

# Proposed Right to Addiction Recovery (Scotland) Bill

## Introduction

A proposal for a Bill to enable people addicted to drugs and/or alcohol to access the necessary addiction treatment they require.

The consultation runs from 7 October 2021 to 12 January 2022.

All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document.

Questions marked with an asterisk (\*) require an answer.

All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response.

Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded.

Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here:

[Consultation document](#)

[Privacy Notice](#)

I confirm that I have read and understood the Privacy Notice which explains how my personal data will be used.

On the previous page we asked you if you are UNDER 12 YEARS old, and you responded Yes to this question.

If this is the case, we will have to contact your parent or guardian for consent.

If you are under 12 years of age, please put your contact details into the textbox. This can be your email address or phone number. We will then contact you and your parents to receive consent.

Otherwise please confirm that you are or are not under 12 years old.

*No Response*

## About you

Please choose whether you are responding as an individual or on behalf of an organisation.  
Note: If you choose "individual" and consent to have the response published, it will appear under your own name. If you choose "on behalf of an organisation" and consent to have the response published, it will be published under the organisation's name.

an individual

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

Professional with experience in a relevant subject

**Optional: You may wish to explain briefly what expertise or experience you have that is relevant to the subject-matter of the consultation:**

I am an addiction doctor working in a rehab offering support to people seeking abstinent recovery.

Please select the category which best describes your organisation

*No Response*

Please choose one of the following:

I would like this response to be published anonymously

**If you have requested anonymity or asked for your response not to be published, please give a reason (Note: your reason will not be published):**

Please provide your Full Name or the name of your organisation. (Note: the name will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is the name that will be published with your response).

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number.

We will not publish these details.

**Aim and Approach - Note: All answers to the questions in this section may be published (unless your response is "not for publication").**

Q1. Which of the following best expresses your view of the proposed Bill?

Neutral (neither support nor oppose)

**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.**

I can see compelling drivers behind this proposed bill. There is evidence that individuals have very little choice in addiction treatment currently. However the bill feels to me like a bit of a 'stick' which is unlikely to win over the organisations and individuals who, for whatever reason, underestimate what individuals are capable of in recovery. Some politicians have framed the issues behind the proposals in a way that seems to undermine MAT and harm reduction and this political slant has damaged the chances of success. The proposals may have further unintended consequences and drive a further wedge between the harm reduction and recovery camps. Some of the responses to the proposed bill already have this tone. I don't know that it will have unintended consequences, but it does worry me. On the other hand it may have positive impacts and help individuals achieve their goals. In other words, I see both pros and cons. It also worries me that the proposed bill has already become politicised in an unhelpful way.

Q2. 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.

In practice, the legislation proposed may be difficult to enforce and is likely to be resource intensive. One issue is that we don't have a balanced and joined up treatment system. All the legislation in the world won't allow access to a form of treatment that is under-resourced or where much capacity is needed. In addition, legislation won't win hearts. To change our treatment system, raise the bar in terms of aspiration and have safe routes out of prescribing we need to take people along with us - I'm not sure that legislating will do that. It seems to me that policy development, dialogue, lived-experience, advocacy, workforce development, a national training agenda and true integration of community and residential rehab would be a better focus for change. We also need to move to a recovery oriented system of care.

Q3. 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.**

I don't know who would be responsible, but it seems to me that the accountability inherent in the proposals would require a significant investment of resource to police. Who would be responsible? Also, where there is no clear and specific guidance and evidence about who would most benefit, say from a residential rehab intervention, how do you hold providers/clinicians to account?

Q4. Which of the following best expresses your view of creating a specific complaints procedure, in addition to the existing NHS complaints procedure?

Neutral (neither support nor oppose)

Q5. 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?

Neutral (neither support nor oppose)

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

I think exploring an option with a client is quite different from an individual choosing a specific treatment type. If I get cancer, I don't get to choose my treatment option, I explore the options with the clinician and we agree on what is likely to be most efficacious. The problem with, say community or residential rehab is that most professionals receive no training or have no experience of working in those areas, so are not best placed to advise. The problem with letting clients simply choose from a menu is that judgement and insight can be impaired, expectations of what rehab actually can do are high (people think rehab will make them better, but actually individuals have to work really hard in rehab - it's not something that is done to you) and judgement about which treatment is best at a particular time needs to be made jointly. This doesn't get around the problem that if the professional assessing you knows little about non-clinical interventions then your options may, in reality be limited. My approach to that would be workforce development and lived experience practitioners in every treatment setting. Medical professionals are not best placed in my view to be making those sorts of judgements generally as almost none of them will have had training or work experience in abstinence focussed settings, while they are much more informed about harm reduction and prescribing options.

Q6. Which of the following best expresses your view of the proposed Bill seeking to prevent treatment being refused?

Neutral (neither support nor oppose)

Q7. Which of the following best expresses your view of requiring the Scottish Government to establish a national funding scheme?

Neutral (neither support nor oppose)

## Financial Implications

Q8. 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:

some increase in costs

## Equalities

Q9. 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?

Slightly positive

## Sustainability

Q10. 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?

Yes

## General

Q11. 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)?

I have huge regard and respect for the people behind these proposals. I am absolutely behind the principles underpinning the proposals, but don't have the conviction that it will take us forward and I worry that it may divide an already fractured field. I look forward to seeing a published bill which takes into consideration the feedback from the public consultation and hope that when the detail is clear that I would be in a stronger position to support it.