The awareness raising campaign should:</p> <ol style="list-style-type: none"> send a clear message that there is no acceptable defence for spiking, whether done for fun or malicious intent; that it can have devastating consequences for victims; and that spiking is a crime 	<p>Home Office communications on spiking have been incorporated into wider communication as part of the Government's campaign to tackle violence against women and girls, 'ENOUGH'. This includes spiking being listed and defined as a VAWG harm on the campaign website, and victims being able to filter support services available for victims of spiking. In September, the National Police Chiefs Council produced a direct communications campaign designed to communicate to students what to do if they've been spiked.</p> <p>Home Office officials worked closely with the Department for Education and Universities UK to develop a practice note for students ahead of the 2022 Autumn term, where they encouraged Universities to promote 'ENOUGH' campaign materials aimed at tackling violence against women and girls. Campaign materials have also been shared with the wider education sector via the Department for Education, and further supported by the Russell Group.</p>	<p>The Government agrees with this recommendation and has begun conversations with communications leads from the "Enough" campaign looking into how spiking can be integrated into the wider campaign.</p> <p>In particular, we are exploring the opportunities for communications around September/October this year, reflecting on the fact that reports of needle spiking peaked around the same period in 2021, coinciding with the university year starting, and the various "fresher's weeks" that will be launching around that time.</p> <p>We recognise that these crimes can only lead to a charge and prosecution if there is evidence that spiking has taken place. We are therefore committed to working with law enforcement, festivals and Night Time Economy venues to ensure that there is clear messaging around what victims can expect, particularly in relation to accredited forensics testing process and the wider limitations around portable testing kits.</p>

	<p>punishable by up to 10 years in prison;</p> <p>ii. encourage victims and venues to report incidents to the police, with the promise that all reports will be investigated; and</p> <p>iii. communicate immediate and longer-term sources of support for spiking victims, including testing.</p>	<p>The statutory report on the nature and prevalence of spiking due 28 April 2023 will outline in more detail specific comms actions.</p>																																		
<p>5</p>	<p>Support Package for the NTE As part of its wider VAWG strategy, the Government should consider a support package for night-time industries to boost security measures including the recruitment and training of additional door security staff, particularly female staff.</p>	<p>We continue to engage with the Security Industry Authority (SIA) and law enforcement to tackle spiking. The Home Office has also reached out to the Night Time Industries Association and is keen to understand from the industry itself what could usefully form part of the support package.</p> <p>We will reflect any outcomes from this engagement in the statutory report, due to be published in April 2023.</p> <p>Further to July’s update, we continue to note the trend in the increase in the number of both male and female door supervisors. As of 01/12/2022, the number of door supervisor licences (both male and female) is at an all-time high.</p> <table border="1" data-bbox="928 1041 1516 1285"> <thead> <tr> <th colspan="3">SIA Door Supervisor Licences (01 December 2022)¹</th> </tr> <tr> <th>Male Licence Holders</th> <th>Female Licence Holders</th> <th>Total Number of Licence Holders</th> </tr> </thead> <tbody> <tr> <td>272,157</td> <td>31,808</td> <td>303,965</td> </tr> </tbody> </table>	SIA Door Supervisor Licences (01 December 2022) ¹			Male Licence Holders	Female Licence Holders	Total Number of Licence Holders	272,157	31,808	303,965	<p>The Government recognises the position of the night time industry and, alongside the Security Industry Authority (SIA), has been monitoring reports of shortages within the industry since Autumn 2021, meeting with industry figures including Michael Kill of the Night Time Industry Authority.</p> <p>The SIA publish statistics on the number of licence holders each month.² The table below (fig.1) sets out the number of active SIA Licence holders in each of the past four years. From this data, we note that there has been a year-on-year increase in the number of both male and female licence holders, and that current levels of licence holders are higher than pre-pandemic levels.</p> <table border="1" data-bbox="1881 835 2659 1073"> <thead> <tr> <th colspan="4">SIA Door Supervisor Licences (June)</th> </tr> <tr> <th>Year</th> <th>Male Licence Holders</th> <th>Female Licence Holders</th> <th>Total Number of Licence Holders</th> </tr> </thead> <tbody> <tr> <td>2022</td> <td>268,002</td> <td>30,885</td> <td>298,887</td> </tr> <tr> <td>2021</td> <td>253,697</td> <td>28,712</td> <td>282,409</td> </tr> <tr> <td>2020</td> <td>240,059</td> <td>27,749</td> <td>267,808</td> </tr> <tr> <td>2019</td> <td>222,786</td> <td>25,285</td> <td>248,071</td> </tr> </tbody> </table> <p>We will continue to engage across government and with industry to consider what a support package might look like and will reflect this engagement in the statutory report on spiking due to be published April 2023.</p>	SIA Door Supervisor Licences (June)				Year	Male Licence Holders	Female Licence Holders	Total Number of Licence Holders	2022	268,002	30,885	298,887	2021	253,697	28,712	282,409	2020	240,059	27,749	267,808	2019	222,786	25,285	248,071
