

Minister for Drug Policy
Angela Constance MSP



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13 February 2023

Dear Chris,

I wanted to write to you following the recent UK Drugs Ministerial meeting on 2 February. I felt that it was a particularly useful meeting with some really interesting presentations and contributions from colleagues from around the UK and I wanted to thank you and your team for the work put into arranging and facilitating the meeting.

I very much value the opportunity afforded by these events to meet with yourself and colleagues from across the country, especially to have the chance to share some of our challenges but also to share details of what is proving effective in response. That there was specific discussion time devoted to those areas where we can work together, such as around polydrug use, was particularly welcomed.

For that reason, and to ensure that these continue on a regular basis, at the start of the meeting I made the offer that we share the responsibility for arranging and hosting these meetings going forward and I would like to reiterate that here. I think there could be a great deal of benefit in having each nation lead on the organisation of meetings, not least that it would mean the burden didn't sit fully with your officials. I know the plan is for the next meeting to take place in Cardiff, in lieu of the one which was cancelled, but I would be very happy to offer to host the following meeting in Scotland.

One point which you raised in the meeting was around near-fatal overdoses, specifically the importance of sharing information after the event to ensure proper follow-up takes place. This is an area where we in Scotland are also trying to improve the processes in place and you had suggested that there might be an opportunity to feed in or collaborate with UK colleagues on this work. This is something which we would definitely want to be involved in so I would appreciate if your officials could link in with mine around this.

I also appreciated your offer to engage with the Information Commissioner around some of the data sharing issues that we face, I have asked my officials to provide information to yours on the particular challenges we have in this area. You also mentioned that there might be a legislative vehicle through which we might be able to make changes around data sharing and I understand that officials from both nations are already in touch about this.

After I highlighted the recent detection of a number of new synthetic opioids, nitazenes, in Scotland, I also welcomed the announcement which followed our meeting that the UK Government will be moving to add them to Class A of the

Misuse of Drugs Act as soon as possible. The appearance of these new and hugely potent substances in our drug supply is of great concern to me and I hope that their classification will help to address this.

I also mentioned again the work that we continue to progress in Scotland around drug checking and safer drug consumption facilities. I will ensure that you and your officials are kept updated on these issues and if there is anything that we can share with you around evidence or effectiveness in relation to either of these please just let me know.

Finally, and with time being pressured at the end of our meeting due to the full agenda, I am aware that we didn't have an opportunity to set a date for a further UK Ministerial meeting. As I mentioned, I do find these meetings of value so I would be very keen that we agree a date for the next one, possibly in the autumn? My officials and Private Office will be able to assist with any arrangements.

Kind regards,

A handwritten signature in black ink, appearing to read 'Angela Constance', with a stylized flourish at the end.

Angela Constance MSP
Minister for Drug Policy



Home Office

Rt Hon Chris Philp MP
Minister of State for Crime,
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27 March 2023

Dear Angela,

Thank you for your letter of 13 February on the UK Drugs Ministerial meeting of 2 February. I am sorry for the delay in responding to your letter.

I too welcomed the opportunity to meet with you and colleagues from across the UK to discuss the issues we face relating to drug misuse and share details of successful projects and initiatives. I also welcomed the commitment from each of the Governments to work together to improve our shared understanding of the challenges and evidence of what works in reducing drug-related deaths. I hope we can use this work to achieve improved outcomes for each of us and those impacted within society. Officials from all parts of the UK have worked together to identify some broad areas where we can collaborate to achieve shared goals and UK Government officials will follow up to discuss in more detail how we take this forward.

One of the proposed areas for further collaboration is around information sharing on deaths and near fatal overdoses. I am very keen for us to work together on this issue to understand what the barriers are and what more we can do to improve local practice across the UK. There are a number of issues to explore, including potential misunderstandings or disagreements between local partners about data protection legislation and confidentiality, and the processes around coroner inquests. My officials are already liaising with yours and will continue to engage to ensure any proposals seek to address shared challenges.

Thank you for keeping me updated on the work going on in Scotland relating to drug checking facilities and drug consumption rooms. I note that the Lord Advocate is currently carrying out legal analysis relating to drug consumption rooms in Scotland, and I am sure we will discuss this topic further once that analysis has been completed.

I agree that these meetings provide a valuable opportunity for us to share concerns and exchange ideas and I look forward to speaking with you again in this forum. I had intended for the next meeting to take place in Wales, as was planned before the cancellation last year, but would be keen to hold the meeting following that in Scotland.

