

1. Document 1(a)

Document withheld in full s.36(1)

2. Document 1(b)

Document withheld in full s.36(1)

3. Document 1(c)

Document withheld in full s.36(1)

4. Document 1(d)

Document withheld in full s.36(1)

5. Document 2

From: Ross D (Douglas), MSP <Douglas.Ross.MSP@Parliament.scot>
Sent: 07 October 2021 10:02
To: First Minister <firstminister@gov.scot>
Subject:

Dear First Minister

I would like to draw your attention to my members bill on the Right to Recovery. The consultation has now been published on the Scottish Parliament website – link below.

<https://www.parliament.scot/addiction-recovery-proposal>

Yours sincerely
Douglas Ross MSP

DOUGLAS ROSS MSP
Member of the Scottish Parliament
Highlands and Islands Region

0131 348 6161

[douglas.ross.msp @parliament.scot](mailto:douglas.ross.msp@parliament.scot)

A statement on our Privacy and Data Protection Policy can be found at:
www.douglasross.org.uk/privacy

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Minister for Drugs Policy

RIGHT TO RECOVERY BILL - ADVICE ON DRAFT PROPOSAL

Purpose

To provide briefing on draft proposals put forward by Douglas Ross MSP for a Right to Recovery Bill as lodged on 7 October 2021.

Priority

Routine. You are asked to consider this advice within two weeks of the draft proposal being lodged.

Internal Consideration of Member's Bills

There is a three stage process for the consideration of proposals for Member's Bills. Please see **Annex A** for more detail:

- MSP lodges a **draft proposal**: this is the current stage and this submission is designed to establish an initial Scottish Government position on the proposal.
- MSP lodges a **final proposal**: officials will prepare a paper for the Minister to bring to the Cabinet Sub-committee on Legislation (CSCL) with advice on what the Government's public position on the Member's Bill should be and whether or not the Government should exercise its right to take over the Bill.
- MSP **introduces** a Bill: where the member obtains the requisite support (18 members from half the political parties represented in that Parliamentary Bureau) a further paper to CSCL will be required within 14 days of introduction seeking approval for a Government Memorandum, laying out the Government position, to be sent to the lead committee for the Bill.

Background

The [draft proposal](#) was formally lodged by Douglas Ross MSP on 7 October 2021. This follows the Conservative publication of a [previous version](#) of the proposal on 25 June which we provided advice to you on 14 July. On 29 September, you took part in an opposition debate on the 'Legal Right to Recovery' which was supported by a vote of 92 following Government amendments.

In his draft proposal, Mr Ross writes that the Bill will 'ensure that no one is denied addiction treatment ever again by enshrining an enforceable right to treatment in Scots law.' He makes reference to the need to 'act now' to address the drug death crisis and the deaths caused by alcohol. Whilst the scope of the new right would apply to a range of treatment services (the proposal highlights the need for 'opportunity and choice') there is particular focus on access to residential rehabilitation where 'funding is especially a concern'.

Initial advice on proposal

Redacted s30(b)(i):

Redacted s30(b)(i).

Redacted s30(b)(i)

Redacted s30(b)(i)

Enforcement and access. Redacted s30(b)(i)

Specific rights. Redacted s30(b)(i)

Informed consent and participation in decision making.

Redacted s30(b)(ii)

Potential adverse effects of legislative action. Redacted s30(b)(i)

Principle of optimum benefit vs. ‘unless deemed harmful’. Redacted s30(b)(i)

Individual vs. relational harms. Redacted s30(b)(i)

Limitations and risks of defining treatment in statute. Redacted s30(b)(i)

Impact on Scottish Government and other bodies

Redacted s30(b)(i)

Redacted s30(b)(ii)

Legislative competence

Redacted s30(b)(i)

Financial implications

[redacted s30(b)(i)]

The proposal estimates a minimum annual cost of £14.8 million based on the average cost of rehab placement ~£17,800 x 830 individuals reported as resident in Scotland prior to starting a rehab placement in 2019/20.

There is limited value in this minimum figure provided and the approach taken in the proposal:

As the estimate is based on historical rehabilitation placement throughput and costs, it does not include estimated costs from increased uptake as a result of the introduction of the Bill; [redacted s30(b)(i)] The most recent drug prevalence study estimated 57,300 problem opiate/benzodiazepine users (1.6% of the population), [redacted s30(b)(i)]

[redacted s30(b)(i)]

Equalities Implications

The Bill proposal draws out analysis from the drug-related death report on recent drug trends and those with protected characteristics but doesn't consider the impacts of the Bill, although this is included in the consultation questions. [redacted s30(b)(i)]

[redacted s30(b)(i)]

Parliamentary Handling

[redacted s30(b)(i)] The opposition debate on the ‘Legal Right to Recovery’ with the motion which called ‘for a legal right to recovery to tackle Scotland’s ongoing drug deaths crisis with the urgency that it deserves’ resulted in a vote of 92 for, 28 against and 9 no vote. **Annex B** sets out proposed lines to be used in FMQs and in public engagement.

