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Proposed Right to Addiction Recovery (Scotland) Bill

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Deadline for submission is 11.59pm on 12th January 2022

1. Which of the following best expresses your view of the proposed Bill? *

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response. We would welcome comments on any experience you have had of accessing, or trying to access, addiction treatment.

Of course, the aim of the proposed Bill is welcomed. Everyone should indeed have access to the drug and alcohol recovery treatment that they require. However, there seems to be an assumption that residential rehabilitation is the best treatment option for the majority. There is no evidence given that this is the case. Furthermore, the proposed Bill will enshrine the right to a treatment of choice. This ignores the collaborative process between the patient and clinicians/care team that is necessary in order to ensure that the treatment option agreed is the most appropriate in terms of individual circumstances, is evidence-based and also cost effective. The bill refers to 'refusal' of treatment, but again, there is an important difference between refusing treatment and not agreeing to demands that may not be either safe or appropriate for the individual.

2. Do you think legislation is required, or are there other ways in which the proposed Bill's aims could be achieved more effectively? Please explain the reasons for your response.

Professionals working in the field are already bound by professional standards and adhere to national clinical guidelines: "Orange Guidelines", Clinical Guidelines on Drug Misuse and Dependence Update 2017 Independent Expert Working Group (2017) Drug misuse and dependence: UK guidelines on clinical management. London: Department of Health
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/673978/clinical_guidelines_2017.pdf

In the event of an adverse outcome, legal challenge or dispute re appropriate treatment options, these are the standards to which professionals will be held accountable. There is no evidence to

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suggest additional legal requirements need to be imposed on professionals working in this specialty (that do not exist in other specialties).



3. How do you think the right to treatment established in the Bill would be most effectively implemented and enforced? Tick all options that apply.

- Duty on Scottish Ministers
- Duty on Health Boards
- Duty on Integration Joint Boards (IJB's)
- Established targets/standards
- Requirement for the Scottish Government to report progress on duty
- Other (For example Local Authorities - please specify below).

Please explain the reasons for your response.

All patients/patient groups would like to have access to the treatment they want at the time they want it. That is not unique to this cohort. However, there are finite resources with which to treat the Scottish population and the impact results in necessary prioritisation of resources. Ultimately, clinical treatment in any group of patients should not be subject to political enforcement.

If passed, the proposed bill will inevitably result in allegations of treatment being 'refused' and this will impact constrained budgets/resource further still since each case will require investigation, and this will not promote treatment or treatment options- it will have the opposite effect.



4. Which of the following best expresses your view of creating a specific complaints procedure, in addition to the existing NHS complaints procedure?

- Fully supportive

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- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response. We would welcome comments on any experience you have had with the existing NHS complaints procedure.

The NHS complaints procedure is open and transparent and there is no evidence presented to suggest it is not fit for purpose. All clinicians are subject to the current procedure and it would be divisive to introduce an additional complaints procedure for only a very small proportion of clinicians.

5. Which of the following best expresses your view of allowing those suffering from addiction to choose a preferred treatment option, and for them to receive that option unless deemed harmful by a medical professional?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response. We would welcome suggestions about how this could work in practice.

All evidence based treatments should be available to the patients of Scotland. A patient-centred approach to decision making, where patients are involved in treatment decisions, is of highest priority and patients must be given all of the necessary information in order to make an informed choices. Treatment providers have a responsibility to ensure this is the case, in this specialty and in others.

6. Which of the following best expresses your view of the proposed Bill seeking to prevent treatment being refused?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed

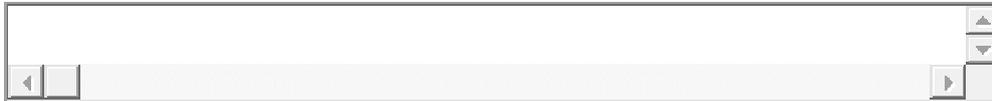
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- Fully opposed
- Unsure

Please explain the reasons for your response. We would welcome suggestions about how this could work in practice.

The language used in the bill such as 'treatment being refused' implies that professionals working in the field are purposely making decisions to provide no treatment/less than optimum care for personal reasons. Instead I would suggest that where treatment has been 'refused', there have in fact been opposing views between the patient and the care provider between what is safe and clinically appropriate and what is desired. Clinicians are obliged to provide safe and appropriate care- this is 'treatment'.



7. Which of the following best expresses your view of requiring the Scottish Government to establish a national funding scheme?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response.

In order to ensure that all evidence based treatment options are available to all patients, no matter where in Scotland they reside, then it is essential for these to be fully funded. Residential rehabilitation should be available on a not for profit basis.

8. Taking into account all those likely to be affected (including public sector bodies, businesses and individuals etc), is the proposed Bill likely to lead to:

- a significant increase in costs
- some increase in costs

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- no overall change in costs
- some reduction in costs
- a significant reduction in costs
- don't know

Please indicate where you would expect the impact identified to fall (including public sector bodies, businesses and individuals etc). You may also wish to suggest ways in which the aims of the Bill could be delivered more cost-effectively.

The Bill is not deliverable in its current form.

Equalities

9. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation?

- Positive
- Slightly positive
- Neutral (neither positive nor negative)
- Slightly negative
- Negative
- Unsure

Please explain the reasons for your response. Where any negative impacts are identified, you may also wish to suggest ways in which these could be minimised or avoided.

10. In terms of assessing the proposed Bill's potential impact on sustainable development, you may wish to consider how it relates to the following principles:

- living within environmental limits
- ensuring a strong, healthy and just society
- achieving a sustainable economy
- promoting effective, participative systems of governance
- ensuring policy is developed on the basis of strong scientific evidence.

With these principles in mind, do you consider that the Bill can be delivered sustainably?

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- Yes
- No
- Unsure

Please explain the reasons for your response.

The Bill is not deliverable in its current form.

11. Do you have any other additional comments or suggestions on the proposed Bill (which have not already been covered in any of your responses to earlier questions)?

The Bill, in its current form, appears to be unenforceable. No information is given on how Police Scotland would address any disputes that will no doubt arise due to the language used around the patient having ‘the right to choose’ a treatment option. Additional complaints procedures and regulation will certainly result in increased difficulty in recruiting and retaining staff in this specialty- an area where there are already significant challenges. The impact of this will ultimately be felt by the very people the Bill is striving to help.

Furthermore, it is disappointing to read a Bill proposed to improve access to drug and alcohol treatments use such stigmatising language throughout. It is not in line with the Drug Death Taskforce “A Strategy to Address the Stigmatisation of People and Communities Affected by Drug Use” and requires review using the Scottish Drugs Forum glossary of contested terms in substance use: <https://www.sdf.org.uk/wp-content/uploads/2020/10/Moving-Beyond-People-First-Language.pdf>

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