

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 a practising advocate. I advise and litigate on human rights and public law issues. I have experience of strategic litigation. I am aware of the challenges in seeking to enforce rights for those affected by this bill.

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).

Simon P. Crabb

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?

Fully 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.

Scotland is facing a human rights crisis. I believe that this bill represents a new approach. Legally enforceable rights while improve accountability and contribute towards increased rights and protections for those covered by the bill.

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.

Yes. I am aware that many organisations state that legislation is not required. I do not agree. If those affected by the bill already have legally enforceable rights, why are the courts not engaged in cases? We have a situation where thousands of people are losing their lives. I am not aware of any case in Scotland where the courts have been involved. We have strong legal system in Scotland with rights recognised in the Human Rights Act and the common law. We also have an independent judiciary. Legislation providing enforceable legal rights has benefited other vulnerable populations such as those who are homeless. I believe legislation could assist in achieving the aims of the Bill.

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.

Please explain the reasons for your response.

I feel I do not have the practical experience of engaging with public bodies and do not feel I can answer this question.

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

Unsure

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?

Partially supportive

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

It seems to be a suitable safeguard while respecting the wishes of the person affected. I appreciate there may be resource issues if the test is only one of not being deemed harmful.

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

Fully supportive

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

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

Reference is made to my previous answers

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)

Please explain the reasons for your response.

I do not have the experience to comment on this. Whatever funding model is used, there should be transparency and accountability to ensure that the funds are being well spent.

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:

don't know

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?

Neutral (neither positive nor negative)

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.

The second point is particularly relevant.

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)?

The Bill may also help Scotland ensure that it is meeting its international human rights obligations. The Scottish Parliament should be praised for its collaborative approach on human rights and efforts to incorporate international human rights treaties in Scots Law. It should not be forgotten that the number of deaths related to substance misuse disorder in Scotland is a human rights crisis which causes large scale human suffering, engages Scotland's international human rights obligations and affects our standing in the international community