

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.

on behalf of an organisation

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".)

No Response

Please select the category which best describes your organisation

Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)

Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g. whether it is the view of particular office-holders or has been approved by the membership as a whole).

The Scottish Youth Parliament – www.syp.org.uk

The United Nations Convention on the Rights of the Child (UNCRC) is the basis for the Scottish Youth Parliament's (SYP's) vision, mission and values. In particular, SYP embodies Article 12 of the UNCRC, which states that young people have the right to express their views freely and have their opinions listened to in all matters affecting them. As a completely youth-led charity, the words and sentiment of Article 12 have profound importance for our work.

Our Vision

The Scottish Youth Parliament (SYP) is the democratic voice of Scotland's young people. Our vision for Scotland is of a nation that actively listens to and values the meaningful participation of its young people. Our goal is to make this vision a reality, in order to ensure young people in Scotland grow up loved, safe and respected, and able to realise their full potential.

Our Mission

SYP is a rights-based charity, with members supported by all of Scotland's 32 local authorities and 11 National Voluntary Organisations. SYP's mission is to provide a national platform for young people to discuss the issues that are important to them, and campaign for changes to the nation that they live in. We support our members in their work by training them, supporting their personal development, and empowering them, using a youth work ethos.

Our democratically elected members listen to and recognise the issues that are most important to young people in every community across the country and ensure that decision-makers listen to their voices.

Our Values

- **Democracy** – We are youth-led and accountable to young people aged 14 to 25. Our democratic structure and the scale of our engagement across Scotland gives us a mandate that sets us apart from other organisations.
- **Rights** – We are a rights-based organisation. We are passionate about making young people aware of their rights and ensuring that local and national governments uphold their rights.
- **Inclusion and Diversity** – We are committed to being truly inclusive and work tirelessly to ensure policymakers and politicians hear the voices of young people from every community and background in Scotland.
- **Political Impartiality** – We are independent from all political parties. By working with all stakeholders, groups, and individuals who share our values, we deliver the policies that are most important to young people.

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

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).

Scottish Youth Parliament

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.

Chelsey Clay, Policy and Public Affairs Officer

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?

Partially supportive

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.

We firmly support the Bill's intentions and fully support the right to recovery. However, we do believe it would benefit from further strengthening of its provisions and that is why we do not provide full support at present.

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.

The MSYPs were explained the difference between a policy change versus making the Bill a law and unanimously everyone agreed they think the right to recovery should be enshrined in law. The MSYPs stated that there would be more accountability within the court system as a law versus it being a simple policy change.

One MSYP noted: "human rights are not only fundamental but are interdependent". Upon agreement it was said that the right to recovery being enshrined in law ensures a minimum standard that everyone should have access to support and treatment to recover.

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.

No Response

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

No Response

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?

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

Unanimously the group agreed that an individual should be able to choose the type of treatment they receive, as some might need more support than others. However, they did agree that it was important there were services and help available to them to help those in recovery make informed decisions. An MSYP remarked: "Nobody knows yourself better than you, but medical professionals should give advice". This was echoed by the rest of the group with everyone agreeing there should always be accessible services and support for different types of treatment to make sure everyone has a fair chance of recovery.

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

No Response

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

No Response

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:

No Response

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 negative

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?

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.

One of main points of contention that the MSYPs had with the Bill, and who in turn they think would be most negatively impacted by, were young people. They believed the lack of inclusion and awareness of how addiction impacts younger people in many intersectional ways meant that they would potentially be unable to claim their right to recovery for a myriad of reasons. MSYPs specifically noted that young people have very complex drug and alcohol misuse and addiction issues that differ from adults, and it is necessary to make sure those are considered within the Bill.

First, MSYPs spoke about the drug and alcohol culture that is persistent in Scotland and how it is often viewed when young people are caught up in it. As mentioned above, one MSYP noted that it is often seen as a sort of right of passage, doing it for fun, or something you just do in university and move on. However, MSYPS pointed out that this means it can be often a lot harder for young people to realise they have addiction issues in the first place and there are not a lot of services or help that are targeted towards young people in these positions, especially not within this Bill.