I will ask my officials to contact your Private Office and those of the other Devolved Government Ministers to arrange a suitable date and location for the next meeting, most likely in Cardiff later this year, and to continue to involve all Devolved Governments in the development of the agenda.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'C. Philp', with a long horizontal flourish extending to the right.

Rt Hon Chris Philp MP



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Rt Hon Chris Philp MP
Minister of State for Crime, Policing and Fire

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21 April 2023

Dear Minister Philp,

I wanted to write to you following the recent appointment of a new First Minister and Scottish Government's cabinet.

I am delighted to have been appointed as Minister for Drugs and Alcohol Policy for the Scottish Government and I have already started to progress the work to deliver National Mission that my predecessor, Angela Constance MSP, began in January 2021. I look forward to working with you and would welcome the opportunity to discuss the challenges we face in relation to drug use and its associated harms.

I understand that Angela had been engaging with the UK Government on number of issues and I would like to continue this engagement to allow us to work collaboratively to reduce harms and deaths caused by drugs across our nations.

I would also like to thank you for your recent correspondence, replying to Angela's letter following the last UK drugs ministerial meeting. I was encouraged to hear that Angela found that series of meetings helpful, particularly the focus on those issues which affect all parts of the UK, such as the tragic loss of life we see right across the country and how we better share information to help tackle these common challenges together. I would like to continue with that theme of working together to save lives and I look forward to the next meeting which I note is due to take place in Cardiff. I am also pleased to see that you have suggested that the following meeting should take place in Scotland and I will ask my officials to work closely with yours in the planning of that event.

It won't come as a surprise that I wish to maintain the public health approach towards problem substance use that we have been following for some time now. Not long before she moved post, Angela attended the Commission on Narcotic Drugs in Vienna where it was clear that the overwhelming evidence from across the world points to the necessity for such an approach. Continuing punitive policies, which

international evidence suggests are ineffective, will never achieve our shared objectives of healthier, safer communities.

I would like to share my concerns around what was described as new consequences for drug possession through the recent Home Office publication; Swift, Certain, Tough. I am in opposition to any forced implementation of any measures that would undermine aspects of our public health approach through our National Mission. I note that the recent Home Office consultation aims to inform the UK government's approach to reforming the way the criminal justice system deals with adult drug possession offences and to changing drug testing on arrest powers. It would be useful to receive an update on this work and what future plans in this area might be.

It was also useful to receive information from your officials recently regarding the plan to consult around the control of nitrous oxide. I will ensure that a response is provided on behalf of the Scottish Government as we had already fed in to the ACMD call for evidence on this. The Scottish Government agrees with the UK Government's own Advisory Council on the Misuse of Drugs which recommended that the substance should not be controlled under the Misuse of Drugs Act, noting that sanctions for any offences would be disproportionate with the level of harm associated with nitrous oxide.

I also plan to continue to engage with yourself and UK Government on the issue of distribution of naloxone, which is of equal priority across all administrations as a recognised and well evidence drug harm reduction measure. The amendment to existing legislation around widening access to Naloxone, life-saving medication, following consultation is key to ensure we can continue to reduce drug harms and deaths. Particularly with the rates of drug deaths we are seeing in the UK, we must recognize that it is absolutely crucial to permanently enable wide range of professionals and organizations across the UK to be able to access and supply Naloxone to all those at risk to stop these preventable deaths. Again it would be useful to receive an update on the progress of this work.

Other areas where I look forward to engaging with yourself and other UK colleagues include around stigma, and I'm aware that my officials have already had some initial discussions with Home Office colleagues around this, and, as you mentioned in your recent correspondence, around data sharing.

I will also continue to progress our work in establishing drug checking and safer drug consumption facilities in Scotland. As always, I will ensure that you and your officials are kept updated on these issues.

On safer drug consumption facilities, I noted from your recent evidence session with the Home Affairs Committee that you had mentioned that you would be interested in knowing how they might provide a pathway into wider treatment. If it would be helpful, I would be very happy to facilitate a meeting between yourself and some of our colleagues in Glasgow who have been developing the proposal for a facility and who would be able to give you a presentation on that work and take you through how it would operate and how it can provide opportunities for individuals to access support and treatment in ways which might not otherwise have been possible. If you feel this would be useful we can arrange this.

I would also very much welcome an opportunity to meet with you to discuss some of the problems affecting us, including some of those touched on above.

If you are content to meet, I shall arrange for my Private Office to organise this in the coming weeks.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Elena Whitham'. The signature is written in a cursive, flowing style.

