

# Drugs Death Prevention (Scotland) Bill – WithYou response

**Aug 2022**

[Link to bill](#)

With You is a charity that offers free, confidential support and treatment to people in England and Scotland who have issues with drugs, alcohol or mental health. We provide people with support in a way that's right for them, either in person in their local service, community or online.

With You has been working in Scotland since 2004. We are the largest charity provider of drug and alcohol services in Scotland and deliver harm reduction, assertive outreach, recovery, mutual aid, and pre and post rehab services. In addition, we also deliver KnowTheScore, Drinkline, a webchat service and a new Never Use Alone service.

**1. Which of the following best expresses your view of the proposed Bill? (please note this is a compulsory question)**

- Fully supportive
- **Partially supportive**
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Do not wish to express a view

**Please explain the reasons for your response**

With You welcomes and supports this bill and are absolutely committed as an organisation to do everything we can to reduce preventable drug-related deaths. We believe that Overdose Prevention Centres (OPCs) in appropriate areas where there is a clear and demonstrable need, could play an important role as part of a wide and complex system of public health promotion, treatment provision, and social support.

We support the proposed licensing framework model outlined in this bill. We would like to see additional clarity and detail added to this proposal to ensure a future OPC would have the comprehensive requirements and objectives it would need, alongside

clearly obtained support from local and national stakeholders needed to ensure its success.

Lastly, though we are broadly supportive of the proposal for a new Scottish Drug Deaths Council (SDDC), we are conscious that a newly formed Drugs Policy Oversight Group has already been created, in part to replace some of the functions of the Drug death task force. We think this body does have an important role to play in providing accountability and scrutiny, and we would be keen to support an approach where there is a role for both bodies in the system, one operating under the auspices of Government, and one operating externally and independently.

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

There are clear legal challenges facing the establishment of OPCs in Scotland due to the Misuse of Drugs Act 1971. This has resulted in a 'legal grey area' and a complex legal and political picture.

Though legislative changes to the Misuse of Drugs Act 1971 would be preferable and would make the establishing of an OPC far less legally contentious, we don't think it is necessarily essential in Scotland. In Scotland, the Lord Advocate has the authority to revise police standard operating procedures so that certain offences are not prosecuted. This happened recently in 2021 when the Lord Advocate expanded the use of Recorded Police Warnings for Class A drugs. If the Lord Advocate unilaterally provided police with assurances that they could allow OPCs to operate, this could be sufficient for their operation without needing legislative changes.

However, if establishing an OPC was determinant on a decision made by the Lord Advocate, it would be useful if there was additional clear and agreed guidance around what is precisely within the powers of the Lord Advocate.

## **3. Which of the following best expresses your view of the proposal to establish overdose prevention centres?**

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

- **Do not wish to express a view**

OPCs provide a safer environment for people often not engaged with drug treatment and support services to use drugs under the supervision of trained professionals, who are able to intervene in the event of an overdose, provide evidence-based interventions, including naloxone, oxygen, psychosocial support, and needle and syringe programmes. In Scotland, less than 40% of people who require it are connected to any form of treatment (compared with 60% in England and Wales, itself too low). There is a critical need to increase the number of people with drug problems in treatment, to improve access to treatment, and to improve treatment quality. We believe OPCs could be an important intervention that will bring people into contact with services and we support proposals to establish OPCs in Scotland and are exploring several models for how we could establish one in areas where we deliver services.

We know OPCs are not a panacea. OPCs can play an important role as part of a wide and complex system of public health promotion, treatment provision, and social support, but are not an intervention that will achieve benefits independently. They need to work as part of an integrated service within and alongside other services and interventions already in place for people with multiple and complex needs.

However, there is a risk that with the intensive political focus on OPCs at the moment, unrealistic expectations may be put on them, and this political focus shouldnt divert attention from other key parts of the treatment system which need continued political and financial investment. Lastly, It is vital that there is a sustainable funding model for establishing OPC's, and this must not come at the expense of existing treatment and harm reduction services.

#### **4. Which of the following best expresses your view of the proposal for a licensing regime to enable the establishment of overdose prevention centres?**

- Fully supportive
- **Partially supportive**
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Do not wish to express a view

**Please provide reasons for your response, including on the proposed conditions for licensing (see pages 12 to 14 above) and on the proposal that health and social**

## **care partnerships are responsible for licensing and scrutinising OPCs?**

We support the proposal in the bill to create statutory guidance to local Health and Social Care Partnerships and the need for there to be a licensing regime that specifies the requirements and objectives that must be satisfied prior to the granting of a licence to operate an OPC.