Recommendation

In the month following a final proposal being lodged, the lead portfolio Minister will bring a paper to Cabinet Sub Committee on Legislation (CSCL) to seek collective agreement.

[redacted s30(b)(i)]

[redacted s30(b)(i)]

Our initial recommendation would be that Ministers
[redacted s30(b)(i)]

Supporting Documents

Annex A- Members' Bill process

Annex B- Top lines on Right to Addiction Recovery (Scotland) Bill [redacted s30(b)(i)]

[redacted – s.38(1)b]

Drugs Policy Division

20/10/2021

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constitutional Interest	General Awareness
First Minister					x
Cabinet Secretary for Health and Social Care			x		
Cabinet Secretary for Social Justice, Housing and Local Government			X		
Minister for Mental Wellbeing and Social Care			x		
Minister for Public Health, Women's Health and Sport			x		
Members of the CSCL: <ul style="list-style-type: none">• Deputy First Minister• Minister for Parliamentary Business• Lord Advocate• Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights			x		

DG Health and Social Care
Director of Population Health
Diane McLafferty
Sinead Power
[redacted – s.38(1)b]
[redacted – s.38(1)b]
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[redacted – s.38(1)b]

ANNEX A: OVERVIEW: SCOTTISH PARLIAMENT MEMBERS BILL PROCESS

Parliament Standing Orders

1. Parliamentary procedure regarding Members Bills is largely governed by chapter 9 of Parliament's Standing Orders on Public Bill Procedures. Rule 9.14 specifically deals with the proposal stages and other aspects of the process explicitly for Members Bills. The main features are summarised below:

- **Lodging a Draft proposal**

This must be lodged by a Member wishing to pursue a Bill and should consist of: the proposed short title of the Bill and a brief explanation of the purpose of the proposed Bill. It should also be lodged with either a consultation document or a written statement of reasons why, in the member's opinion, a case for the proposed Bill has already been established without need for a consultation.

- **Lodging a Final Proposal**

A final proposal can only be lodged following the 12 week minimum consultation period or following a Committee consideration that it is satisfied by the statement of reasons for not consulting. The final proposal must be accompanied by a publication of the responses to the consultation where this took place.

- **Securing the Right to introduce**

The following is required within a month of the final proposal being lodged in order to secure the right to introduce a Bill:

- Support for the final proposal from 18 MSPs, from at least half of parties represented on Bureau; and
- The Scottish Government does not indicate that it will initiate legislation to give effect to the proposal.

Where the member does not obtain such a right to introduce, the proposal falls and a proposal in the same or similar terms may not be lodged by any member during the same session within 6 months of that proposal falling.

- **Bill introduction**

If an MSP introduces a Bill, it will follow the normal 3 stage process for a public Bill.

2. Under Standing Orders the Scottish Government can make a statement to confirm it will initiate its own legislation to give effect to the final proposal for a Members Bill (not an altered version of it), in one month period following lodging of a final proposal. This can be done by introducing a Bill; making subordinate legislation; or laying in draft a statutory instrument containing subordinate legislation proposed to be made. It must be initiated within a period of 2 years from the date of the statement, or before the end of the parliamentary session, whichever is earliest.

Role of lead portfolio Ministers]

3. The main role of the portfolio Ministers is:
- Note any draft proposals and consider any immediate handling requirements such as media lines;
 - Seek collective agreement with CSCL on the Government's position on the final proposal , including consideration as to whether the Government would wish to initiate its own legislation, to effectively take over the Bill proposal, as per paragraph 2 above;
 - If a Bill is introduced:
 - seek collective agreement with CSCL on the Government's position on the Bill and to a memorandum to the lead Committee, setting this out;
 - Lead engagement for the Government with the Member-in-Charge during passage of the Bill; and
 - participate in parliamentary scrutiny of the Bill, including giving evidence to Committee, speaking to Government amendments and speaking in debates.

Role of the Minister for Parliamentary Business]

4. The main role of the Minister for Parliamentary Business in the programme is to:
- Consider CSCL papers where collective agreement on the Government's position on a final proposal or once a Bill has been introduced, with particular consideration for legislative programme implications and parliamentary handling plans;
 - Where appropriate, engage with ministerial colleagues to work through implications of the government's position, particularly where parliamentary support for that position may be challenging.
 - Point of liaison with Committee Convenors on plans for scrutiny of Members Bills, in particular how this may interact with the Government's legislative priorities.

