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Criminal Justice Committee
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5 February 2024

Dear Committee Convenor,

I am writing to you to in response to the letter sent to Ms Whitham on 13th November 2023 and while I am providing temporary cover to her portfolio. Set out below are the responses to the questions you asked.

Safer Drug Consumption Facilities

Recent discussions with Glasgow Health and Social Care Partnership (HSCP) have confirmed that they are continuing to work to a timescale where the service would begin operating in the summer of 2024. At the moment, however, it is difficult to be more precise than this, though assurances have been provided from colleagues in Glasgow HSCP that they will continue to update Government and their Integration Joint Board on progress.

At the moment the work being done is focussed on the key issues, including work on the property, recruitment and training of staff, as well as awaiting the Lord Advocate's formal Statement of Prosecution Policy. This work is progressing and continues to be led by colleagues across a number of areas and is in addition to the other ongoing work around community and stakeholder engagement and evaluation planning.

The service itself will be staffed by a multidisciplinary team including health staff and there will also be other co-located and visiting health services. As well as hosting the safer drug consumption facility (SDCF), the service will also offer service users a range of other health services including:

- Harm reduction advice
- Injecting equipment provision
- Wound management
- Blood borne virus testing and treatment
- Sexual reproductive health
- Drug treatment and support
- Mental health assessment and treatment

The HSCP also hope to have a primary care provision in place as well.

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Scottish Government Drug Policy Officials have remained in contact with colleagues from the UK Home Office as we have progressed to the implementation phase with the Glasgow SDCF. UK colleagues have expressed their interest in being kept up to date with details of the evaluation and have been introduced to Dr Emilia Crighton (Director of Public Health, NHS Greater Glasgow and Clyde) who will be leading the work to evaluate the SDCF. Colleagues from the UK government have also been given the opportunity to attend the evaluation advisory group and at present are considering their involvement. Opportunities to have sight of, and feed into, the independent evaluation have been also been offered.

We are aware of the work being undertaken by the City of Edinburgh to explore safer drug consumption facilities in the city and understand that they plan to publish their findings early this year. Ms Whitham will be able to update committee further on this work in due course.

MAT Standards

With regards the MAT standards, we are committed to these being fully implemented in community and justice settings by April 2025, and for them to be sustainable across all settings by April 2026.

From the latest Benchmarking Report, published in June 2023, it is clear that standards 6-10 require new approaches and are taking time to embed. However, services are working together more closely than before and the MAT Standards Implementation Support Team (MIST) based within Public Health Scotland are assisting areas with how they may achieve this.

For example, the MAT Standard 9 on mental health the criteria, and the published Mental Health Strategy, set clear expectations of the types of care and access to high quality and integrated care those with co-occurring conditions should receive. In relation to Independent Advocacy (MAT 8), communications continue with Public Health Scotland and experts across the field to ensure advocacy and support is in place at local level, and for Primary Care (MAT 7), whilst this can be seen as a challenge, areas are working together exploring different service models, shared care and better joint working.

With regards to the individual case raised at Committee by Sue Webber MSP, Ms Whitham wrote directly to Ms Webber on 30 November 2023 to advise her on the outcome of this case, after Ms Whitham had met with Lead Officers in Edinburgh City and enquired about what had been done in response to the issue.

At that meeting I understand that Ms Whitham was assured by the Chief Officer of Edinburgh City that the issues raised have been addressed with the full team and with the staff member concerned. Whilst Edinburgh officials did not have consent for any details to be shared, the Chief Officer apologised for the way in which Ms Webber's constituent was spoken to.

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National Mission

You had asked for an update on the work of the National Mission Oversight Group (NMOG). With regard to how any gaps are being addressed, actions and advice from each meeting are noted and circulated with the relevant Scottish Government policy teams and NMOG members for consideration. Updates are provided by the relevant policy lead before the next meeting of the NMOG and shared as part of an action and advice summary paper. All minutes for the NMOG meetings can be found here: [National Drugs Mission Oversight Group - gov.scot \(www.gov.scot\)](https://www.gov.scot/nmog). A list of the meetings to date, and the topics covered, is included at Annex A.

As to whether the group incorporates approaches from other countries into its oversight work, NMOG has three international members. These members have now formed an NMOG International Expert sub-group to feed in to the NMOG on an ad-hoc basis as and when required. To date, that group has met once and, further to this, two members of that sub-group have presented to Drugs Policy Division, NMOG members and wider stakeholders and colleagues on their experiences with fentanyl and synthetic opioids. In addition, many of the other NMOG members bring knowledge and expertise on international approaches through their professional networks.