The requirements and strategic objectives that must be satisfied in order for a licence to be granted outlined in the proposal are a good starting point but would need additional detail to cover all relevant issues, and ensure potential providers deliver the highest quality service that will lead to the best outcomes for both service users and the local community. For example, we'd also like consideration to being given to:

- Agreement to undertake a consultation with local community members in order to assess an OPC's potential acceptability and clarify issues from the perspective of local residents/businesses
- Commitment to develop a multi-agency partnership with the police and other criminal justice agencies, health and the local authorities.

However, additional detail would need to be added to all the requirements and objectives, and provider input into this process is important to ensure they are comprehensive and holistic. We would be keen to provide our additional insight and expertise into this process.

We also recommend that it be made essential that a provider would need to be registered with Healthcare Improvement Scotland, as the appropriate regulator, in order to be considered as a delivery partner.

## **5. Which of the following best expresses your view of the proposal for a new body, the Scottish Drug Deaths Council?**

- Fully supportive
- **Partially supportive**
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Do not wish to express a view

**Please provide reasons for your response, including views on the proposed functions of the SDDC (see pages 14 to 16 above) and on how it should operate in practice**

We are partially supportive of the proposal for a new Scottish Drug Deaths Council

(SDDC) which will have full operational and strategic independence from the Government. However, we are conscious that a newly formed Drugs Policy Oversight Group has already been created, replacing some of the functions of the disbanded Drug Death Task Force.

However, we are aware that there are issues around accountability and scrutiny in the Scottish system, and though we do think this group will have an important role in promoting accountability in the system at both national and local levels, we do think there is an important role an independent body that has full operational and strategic independence from the Scottish Government could play in further scrutinising legislative and non-legislative proposals. We think there could be space for there being an oversight function working under the auspices of government through the Oversight Group, as well as there being one operating externally and independently, such as through the SDDC.

## **Financial implications**

**6. Any new law can have a financial impact which would affect individuals, businesses, the public sector, or others. What financial impact do you think this proposal could have if it became law?**

- **a significant increase in costs**
- **some increase in costs**
- **no overall change in costs**
- **some reduction in costs**
- **a significant reduction in costs**
- **skip to next question**

**Please explain the reasons for your answer, including who you would expect to feel the financial impact of the proposal, and if there are any ways you think the proposal could be delivered more cost-effectively**

There will be significant costs to establishing and delivering high-quality OPCs. It is essential that funding for an OPC does not take critical resources away from the other parts of the treatment and recovery system. Any reduction in resources towards pre-existing services would lead to higher caseloads, longer waiting times and reduced access to services, worsening outcomes, harm and deaths. There would likely have to be a new funding stream as an add-on to the current funding commitments.

Though OPCs have historically been used in areas with a high street using population, this isn't necessarily the case in parts of Scotland where drug deaths are highest and where drug-related harms are most acute. OPCs in certain fixed locations may be

limited in this regard due to people being unlikely to travel to use these facilities. As such, it is essential that the design of an OPC in Scotland is appropriate for the local context, catering to the specific needs of the local community.

Though evidence from around the world has shown OPCs have a wider positive impact financially to local services, as a provider, establishing and delivering an OPCs would have a significant cost in terms of service design and scoping, central staffing costs, as well as equipment, premises, and medical costs.

Lastly, while it's important to acknowledge the recent investment has been made by the Government into both residential rehabilitation and into community treatment and recovery services, our view is that community treatment services need significant additional investment to really drive caseloads down and to improve service quality so that recovery becomes attainable for more people.

**7. Any new law can have an impact on different individuals in society, for example as a result of their age, disability, gender re-assignment, marriage and civil partnership status, pregnancy and maternity, race, religion or belief, sex or sexual orientation.**

**What impact could this proposal have on particular people if it became law? If you do not have a view skip to next question.**

**Please explain the reasons for your answer and if there are any ways you think the proposal could avoid negative impacts on particular people.**

N/a

**Sustainability**

N/a

**8. Any new law can impact on work to protect and enhance the environment, achieve a sustainable economy, and create a strong, healthy, and just society for future generations.**

**Do you think the proposal could impact in any of these areas? If you do not have a view then skip to next question.**

**Please explain the reasons for your answer, including what you think the impact of**

**the proposal could be, and if there are any ways you think the proposal could avoid negative impacts?**

This proposal would have a direct benefit to the local communities and the environment. Drug-related litter discarded in public parks, playing fields, public toilets, footpaths and car parks, can place people in the community at risk of injury, and is an issue in certain cities and towns in Scotland. Evidence from other countries has also shown OPCs reduce levels of street drug use, improving public safety through reducing the level of discarded needles and other related items in the streets, and as such have high levels of support from local communities.