Key Members Bill Statistics

Members Bills proposals and parliamentary passage

	Proposal	Bill
--	----------	------

Session	Draft Proposal	Final Proposal	SG commit to legislate	Right to introduce obtained	Introduced	Fallen	Withdrawn	Passed
1	N/A	46 ¹	0	42 ¹	16	6	2	8
2 ²	38	39	0	35	18	35	6	3
3	31	23	0	20	13	4	2	7
4	28	18	2	15	13	6	1	6
5	35	25 <i>71% of draft prop</i>	2	22	16 <i>64% of final prop</i>	7	1	8 <i>50% of intro.</i>

Note:

¹ Figures include 4 superseded by later proposals

² Procedural and Standing Order changes relating to Members Bills took place on 12 November 2004 which introduced a requirement to consult on a draft proposal, a higher threshold of support for a final proposal, a mechanism to enable the Executive to intervene in cases where it or the UK Government are planning similar legislation; and a limit on the number of proposals or Bills that each member can have in progress at any time. As such figures provided for Sessions 1 and 2 are not all directly comparable to Sessions 3 – 5.

Noteworthy Issues during/from Session 5[]

Volume and Timing of Members Bills

- There was a large number of Bills introduced late in the Session, with 9 of the 16 Members Bills introduced in the 4 months February to June 2020, putting more pressure of the parliament in the final 12 months of the Session, at a time when there is also pressure on the Government legislative programme.
- Timing of Members Bills near the end of Session, and during the pandemic, meant that the Government supported a numbers of Bills which they may have otherwise been sceptical about doing so, resulting in a few changes in positions close to the Stage 1 debate.

Use of secondary legislation to give effect to a Members Bill proposal

For the first time, the Scottish Government used secondary legislation to give effect to two Members Bill proposals, after indicating it would initiate legislation at the final proposal stage. Use of secondary legislation saves Government and parliamentary time and resource.

Members bill introduced after 1 June deadline

For the first time, the Parliamentary Bureau agreed that a Members Bill could be introduced after 1 June deadline. Standing Orders specify that the right to introduce a Members Bill may only be exercised until the first sitting day in June, or, exceptionally, with the consent of the Parliamentary Bureau until the last sitting day in September in the calendar year preceding that in which the next ordinary Scottish Parliament general election is due to be held. The Disabled Children and Young Persons (Transition to Adulthood) Bill was introduced on 30 September. The lead Committee took some evidence on the Bill but considered that there was insufficient time to allow them to consider fully and they made recommendations in their Legacy Report.

Legacy Reports

There were 4 Members Bills introduced in Session 5 which were not fully considered before the end of the Session. Recommendations regarding three of these Bills were included in Committee Stage 1 or Legacy reports:

Session 5 Committee Legacy/Stage 1 Report recommendations:

- **Disabled Children and Young Persons (Transition to Adulthood)**
The Education and Skills Committee noted that it did not have time to fully scrutinise the Bill introduced by Joanne Lamont, but noted that there was *'scope for our successor committee to examine the issues it raises in the next Parliamentary session, including potentially via a Committee Bill, where no other legislative opportunities are available'*.
- **Fair Rents**
The Local Government and Communities Committee did not report on the general principles of the Bill at Stage 1, but reflected on some of the key themes arising from the evidence received in its legacy report and recommended that the Committee with responsibility for housing in Session 6 *'will be required to look at any revised proposals relating to the regulation of short term lets. It may wish to undertake its own detailed scrutiny of short-term letting prior to the laying of any revised proposals.'*
- **Travelling Funfairs (Licensing)**
Local Government and Communities Committee published their Stage 1 report on 19 March and indicated that they had not been able to gather sufficient information to support the general principles of Richard Lyle's Member's Bill. However the report noted that the Committee considered that there is a need for reform in this area and recommended that the Scottish Government works with the sector to review options early in Session 6 session and brings forward proposals to support travelling funfairs.

The Minister for Community Safety wrote to Committee on 24 March indicating that the Scottish Government will engage with the travelling funfair sector and other licensing stakeholders to consider the Report, and the suggestions made, with a final decision on how to proceed for the next administration in due course.

ANNEX B RIGHT TO ADDICTIONS RECOVERY (SCOTLAND) BILL]

- The [draft proposal](#) for the Right to Addiction Recovery (Scotland) Bill was formally lodged by Douglas Ross MSP on 7 October 2021. The consultation closing date is: 23.59pm on Wednesday 12 January 2022.
- Douglas Ross raised the prospect of a Bill at [FMQs](#) on 7 Oct and FM was clear: *'We will consider the proposals in the consultation and, as and when that develops into actual proposed legislation, we will consider that in detail.. speed of action now is essential. We all know that legislation takes time to go through the proper processes[...] on the face of it, it [the Bill proposal] does not appear to suggest anything that goes beyond what we are already doing, although it suggests that those things should be enshrined in legislation.'*
- The opposition debate on the 'Legal Right to Recovery' on 29 September which was supported by a vote of 92 following Government amendments.

Top Lines

Government is fully supportive of the principles behind the Bill in terms of getting more people into treatment and recovery that is right for them

We are allocating an additional £250m over the next five years to improve and increase access to services for people affected by drug addiction – including an investment of £100m on residential rehabilitation.

