

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 independent advocacy worker, I work on behalf of people who have difficulties around substance use.

Please select the category which best describes your organisation

No Response

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).

Michael Addison

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?

Partially supportive

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

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 am fully in favour of making access to drug and alcohol treatment and recovery services a legal right, regardless of the recovery status of the individual. Likewise, I support placing a legal obligation upon the Scottish government to adequately fund these services.

My support is predicated on my belief that people in treatment and recovery must have their rights explicitly codified and defended. In my capacity as an independent advocacy worker, I have spent two years trying to make sense of what the rights of someone in treatment or recovery are. What I have found is that there are almost no special provisions in place, and few means by which people in the system can make their wishes heard.

It seems that there are few ways of registering dissent within the system. I have witnessed multiple occasions where people avoid even these methods for fear that there will be punitive consequences. Giving the force of law to the choice of the individual would, I think, help begin to redress this power imbalance.

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.

I do think that legislation is required. I am concerned, however, that the proposed legislation will not actually arm the individual with the force of law. The law is impotent if it cannot be wielded by the people that it is supposed to protect. The proposed legislation (as far as I have seen) lacks provisions to support individuals (in complex, difficult and often deprived situations) in enforcing their new legal rights.

That is, in contrast with the Mental Health Act (which enshrines the rights of mental health patients in a similar manner) the proposed legislation lacks is any provision for legal aid to be provided to those who want to make a legal complaint or appeal their treatment.

Further, the proposed legislation neither mentions nor recommends the implementation of an independent ombudsman, tribunal, regulator, or independent commission to ensure that ADPs meet their statutory duties. Indeed, it is unclear what the penalties for failure to meet statutory duties will be and upon who they will fall.

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

Other (For example Local Authorities - please specify below).

Please explain the reasons for your response.

I believe that the provisions of the bill would be best implemented and enforced on a similar model to currently existing mental health legislation. Mental health legislation places a number of duties on actors at various levels of government to ensure that the rights of individuals subject to that legislation are protected.

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

Fully supportive

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

The existing NHS complaints procedure does not, in my opinion, do justice to the very difficult circumstances that individuals who are addicted to substances find themselves in. Often, in my experience, the difficulties that people wish to complain to the NHS about relate to the supply (or failure to supply) medication, or adequate doses of medication. These complaints are often appeals to change medication in order to reduce suffering (which depending upon the substance can be profound and acute). Although I do not speak on their behalf, I have worked with people who have turned to street drugs in order to avoid profound suffering while their complaints are being considered.

Further, in my opinion, the fact that there is no addiction specific complaints process gives the impression that complaints are not allowed. I have often had people express surprise at the idea that they could make a formal complaint, or that they had rights within the process of addictions treatment.

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?

Fully supportive

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

The situations of those who suffer from addiction are complex and often difficult. To my mind it makes sense to allow people to make an initial choice of treatment (or recovery service), as they will likely know best how that treatment could fit into their lives. It is likely that doctors will often overrule this - but if that can be accepted within the mental health context (people occasionally request specific medications in their advance statements, these are often overruled) then it can be accepted here.

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

Fully supportive

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

As I understand it, there is no greater way of reducing overall drug mortality than by ensuring that there are no barriers to treatment.

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

Fully supportive

Please explain the reasons for your response.

It is essential that services be properly funded and that the proper funding of addiction services be a statutory requirement. Without funding there can be no choice and, in my opinion, the current difficulty that services have in providing choice in treatment is likely due to the fact they lack resources. Additionally, the

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

expense of providing full choice to all people in the system is likely to be significant, and I believe that the strength of a legal obligation will aid politicians in providing adequate funding (which it seems that some politicians find difficult, when the funding of services relates to heavily stigmatised and vulnerable minorities like people who suffer from addiction).

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:

a significant increase in costs

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.

It is likely that, in the short term, ADPs will require a significant increase in expenditure to provide the services mandated by the proposed bill. The weight of this is likely to fall upon the NHS, as increasing choice will require training more staff and the purchasing of more expensive pharmaceuticals.

I regard this expenditure as a net public good - as it represents the spending of money which rightly should already have been spent in previous years. It is likely that in the long term the proposed bill will prove more cost effective than the alternative. In my understanding, adequate funding of services will avoid costs accruing from unnecessary mortality and an unhealthy population in the future.

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

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.

I am unqualified to give a full response here.

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

Please explain the reasons for your response.

While I believe the proposed bill does not pose insurmountable sustainability concerns, I am concerned that the obligation to provide residential rehabilitation facilities (if there is not sufficient independent oversight, monitoring and evaluation of these facilities) will lead to a "gold rush" in low quality rehab provision.

I see no mandate within the proposed legislation that residential rehab facilities be vetted, their activities monitored, and their efficacy publicly evaluated and published. I believe that there should be additional regulation mandated by the proposed legislation in order to ensure that treatment provided is evidence based, effective and will not result in harm to the individual.

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)?

No Response