Second, there are significant barriers to accessing treatment for those who may be 16 or under and have misuse or addiction issues but would require parental permission to access these services. If those who are under 16 wish to seek treatment but would face significant consequences at home that could put them in a potentially dangerous situation, this could in turn away those who need help and leave young people to develop long-term addictions. Under Article 24 of the UNCRC, children and young people are entitled to the best possible health services, which would mean that recovery and treatment options would need to be specifically curated so that barriers to access for those under 16 are removed and they are able to receive the treatment that best supports them.

On this subject, one MSYP noted: "...young people don't want to take their parents or carers to treatment as I believe young people can't even go to the doctors themselves till they're 16. And a lot of young people do seem to start smoking, drinking, consuming drugs when they're a lot younger than 16."

Third, the effect that loved ones seeking treatment would have on children and young people is missing from the Bill and this can provide a barrier to adults and caregivers who may need to seek recovery but do not have the opportunity to do so due to childcare and/or guardianship responsibilities. Additionally, the impact it would have on children and young people who have loved ones who would need to go through recovery and services or support that should be in place to help them cope with this. MSYPs felt that by taking the holistic approach and looking at the entire picture instead of just the right to recovery would alleviate these issues.

And fourth, for ethnic, LGBTQ+, and religious communities, significant barriers also exist in terms of stigmas surrounding them, specifically the data mentioned around LGBTQ+ statistics within the Bill. MSYPs believed the equalities section should be expanded and that seldom-heard groups should be routinely consulted on how best to remove these barriers and provide appropriate treatment routes and that this should be included within the Bill.

One MSYP commented: "Are faith groups being made aware of the full religious implications of their treatment? For example are methadone etc halal/kosher? And, if these methods aren't appropriate, does limiting religion people's options violate the right the Bill would grant? If a type of treatment has an inherent barrier are they being denied their right?"

Overall, there are at present significant barriers for seldom-heard groups and children and young people to seek services and access the right to recovery in general.

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?

No Response

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)?

Beyond what has already been noted above, suggestions from MSYPs around drug and alcohol misuse/addiction education within schools to be expanded and to have teachers trained with peer support was widely agreed upon. One MSYP noted that having teachers being trained to offer support for children and young people suffering from addiction is crucial in getting them the treatment they need, as well as giving honest education around drug and alcohol addiction amongst young people and what it is like and how it affects young people would be essential in early intervention and prevention, much like PSE.

MSYPs also believe consultation with various marginalised groups on how to alleviate barriers in accessing non-traditional recovery and treatment options would create better alternatives and make sure that the Government are getting it right for everyone instead of requiring those seeking treatment to choose one specific type of recovery support as it is the only one available. They also agreed this would fall under the right to choose their own treatment and have the support and availability for that to be true. It was also widely discussed and agreed throughout the focus group that there are lots of organisations, much like FAVOR UK, who have been doing a lot of great work within communities to offer appropriate recovery services and as much treatment and support services as possible and that these methods and approaches should be utilised within the Bill and applied appropriately. MSYPs noted that they are the ones consistently dealing with those directly impacted by misuse and addiction and the Bill would benefit a lot more from that clarity and information that exists currently, more than what is included within the Bill at present.

Overall, MSYPs believe there is a lot that is lacking from the Bill purely from vagueness and that while the intention and the outline is progressive and welcoming, there are entire communities being left out of the conversation and opportunity to receive treatment and, until that is rectified, the right to recovery is not extended to everyone.

Additionally, as conversations around this issue go forward and approaches to solving addiction issues start to open up, the further this important issue has the potential to be explored. SYP believes it is important that, in addressing misuse and addiction holistically, decriminalising the possession of illegal drugs will only help those in their road to recovery. This is something that over half of our MSYPs and wider membership (52%) believe should happen, as detailed in our manifesto: "Decriminalising the possession of illegal drugs, such as through the provision of safe injection rooms ". Our young people believe in treating addiction in every way it has an effect and we hope this Bill will help do the same.