[redacted – s.30(b)(i)]

The MAT standards emphasise the importance of allowing people to make informed choices about the type of treatment and help available to them and in turn ensure consistency of services across the country.

[redacted – s.30(b)(i)]

We have been clear that Residential rehabilitation should be part of the full range of drug prevention and treatment services available to people in all local authority areas so that people have the choice to move on to abstinent recovery.

[redacted – s.30(b)(i)]

Q&A - [redacted – out of scope]

7. Document 3(b)

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Sent: 20 October 2021 19:30

To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Subject: RE: Submission- Initial Advice on Right to Addiction Recovery (Scotland) Bill-
October 2021

[redacted – s.38(1)b],

Thanks for including us in this, and I hope your meeting with [redacted – s.38(1)b] goes well.
[redacted – out of scope]

[redacted – out of scope]

Give me a call if it's easier to discuss.

Thanks,

[redacted – s.38(1)b]

8. Document 4

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot> **On Behalf Of** Cabinet Secretary for Social Justice, Housing & Local Government

Sent: 29 October 2021 15:42

To: Minister for Drugs Policy <MinisterDP@gov.scot>

Cc: Cabinet Secretary for Social Justice, Housing & Local Government <CabSecSJHLG@gov.scot>

Subject: RE: Meeting to discuss Right to Addiction Recovery (Scotland) Bill

Hi [redacted – s.38(1)b],

Thank you confirming.

Yes, I will set up and send out a Teams invite.

Kind Regards,

[redacted – s.38(1)b]

[redacted – s.38(1)b]

The Scottish Government

St Andrews House, Regent Road, Edinburgh, EH1 3DG

Please see the **Ministerial Preferences** which may be of assistance to you.

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Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot> **On Behalf Of** Minister for Drugs Policy

Sent: 29 October 2021 15:23

To: Cabinet Secretary for Social Justice, Housing & Local Government

<CabSecSJHLG@gov.scot>

Cc: Minister for Drugs Policy <MinisterDP@gov.scot>

Subject: RE: Meeting to discuss Right to Addiction Recovery (Scotland) Bill

Hi,

Are you going to send a Teams invite ? I'll then forward that onto relevant officials for my side.

Thanks,

[redacted – s.38(1)b]

[redacted – s.38(1)b] Scottish Government | St Andrews House, Regent Road, Edinburgh, EH1 3DG | Tel: [redacted – s.38(1)b] | Mob: [redacted – s.38(1)b] | Email: [redacted – s.38(1)b]@gov.scot

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From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot> **On Behalf Of** Minister for Drugs Policy

Sent: 29 October 2021 14:15

To: Cabinet Secretary for Social Justice, Housing & Local Government

<CabSecSJHLG@gov.scot>

Cc: Minister for Drugs Policy <MinisterDP@gov.scot>

Subject: RE: Meeting to discuss Right to Addiction Recovery (Scotland) Bill

Hi,

That date/time suits us.

Thanks,

[redacted – s.38(1)b]

[redacted – s.38(1)b] Scottish Government | St Andrews House, Regent Road, Edinburgh, EH1 3DG | Tel: [redacted – s.38(1)b] | Mob: [redacted – s.38(1)b] | Email: [redacted – s.38(1)b]@gov.scot

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From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot> **On Behalf Of** Cabinet Secretary for Social Justice, Housing & Local Government

Sent: 29 October 2021 14:13

To: Minister for Drugs Policy <MinisterDP@gov.scot>

Cc: Cabinet Secretary for Social Justice, Housing & Local Government

<CabSecSJHLG@gov.scot>

Subject: Meeting to discuss Right to Addiction Recovery (Scotland) Bill

PS/Minister for Drugs Policy

Good Afternoon,

Ms Robison would like a meeting with Ms Constance to discuss the Right to Addiction Recovery (Scotland) Bill and the implications it will have on the Human Rights Bill.

Please can you confirm if Ms Constance is available to meet on **Wednesday 8th December – 10:30-11:00?**

Happy to discuss alternatives if that date doesn't work.

Many thanks,

[redacted – s.38(1)b]

[redacted – s.38(1)b]

The Scottish Government
St Andrews House, Regent Road, Edinburgh, EH1 3DG

Please see the **Ministerial Preferences** which may be of assistance to you.

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9. Document 5

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Sent: 28 October 2021 17:18

To: Cabinet Secretary for Social Justice, Housing & Local Government
<CabSecSJHLG@gov.scot>

Cc: Minister for Social Security and Local Government <MinisterSSLG@gov.scot>; Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights

<MinisterZCBATTR@gov.scot>; DG Communities <DGCommunities@gov.scot>; Director for Equality, Inclusion and Human Rights <directorEIHR@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>;

Subject: RE: Note on Submission: Initial Advice on Right to Addiction Recovery (Scotland) Bill

[redacted – s.38(1)b],

To confirm the meeting wouldn't need to take place before a specific date, though a conversation before Christmas recess would be helpful. If you could add me and [redacted – s.38(1)b] to the invite list, please.