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<p>6</p>	<p>Licensing Authorities – Use of powers, anti-spiking strategy, S182 Guidance We are concerned that the Government is not doing enough to monitor licensing authorities’ use of powers to regulate the night-time economy, both with specific regard to spiking incidents and more generally in relation to violence against women and girls. Within three months the Government should:</p> <p>i. Collect data on local licensing authorities’ use of their powers to impose conditions or revoke premises licenses, where venues do not take sufficient measures to protect and</p>	<p>i) Collect data We currently collect statistics from local authorities every other year on authorisations and licensing authority powers under the Licensing Act 2003. Specifically, these include premises licences, club premises certificates, personal licences, late night refreshment, 24-hour alcohol licences, temporary event notices, early morning alcohol restriction orders, late night levies, and late-night refreshment exemptions. It also includes statistics on cumulative impact areas, reviews, hearings and appeals.</p> <p>We remain committed to exploring with local authorities, licensing stakeholders and the Local Government Association whether data on licence reviews and revocations could be included in some way to the statutory report on spiking due 28 April 2023.</p>	<p>The Government continues to work with local areas to ensure that everyone is safe and secure in the night time economy. Our work to tackle violence against women and girls is continuing to drive momentum to improve the response to issues such as spiking and more widely. Over 2021-22, the Government invested £25m in round 3 of the Safer Streets Fund (SSF), which focused on reducing VAWG in public and improving feelings of safety for all, and £5m in the Safety of Women at Night (SWaN) fund. The £75m round 4 of the SSF also includes a focus on tackling VAWG in public spaces, as well as anti-social behaviour and neighbourhood crime. We plan to announce successful bidders for SSF Round 4 as soon as possible.</p> <p>We welcome the Committee’s suggestions on what more Government could do to augment ongoing work with local authorities. We currently collect statistics from local authorities every other year on authorisations and licensing authority powers under the Licensing Act 2003.</p> <p>Specifically, these include premises licences, club premises certificates, personal licences, late night refreshment, 24-hour alcohol licences, temporary event notices, early morning alcohol restriction orders, late night levies, and late-night refreshment exemptions. It also includes statistics on cumulative impact areas, reviews, hearings and appeals. We will explore with local authorities, licensing stakeholders and the Local Government Association whether data on licence reviews and revocations could be added to this report.</p>																																	

¹Security Industry Authority licence holder figures 01 December 2022. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1121394/sia-licence-holders-december-2022.ods

	<p>provide support to customers in spiking incidents;</p> <p>ii. Work with local authorities to develop an anti-spiking strategy which encourages local licensing authorities to make better use of these powers; and</p> <p>iii. As part of this, review guidance issued under section 182 of the Licensing Act 2003 with a view to requiring licensing authorities to consider the prevalence, prevention and reporting of sexual harassment and misconduct and gender-based violence in statements of local licensing policy.</p>	<p>Earlier this year, Government Ministers wrote to remind licensing committees of their responsibilities and the powers that both licensing committees and the police have available to them to ensure licensed premises are managed responsibly and safely, and to encourage collaboration between local agencies to ensure that spiking is considered when assessing licence applications.</p> <p>ii) Anti-spiking strategy</p> <p>We will continue to work with partners to ensure that education, awareness, and dissemination of new initiatives and existing good practice are shared widely. We plan to draw together resources, assessment of initiatives, international, academia and case studies of good practices into a toolkit which will form part of the statutory report into spiking, due to be published 28 April 2023.