ELENA WHITHAM MSP
Minister for Drugs and Alcohol Policy



Home Office

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16th June 2023

Dear Elena,

Thank you for your letter of 21 April on drug policy in Scotland and apologies in the delay in responding to you. I would like to take this opportunity to welcome you as the new Minister for Drugs and Alcohol Policy for the Scottish Government.

Drugs are an important issue for Scotland and the UK as a whole, both because of the scale and severity of drug-related deaths and drug-related harms and the wider criminality fuelled by the trade in illicit drugs. I welcome the considerable work being undertaken in Scotland to tackle drug misuse and its associated harms, most notably through the National Drugs Mission Plan and the Drug Deaths Taskforce reports, and note that we are pursuing a number of similar initiatives in England through the UK Drug Strategy, including investing an additional £780 million in improving and expanding drug treatment services. Alongside delivering a world class treatment and recovery system, the UK Drug Strategy, *From Harm to Hope*, sets out two other core priorities: breaking drug supply chains and achieving a generational shift in the demand for drugs in England, and is supported by a substantial funding investment showing the importance the UK Government places on combatting drug misuse and supporting people through treatment and recovery.

I had the opportunity to speak with your predecessor, Angela Constance, on a number of occasions, most recently at the UK Drugs Ministerial in February. There is real value in coming together to discuss the challenges we face from drug misuse, better understand each other's priorities and consider ways we can do more to tackle drug misuse, including reducing drug-related deaths. I am glad that you share my enthusiasm for continuing to work collaboratively with each other and with other Devolved Government Ministers, as I believe many of our challenges relating to drug misuse are shared and working together will provide greater opportunities for joint working, sharing best practice and learning from each other's approaches. I was particularly pleased, for example, that at the recent Ministerial we were able to identify some broad areas for UK-wide collaboration, including building an evidence base relating to polydrug use, a worrying trend that we are seeing across the UK.

Thank you also for your offer to continue keeping me and my officials updated on the work

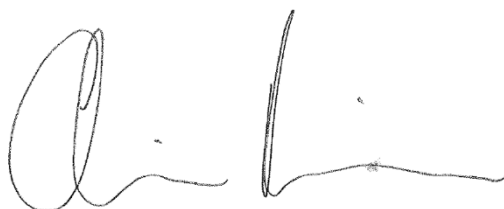
underway in Scotland to establish drug checking services and drug consumption rooms. I understand that drug checking applications from facilities in Scotland will be submitted shortly and that a legal analysis relating to drug consumption rooms in Scotland is currently being undertaken by the Lord Advocate. While I do appreciate your openness in sharing the plans for a drug consumption room with me, I should be clear that drug consumption rooms are not currently legal in the UK, meaning that a range of crimes would be committed in the course of running such a facility. I also have concerns about the potential for these facilities to condone drug use and to encourage the continued illicit supply of drugs.

You expressed concerns around the recent Home Office publication; *Swift, Certain, Tough* and asked for an update on this work. Analysis of the responses has been undertaken and discussions are taking place to decide the next steps. We have committed to publishing our response to the consultation and will do so in due course. When I met with your predecessor in December, I committed to ensuring that should a decision be taken to implement the proposals I would ensure that this was communicated to Scottish Ministers ahead of any public announcement. I am still considering the direction to be taken on this policy. You also refer to the proposals on Drug Testing on Arrest (DToA). We are continuing with our expansion of DToA across forces in England and Wales and funding for this programme of work has been committed for 2023/2024. In the recently published Anti-Social Behaviour Action Plan we announced that we will be expanding the powers available to policing in England and Wales. This will include expanding the drugs that can be tested for as part of DToA, and widening the offences that can trigger a drugs test. DToA plays an important function in not only enabling greater understanding in links between drug use and offence types but also enabling more people to be referred into support for their drug use.

You also asked for an update on the consultation relating to the distribution of naloxone. Responsibility for this policy sits with the Department of Health and Social Care (DHSC) but the Home Office maintains an active interest in policy development. We want to make sure we bring in the right changes, to expand access to this lifesaving medicine as widely as possible in a safe way. [A summary of the consultation responses](#) was published in March 2022 and a full response to the consultation will be published in due course. I am aware that officials in DHSC continue to engage with their counterparts in the Devolved Governments, including the Scottish Government, to consider next steps for the policy on the basis of responses received.

I would be delighted to meet with you to discuss these topics further and will ensure my Private Office works with yours to arrange a suitable time and date.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'C. Philp', written in a cursive style.

Rt Hon Chris Philp MP
Minister of State for Crime, Policing and Fire