Thanks

[redacted – s.38(1)b]

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot> **On Behalf Of** Cabinet Secretary for Social Justice, Housing & Local Government

Sent: 26 October 2021 13:42

To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>;
Cabinet Secretary for Social Justice, Housing & Local Government
<CabSecSJHLG@gov.scot>

Cc: Minister for Social Security and Local Government <MinisterSSLG@gov.scot>; Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights

<MinisterZCBATTR@gov.scot>; DG Communities <DGCommunities@gov.scot>; Director for Equality, Inclusion and Human Rights <directorEIHR@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>;

[redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>;

[redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>;

[redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>;

[redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>;

[redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>;

Subject: RE: Note on Submission: Initial Advice on Right to Addiction Recovery (Scotland) Bill

Hi [redacted – s.38(1)b],

Thanks for this, [redacted – 38(1)(b)] is content to meet with the [redacted – 38(1)(b)] as recommended. Please can you advise if this meeting needs to take place before a specific date and which officials we should include in the invite? Once you confirm these details, my colleague [redacted – 38(1)(b)] will reach out to [redacted – 38(1)(b)] PO to make arrangements.

Many thanks,

[redacted – s.38(1)b]

[redacted – s.38(1)b]

[redacted – s.38(1)b] **Office of Cabinet Secretary for Social Justice, Housing and Local Government**

St Andrews House, Regent Road, Edinburgh, EH1 3DG

Email: [redacted – s.38(1)b]@gov.scot

Tel: [redacted – s.38(1)b]

Please see the [Ministerial preferences](#) which may be of assistance to you.

All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments.

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From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Sent: 25 October 2021 09:37

To: Cabinet Secretary for Social Justice, Housing & Local Government

<CabSecSJHLG@gov.scot>

Cc: Minister for Social Security and Local Government <MinisterSSLG@gov.scot>; Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights

<MinisterZCBATTR@gov.scot>; DG Communities <DGCommunities@gov.scot>; Director for Equality, Inclusion and Human Rights <directorEIHR@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Subject: Note on Submission: Initial Advice on Right to Addiction Recovery (Scotland) Bill

PS/Cabinet Secretary

Note on Submission: Initial Advice on Right to Addiction Recovery (Scotland) Bill

Please find attached a **routine** note. This is intended to supplement the submission the Cabinet Secretary received last week on the proposed Right to Addiction Recovery Member's bill (reattached), by drawing out information relevant to, and explaining potential implications for, the Human Rights Bill. While the note is routine, it may be helpful for the Cabinet Secretary to read this ahead of her meeting with Human Rights officials on Thursday.

Thanks,

[redacted – s.38(1)b]

[redacted – s.38(1)b]

Scottish Government | Equality and Human Rights Division

Mobile: [redacted – s.38(1)b]

I'm currently working from home and can be reached by email, Teams or Skype

Note on Submission: Initial Advice on Right to Addiction Recovery (Scotland) Bill

Background

1. On 7 October 2021, Douglas Ross MSP lodged a draft proposal on a Member's Bill on a Right to Recovery. The proposal seeks to ensure that 'people who are addicted to drugs and/or alcohol are able to access the necessary addiction treatment they require'. [redacted s30(b)(i)]

Proposals relating to the Human Rights Bill

2. A consultation is currently open on the proposal and will run until January 2022. [redacted s30(b)(i)]
 1. [redacted s30(b)(i)]
 2. [redacted s30(b)(i)]
 3. [redacted s30(b)(i)]
 4. [redacted s30(b)(i)].
3. [redacted s30(b)(i)]

Potential implications for the Human Rights Bill

4. [redacted s30(b)(i)]
5. [redacted s30(b)(i)]
 - The Human Rights Bill will be an overarching framework Bill [redacted s30(b)(i)].
 - [redacted s30(b)(i)]
 - [redacted s30(b)(i)]
 - [redacted s30(b)(i)]

Next steps

6. [redacted s30(b)(i)]
7. [redacted s30(b)(i)]

[redacted s30(b)(i)]

[redacted – s.38(1)b]
DEIHR: Human Rights Division
25 October 2021

10. Document 6

1. Consultations for the following draft proposals for Members Bills are live:

- [redacted – out of scope]
- Proposed Right to Addiction Recovery (Scotland) Bill
Douglas Ross MSP. Consultation closes 12 January 2022.