</p> <p>iii) Section 182</p> <p>The Home Office will be undertaking a targeted consultation on amendments to the statutory guidance issued under section 182 of the Licensing Act 2003. Depending on the outcome of this consultation, the section 182 guidance could include explicit reference to spiking, providing a government definition of the crime, highlighting the existing offences which can be used to prosecute incidents of spiking including examples of spiking and providing signposting to resources for venues.</p>	<p>Government Ministers wrote recently to remind licensing committees of their responsibilities and the powers that both licensing committees and the police have available to them to ensure licensed premises are managed responsibly and safely, and to encourage collaboration between local agencies to ensure that spiking is considered when assessing licence applications. We will continue to work with partners to ensure that education, awareness, and dissemination of new initiatives and existing good practice are shared widely.</p> <p>The Government accepts part three of the Committee’s recommendation and will review the guidance issued under Section 182 of the Licensing Act 2003 to consider whether we should require licensing authorities to consider the prevalence, prevention and reporting of sexual harassment and misconduct and gender-based violence in statements of local licensing policy.</p>
7	<p>National Spiking Strategy</p> <p>The Government should evaluate the efficacy of different anti-spiking partnership initiatives and develop a national strategy which promotes best practice and requires all police forces and local authorities to publish their chosen approach.</p>	<p>The Government still plans to include case studies and a wide range of useful case studies and other documents as part of an anti-spiking toolkit which will feature as part of the 2023 statutory report on spiking.</p> <p><u>Anti-spiking mission statement</u></p> <p>Whilst recognising some spiking victims are male, anti-spiking activity is one of many areas within the broader tackling Violence Against Women and Girls work which is now prioritised by all police forces. Through co-ordination and leadership by the NPCC VAWG lead, activity by all forces to address spiking will be set out within each forces’ VAWG action plan.</p>	<p>The Government recognises the value of the various anti-spiking initiatives that have taken place across the country and is grateful to the various police forces, local authorities and private businesses that are taking steps to safeguard against spiking.</p> <p>As part of the statutory review on spiking, the Government intends to carry out reviews of international activity, academic research into spiking, and anti-spiking initiatives to ensure that we are taking the best possible action to tackle this issue.</p> <p>The final report on spiking, due 28 April 2023 will feature case studies of best practice throughout the country and the various organisations working on this issue. There is currently no intention to publish a specific spiking strategy, but it is the Government’s intention that the statutory report will highlight this best practice and provide avenues for organisations to communicate and share tips and strategies.</p> <p>We will consider whether police forces and local authorities should be required to present an “anti-spiking mission statement” and outline their work to tackle the issue.</p>
8	<p>National Comms Campaign (Victims)</p> <p>The Home Office, in partnership with key stakeholders, should conduct a national communications campaign to raise awareness of how to act when people suspect they have been spiked. This campaign should emphasise the importance of individuals and venues reporting incidents or concerns to the</p>	<p>See recommendation 4.</p> <p>Anonymous reporting</p> <p>Individuals who suspect that someone around them has been spiked can already report incidents of spiking anonymously to Crimestoppers. Crimestoppers are not able to take reports directly</p>	<p>The Government agrees with this recommendation and is working closely with policing stakeholders to promote key messages around spiking. The Enough campaign have created and disseminated guidance for hospitality staff on how to respond to an instance of violence against women and girls in their venue, including spiking. This communication encourages individuals to report incidents to the police.</p> <p>We will explore options for further communications, including outreach through the education and private sectors, which will enable us to more effectively communicate how individuals should act if it is suspected that they or someone around them has been spiked.</p>

	<p>police. An option to report spiking incidents anonymously should also be included, possibly via Crime Stoppers. Increased data from increased reporting of incidents would help the police to profile offenders and identify the causes of offending.</p>	<p>from spiking victims themselves due to the anonymous nature of the service.</p> <p>We recommend that all individuals report suspected spiking incidents to the police as they have established procedures to prioritise victim support and testing via the accredited rapid urine testing process.</p>	