Law reform

As outlined by Ms Whitham during her recent committee appearance, a debate in the chamber on drug law reform on 18 September 2023 highlighted the limitations of the Misuse of Drugs Act (1971). At that time the Parliament supported an urgent review of the legislation to fully align the law with the public health response outlined in the Scottish Government paper 'A Caring, Compassionate and Human Rights Informed Drug Policy for Scotland'. It also agreed that the Scottish Government should work constructively with the UK Government to either amend the Misuse of Drugs Act (1971) or to devolve the powers to Scotland to draft its own drugs legislation that better reflects international best practice.

Following the publication of the Scottish Government drug law reform paper on 7 July 2023, the Prime Minister quickly dismissed the proposals saying there were no plans to change the tough stance on drugs. Chris Philp MP, Minister of State for Police, Crime and Fire, reiterated that position when he met with Ms Whitham on 30 August 2023.

Ms Whitham has continued to press the UK Government on this issue, including at a Ministerial meeting on drugs in Cardiff on the 16 November 2023. Most recently, in a letter to Mr Philp on 14 December 2023, Ms Whitham set out that Scotland is still keen to pursue a public health approach and would see a place for drug law reform in this.

The stance being taken by the UK Government to ignore the evidence has so far been disappointing. However, we will continue to take every opportunity to point to that evidence-base so that our national mission to reduce deaths and improve lives can be rooted in a human rights informed, public health approach, and not a criminal justice one.

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Cross-Government action plan

A Cross-government response to the Drug Deaths Taskforce final report was published on 12 January 2023 (available here - [Drug Deaths Taskforce response: cross government approach](#)). This programme of work contains a cross-government action plan with 89 actions; 45 of which are reported on a quarterly basis and 44 annually.

We are currently in the process of collating quarter 4 activity from across government portfolios which will also update on the annual actions for the first time. This report will be presented to the National Mission Oversight Group on 21 March 2024 and will be shared with Committee by 31 March 2024.

Charter of rights

The forthcoming Human Rights Bill will bring internationally recognised economic, social, cultural and environmental human rights into our law, policy and practice, within the limits of devolution. This will include rights which are very relevant for people affected by substance use. For example, the Bill will incorporate the right to the highest attainable standard of physical and mental health and other rights which are relevant to social determinants of problem substance use such as poverty and inequality.

This means that people will be able to claim and enforce these rights in different ways, including in a Scottish court. It also means organisations that deliver public functions, including drug and alcohol services, will need to adapt to ensure they are meeting their human rights obligations in their service provision.

The purpose of the Charter of Rights is to support people affected by substance use to realise their rights, including those which will be introduced by the Scottish Human Rights Bill. It will also support service providers to understand how to implement the rights of people affected by substance use.

All of this will take place within the wider context of the implementation of the proposed Human Rights Bill, assuming that is passed by Parliament. This new overarching legal framework will strengthen the accountability and implementation of existing processes, such as the implementation of the MAT Standards, and will be accompanied by work to raise awareness and build the capacity of public authorities.

Scottish Fire and Rescue Service

You had also asked about the proposal from the Scottish Fire and Rescue Service (SFRS) around their carriage of naloxone. There is no proposal currently with Scottish Government, however, funding of £89,000 was provided to the SFRS by Scottish Government in February 2022 to allow them to begin work in this area.

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Due to ongoing discussions within SFRS, naloxone carriage by firefighters isn't possible yet, but in the meantime SFRS are progressing work with flexi-duty officers. The SFRS carried out a survey of all flexi-duty officers to establish how many would be willing to receive training in naloxone, carry a kit within their fire service vehicle and administer it if required. The survey also provided information about the geographic spread of those who would be interested. Of the 171 officers who responded to the survey, 158 said they would be willing to do this. The training course has now been developed and will be delivered to officers in the coming months.

I hope this information has answered your questions and I'm sure Ms Whitam would be more than happy to discuss these areas further during the next cross committee meeting.



ANGELA CONSTANCE
Cabinet Secretary for Justice and Home Affairs

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NATIONAL MISSION OVERSIGHT GROUP MEETINGS AND TOPICS**Meetings and topics discussed to date:**

1. Meeting 1 – 30 June 2022
 - a. Introduction of NMOG and its purpose
2. Meeting 2 – 22 September 2022
 - a. 2021 Drug-related death statistics (published 28 July 2022)
 - b. Deep dive – MAT standards 1-5
3. Meeting 3 – 8 December 2022
 - a. Taskforce response
 - b. Deep dive – Residential rehabilitation
4. Meeting 4 – 23 March 2023
 - a. Suspected drug death statistics
 - b. Cross-Government action plan
5. Meeting 5 – 22 June 2023
 - a. ADP Chairs presentations and analysis
6. Meeting 6 – 21 September 2023
 - a. 2022 Drug-related death statistics (published August 2023)
 - b. Deep dive – MAT standards 6-10
7. Meeting 7 – 14 December 2023
 - a. Deep dive - safer drug consumption facilities

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