FUTURE LEGISLATION				
NAME	PURPOSE	TIMING	EXCLUDED AREA?	SECRETARIAT RAG ASSESSMENT
Proposed Right to Addiction Recovery Bill (Douglas Ross MSP)	A Bill to enable people addicted to drugs and/or alcohol to access the necessary addiction treatment they require.	Consultation closes: 12 January 2022 Estimate: Final Proposal - March 2022; Introduction - December 2022		[redacted – s.30(b)(i)]

11. Document 7(a)

Document withheld in full s.36(1)

12. Document 7(b)

Document withheld in full s.36(1)

Wednesday 29 September 2021: 1600-1710

LEGAL RIGHT TO RECOVERY

Motion: That the Parliament believes that record drug deaths in Scotland are a humanitarian crisis; further believes that progress in the rehabilitation and treatment of addiction in Scotland has been too slow; calls for a legal right to recovery to tackle Scotland's ongoing drug deaths crisis with the urgency that it deserves; notes that the possession of class A drugs is a serious offence and should not be dealt with through warnings that seek "not criminalising" offenders; believes that the content of the Lord Advocate's recent Ministerial Statement deserves proper consultation, and calls for the Scottish Government to set aside time to debate this matter in full.

Top line: The loss of life in Scotland from drug-related deaths is as heart-breaking as it is unacceptable. The First Minister had made it a national mission to tackle drug related deaths.

Key points:

- The Scottish Government is focusing its effort on reducing drug related deaths in Scotland now and in the longer term.
 - The new approach adopted by the Lord Advocate is a significant step in how Scotland deals with our drug deaths emergency, it will allow police more time to tackle the dealers and give drug users an opportunity to seek help.
 - Instead of criminalising large swathes of the population, we need a public health approach that supports those with addictions and prevents unnecessary deaths.
- [redacted – s.30(b)(i) and (ii)]

The Scottish Government has never ruled out the need for further legislation and will consider the detail of the draft Right to Recovery Bill once it is made available.

[redacted – s.30(b)(i) and (ii)]

- Getting people into the treatment and recovery that is right for them at the right time is at the very core of our national mission to save and improve lives.

[redacted – s.30(b)(i) and (ii)]

- The Scottish Government is investing in increasing the capacity of residential rehab nationally, developing good practice on referral pathways, and exploring options for standardisation and national commissioning of services.

[redacted – out of scope]

BACKGROUND

Alcohol and Drugs National mission

In January 2021 the First Minister announced a new national mission to reduce drug related deaths and harms supported by an additional £50 million funding per year.

The aim of the national mission is save and improve lives through:

- fast and appropriate access to treatment and support through all services
- improved frontline drugs services (including third sector)
- services in place and working together to react immediately and maintain support for as long as needed
- increased capacity in and use of residential rehabilitation
- more joined-up approach across policies to address underlying issues

Actions to date include:

- £18 million has been made available through funds to support the aims of the national mission
- Medication Assisted Treatment Standards on access, choice and support
- details of how the additional funds for services is being used in 2021 and beyond
- using digital technology to prevent drug related deaths by keeping drug-users connected with lifeline services

The main focus of the nation mission is:

- emergency life-saving interventions – naloxone, safer consumption, non-fatal overdoses, targeting those at risk (including assertive outreach).
- implementation of Medication-Assisted Treatment Standards- making support consistent, flexible, effective and faster.
- expansion on capacity in and use of residential rehabilitation – ensuring this is available for everyone who wants it.
- supporting evidence-led harm reduction through OST and other interventions.
- linking policies on poverty, deprivation, trauma and ACES with work to drug prevention and treatment.
- empowering people to seek support from services.
- supporting people with multiple, complex needs - in addictions, homelessness and mental health settings and in contact with the justice systems.
- improving services – including treatment and recovery to people in justice and care settings.
- bringing the voices of people with lived and living experience to decision-making and service provision.
- addressing stigma – including within services.
- growing and empowering grass-roots and community groups to support people and families in their communities.
- supporting children and families affected by problematic drug use.
- learning, and improving data/intelligence gathering, sharing and access through surveillance, research, and partnership working.
- developing resilient and skilled workforce
- ensuring and promoting equalities and human rights.

Scottish Government Rights, respect and recovery: alcohol and drug treatment strategy

The Scottish Government's alcohol and drug treatment strategy. This document sets out the government's plan to reduce the use of and harm from alcohol and drugs, with a focus on reducing alcohol and drug deaths.

The Scottish Government's vision looks at the following aspects:

- Prevention and early detection
- Delivering recovery oriented systems of care
- Getting it right for children, young people and families
- Public health approach in justice

The publication also looks at frameworks and delivery methods, including working with key stakeholders such as local authorities, Police Scotland and health boards in order to deliver on the commitments contained within the strategy.

Scottish Government Rights Respect and Recovery - alcohol and drug treatment strategy: action plan 2019 to 2021 (version 2)

This version provides an update to Annex 1 of the Rights, Respect and Recovery Action Plan published in October 2019. It sets out new actions as well as progress against existing

actions as of December 2020. This update includes those actions which are now completed. It should be read in conjunction with 'Rights, respect and recovery' alcohol and drug treatment strategy.