9	<p>Forensic Testing To ensure adequate, timely provision of forensic sampling of a standard sufficient to be admissible as evidence in court, the Government should introduce a duty on all police forces to provide those who report any spiking incident with the rapid testing service introduced in response to the outbreak of needle spiking.</p>	<p>Any victim of spiking is still able to have a urine sample submitted to the Eurofins rapid testing capability via the police, and we urge them to do so as soon as possible. The capability is available to all forces.</p> <p>Additionally, through changes to the logistics process, the rapid testing service will be improved by reducing the time taken for a forensic report to be produced (currently 2-3 weeks) ⁽⁰⁸⁾ by a number of days. We will reflect on the impact of any changes to the service as part of the statutory report on spiking due 28 April 2023.</p>	<p>As the Committee notes, law enforcement, in partnership with forensic provider Eurofins, established an accredited rapid urine testing service in response to the outbreak of needle spiking in Autumn 2021. This service will be in place throughout 2022, with the intention of developing a better service in 2023.</p> <p>This capability is both faster and less expensive than a full toxicology submission, enabling law enforcement to provide assurance and additional support to victims more quickly than they would usually be able to.⁴ Results from the rapid testing capability can be upgraded for evidential purposes.</p> <p>This capability, while initially open only to samples from reports of needle spiking, has been open to all spiking samples since January 2022.</p>
10	<p>Drug Testing Kits We are pleased that the Home Office is planning a scientific review of testing kits but are concerned that in the meantime victims could get false assurances from such kits.</p> <p>The Home Office should require commercially available drug-testing products to carry warnings about their limitations; expedite its planned scientific review of the relative merits of the various spiking testing pilots being run by the police, universities and hospitals and report back to the Committee in three months' time; and provide support to allow wider adoption of the best schemes across the country once the review is completed.</p>	<p>The Home Office is supporting the National Police Chief's Council in determining the nature and scale of spiking. Activities in this area include the provision of £70,000 to fund the testing of an additional 200 urine samples taken by the police.</p> <p>This will feed into work being carried out by the College of Policing as part of a successful £1.7m bid to the Government's Evaluation Acceleration Fund on Violence Against Women and Girls. This project will conclude in 2025.</p> <p>We continue to urge anyone who suspects that they or someone around them have been spiked to contact the police in order to collect a sample for forensic analysis through the accredited rapid testing capability. This remains the only method which will provide certainty in sample analysis, with the option to "upgrade" results for use in a criminal case.</p> <p>Our view remains that an evaluation of pilots which only utilise non-lab-based test kits could provide potential victims with a false sense of security given the lack of any industry certification or validation to account for the efficacy of such test kits.</p>	<p>The Government recognises the use of spiking test kits in various parts of the country, but we remain clear that there is no single test kit that reports to cover the number of drugs that have been identified as potential candidates for spiking. We therefore feel that an evaluation of pilots which only utilise non-lab-based test kits could provide potential victims with a false sense of security given the lack of any industry certification or validation to account for the efficacy of such test kits.</p> <p>We therefore urge anyone who suspect that they or someone around them have been spiked to contact the police in order to collect a sample for forensic analysis through an accredited testing capability, such as that established by law enforcement and forensic provider Eurofins. To date, this remains the only method which will provide certainty in sample analysis.</p> <p>We are currently aware of efforts within law enforcement to consider how local toxicology services can assist our response to spiking incidents. The results from this will form part of the statutory review of spiking.</p> <p>We are also aware of a limited evaluation being carried out over summer on a urine test kit utilised in some police forces. The project is likely to assess the kit's efficacy in detecting a number of substances which have been identified as part of the Eurofins rapid testing capability.</p>