Medication Assisted Treatment (MAT) standards: access, choice, support

Evidence based standards to enable the consistent delivery of safe, accessible, high-quality drug treatment across Scotland. These are relevant to people and families accessing or in need of services, and health and social care staff responsible for delivery of recovery oriented systems of care.

MINISTER FOR DRUGS POLICY

Debate – Legal Right to Recovery 29 September – Briefing

Event Title	<ul style="list-style-type: none"> Debate – Legal Right to Recovery Scottish Conservative and Unionist Party Business: Health
Date/Time	<ul style="list-style-type: none"> Wednesday 29 September 4:00 – 5:00 – Minister to attend

Official support	[redacted s.38(1)] [redacted s.38(1)]
Comms support	n/a

Contents	<p>Annex A: Right to Recovery Bill</p> <p>Annex B: [redacted – out of scope].</p> <p>Annex C: [redacted – out of scope].</p> <p>Annex D: [redacted – out of scope].</p> <p>Annex E: [redacted – out of scope].</p> <p>Annex F: [redacted – out of scope].</p> <p>Annex G: [redacted – out of scope].</p> <p>Annex H: [redacted – out of scope].</p> <p>Annex I: [redacted – out of scope].</p>
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RIGHT TO RECOVERY BILL

ANNEX A

The Government has never ruled out the need for further legislation and will consider the detail of the draft Right to Recovery Bill once it is made available. [redacted – s30(b)(i)].

- [redacted – s.30(b)(i)]
- We are allocating an additional £250m over the next five years to improve and increase access to services for people affected by drug addiction – including an investment of £100m on residential rehabilitation.

[redacted - out of scope]

Residential rehabilitation should be part of the full range of drug prevention and treatment services available to people in all local authority areas so that people have the choice to move on to abstinent recovery.

- There are currently too many barriers to individuals wanting to access residential rehabilitation. We are working closely with Alcohol and Drug Partnerships across Scotland to develop clearer and more consistent pathways.
- We are also investing in increasing the capacity of residential rehab nationally, developing good practice on referral pathways, and exploring options for standardisation and national commissioning of services.

[redacted – s.30(b)(i) and (ii)]

ANNEX B - [redacted – out of scope].
ANNEX C - [redacted – out of scope].
ANNEX D - [redacted – out of scope].
ANNEX E - [redacted – out of scope].
ANNEX F - [redacted – out of scope].
ANNEX G - [redacted – out of scope].
ANNEX H - [redacted – out of scope].
ANNEX I - [redacted – out of scope].

stage as well as links to example submission in section 3. Also provided is a link to an overview of the Members Bill process in case it is helpful for your Minister or colleagues to understand the process: Members Bill - Process overview for Ministers (June 2021) (A34200395).

We would appreciate it if you could keep PLU sighted on development of advice and ensure we are copied in when this is sent to the lead Minister.

Thanks.

[redacted – s.38(1)b]
Parliament and Legislation Unit

16. Document 10(b)

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Sent: 11 October 2021 15:58

To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Cc: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Subject: RE: Member's Bill Draft Proposal: Right to Addiction Recovery (Scotland) Bill

Thanks both- and sorry to have missed you [redacted – s.38(1)b] as you head into your 4pm.

[redacted – s.30(b)(i)]

Best,

[redacted – s.38(1)b]

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Sent: 11 October 2021 14:14

To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Cc: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Subject: RE: Member's Bill Draft Proposal: Right to Addiction Recovery (Scotland) Bill

[redacted – s.30(b)(i)]

[redacted – s.38(1)b]

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Sent: 11 October 2021 14:10

To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Cc: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Subject: RE: Member's Bill Draft Proposal: Right to Addiction Recovery (Scotland) Bill

Hi [redacted – s.38(1)b]

Subject to any views from [redacted – s.38(1)b], given what standing orders say (see below), [redacted s30(b)(i)]. I am free of meetings until 4 and happy to discuss.

13. A statement under this paragraph is a statement made by a member of the Scottish Government or junior Scottish Minister that the Scottish Government will initiate legislation, within a period of 2 years from the date of the statement or by the end of the same session, if sooner, to give effect to the final proposal. The right to make such a statement may be waived at any time during the period referred to in paragraph 11 by notice in writing to the member who lodged the final proposal and to the Clerk; and such a notice shall be published in the Business Bulletin.

14. For the purposes of paragraph 13, initiating legislation includes—

(a) introducing a Bill;

(b) making subordinate legislation; or

(c) laying in draft a statutory instrument containing subordinate legislation proposed to be made.

[redacted – s.38(1)b]

[redacted – s.38(1)b]
Parliament and Legislation Unit
Scottish Government
[redacted – s.38(1)b]

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>
Sent: 11 October 2021 13:11
To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>
Cc: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>
Subject: RE: Member's Bill Draft Proposal: Right to Addiction Recovery (Scotland) Bill

Hi [redacted – s.38(1)b],

Just to confirm I have picked up this and I am in the process of developing advice.