11	<p>Offender Profiling The Home Office should commission academic research into the motivations and profile of spikers, to feed into a national strategy for preventing, detecting and prosecuting spiking offences.</p>	<p>The National Crime Agency are currently undertaking further research into the potential motivations and behaviour linked to needle spiking reports. They have engaged with trusted academic partners to facilitate a literature review and are also conducting analyses of needle spiking case reports. This will be included in the statutory report on spiking due 28 April 2023.</p>	<p>The Government agrees with the Committee's assessment that the motivations of spiking offenders remain unclear, particularly around the newly identified incidences of needle spiking, and that the lack of understanding limits our ability to effectively tackle spiking through targeted interventions. We will therefore consider options for research into the motivations of offenders.</p> <p>While drink spiking has historically been linked to secondary offending in the form of acquisitive crime and sexual offences, there is limited evidence linking needle spiking to these crimes; it is also unlikely that this gap in our knowledge will be filled until a greater number of offenders have been apprehended. The Government are aware of a number of cases under investigation</p>

			<p>by the police, though given the nature of these investigations it would be inappropriate to comment at this stage.</p> <p>As set out in our response to recommendation 7, the Government intends to carry out a review of academic research into spiking to ensure that we are taking the best possible action to tackle this issue.</p> <p>We are already aware of some wider research on spiking, including:</p> <ul style="list-style-type: none"> ▪ A 2022 survey of 23,000 students from 19 universities by the Alcohol Education Trust showed that 11% had been spiked, with 35% of incidents occurring at private parties.⁵ ▪ In November 2021, a group called Students Organising for Sustainability (SOS) ran a survey collecting student experiences of drink and drug spiking. 2730 students completed the survey, over half of whom are studying at university and under 30 years old. 14% of respondents reported that they know or think they have been given drugs through their drinks without their knowledge.⁶
12	<p>Prosecutions To increase the deterrent effect of increased prosecutions, Government should devise a strategy to address each of the factors that inhibit prosecution from lack of reporting through to failure to collect forensic evidence.</p>	<p>We have consulted at length with law enforcement colleagues and others to identify and understand the barriers to prosecutions. This has highlighted that many challenges to suspected spiking incidents occur during the investigation stages, making it difficult for a spiking incident to progress to charge or successfully prosecute an individual.</p> <p>For the police to be able to charge an individual, they must have at a minimum, an identified suspect, evidence of the drug used and its impact on the individual. Given the surreptitious nature of spiking, and the busy environments (such as bars and clubs) that incidents often occur in, this minimum can be difficult to meet.</p> <p>Some examples of challenges include:</p> <p>Suspect identification</p> <ul style="list-style-type: none"> • CCTV coverage may not capture the suspect administering the drug at a visible angle; and if not gathered quickly than CCTV may be overwritten by the venue. • Unless police are called to the venue at the time of the incident, it's hard to identify eyewitnesses. Furthermore, the act of spiking is often performed subtly and may not be seen by anyone. <p>Evidence of the drug and its impact</p> <ul style="list-style-type: none"> • Samples for toxicology reports need to be taken as soon as possible (preferably within the first 24 hours) to get an accurate reading. • Victims need to confirm which substances they have willingly taken to identify those they have not taken voluntarily. In these cases, we realise that individuals may not wish to disclose the usage of recreational drugs, but the police and Crown Prosecution Service are clear that these individuals are victims first. 	<p>The Government recognises that there a number of factors which inhibit our ability to successfully target and prosecute individuals who commit spiking offences, not least of all the under-reporting discussed in the response to recommendation 2.</p> <p>We have begun preliminary discussions with a number of police forces on what they see as the factors which inhibit prosecutions and intend to have similar conversations with the Crown Prosecution Service and the Attorney General's office. The outcomes of these discussions and what action we can take to mitigate these factors will be included in the statutory report on spiking, due to be published no later than 28 April 2023.</p>

Annex A – Update on HASC Spiking recommendations

		<p>I want to be clear, despite these challenges we still recommend that anyone who thinks they (or those around them) might have been spiked to report this to the police as soon as possible to ensure that they receive the best possible support and that a sample is taken for testing.</p> <p>We plan to further explore these challenges and action that can be taken to mitigate these in the statutory report which will be published in April 2023.</p>	
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