I'd be keen to have a quick discussion with somebody in PLU this afternoon in advance of a portfolio discussion on this with Minister for Drugs Policy tomorrow at 09:00am.

[redacted s30(b)(ii)]

Best,
[redacted – s.38(1)b]

17. Document 11(a)

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Sent: 14 October 2021 20:55

To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Cc: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Subject: For Clearance by 1200 Friday: Submission on Right to Addiction Recovery (Scotland) Bill

Hi [redacted – s.38(1)b]

This is good and well done on pulling it all together.

Just some minor tracked changes from me and some comments to consider.

Thanks

[redacted – s.38(1)b]

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Sent: 14 October 2021 18:39

To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Cc: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Subject: For Clearance by 1200 Friday: Submission on Right to Addiction Recovery (Scotland) Bill

Dear [redacted – s.38(1)b] , [redacted – s.38(1)b] ,

Below is a link to the draft submission on the Conservative [Right to Recovery draft proposal](#) for your clearance by 12:00 Friday ahead of this going to [redacted – s.38(1)b] and [redacted – s.38(1)b] . We have a session on Thursday next week to discuss this with the Minister so I can put some time in on Monday/ Tuesday for a pre-meet to discuss if you would find that helpful.

Click on the link to open 'Submission- Member's Bill Draft Proposal- Right to Recovery Bill- October 2021' - [redacted s30(b)(i)]

Best wishes,

[redacted – s.38(1)b]

[redacted – s.38(1)b] | **Residential Rehabilitation Team | Drugs Policy Division |** Scottish Government | 3 E St Andrews House | Regent Road | Edinburgh | EH1 3DG | [redacted – s.38(1)b]

Minister for Drugs Policy

RIGHT TO RECOVERY BILL - ADVICE ON DRAFT PROPOSAL

Purpose

To provide briefing on draft proposals put forward by Douglas Ross MSP for a Right to Recovery Bill as lodged on 7 October 2021.

Priority

Routine. You are asked to consider this advice within two weeks of the draft proposal being lodged.

Internal Consideration of Member's Bills

There is a three stage process for the consideration of proposals for Member's Bills. Please see **Annex A** for more detail:

- MSP lodges a **draft proposal**: this is the current stage and this submission is designed to establish an initial Scottish Government position on the proposal.
- MSP lodges a **final proposal**: officials will prepare a paper for the Minister to bring to the Cabinet Sub-committee on Legislation (CSCL) with advice on what the Government's public position on the Member's Bill should be and whether or not the Government should exercise its right to take over the Bill.
- MSP **introduces** a Bill: where the member obtains the requisite support (18 members from half the political parties represented in that Parliamentary Bureau) a further paper to CSCL will be required within 14 days of introduction seeking approval for a Government Memorandum, laying out the Government position, to be sent to the lead committee for the Bill.

Background

The [draft proposal](#) was formally lodged by Douglas Ross MSP on 7 October 2021. This follows the Conservative publication of a [previous version](#) of the proposal on 25 June which we provided advice to you on 14 July. On 29 September, you took part in an opposition debate on the 'Legal Right to Recovery' which was supported by a vote of 92 following Government amendments.

In his draft proposal, Mr Ross writes that the Bill will 'ensure that no one is denied addiction treatment ever again by enshrining an enforceable right to treatment in Scots law.' He makes reference to the need to 'act now' to address the drug death crisis and the deaths caused by alcohol. Whilst the scope of the new right would apply to a range of treatment services (the proposal highlights the need for 'opportunity and choice') there is particular focus on access to residential rehabilitation where 'funding is especially a concern'.

Initial advice on proposal

Redacted s30(b)(i):
Redacted s30(b)(i).
Redacted s30(b)(i)
Redacted s30(b)(i)

Enforcement and access. Redacted s30(b)(i)

Specific rights. Redacted s30(b)(i)

Informed consent and participation in decision making.

Redacted s30(b)(i)

Potential adverse effects of legislative action. Redacted s30(b)(i)

Principle of optimum benefit vs. ‘unless deemed harmful’. Redacted s30(b)(i)

Individual vs. relational harms. Redacted s30(b)(i)

Limitations and risks of defining treatment in statute. Redacted s30(b)(i)

Impact on Scottish Government and other bodies

Redacted s30(b)(i)

Redacted s30(b)(i)

Legislative competence

Redacted s30(b)(i)

Financial implications

[redacted s30(b)(i)]

The proposal estimates a minimum annual cost of £14.8 million based on the average cost of rehab placement ~£17,800 x 830 individuals reported as resident in Scotland prior to starting a rehab placement in 2019/20.

There is limited value in this minimum figure provided and the approach taken in the proposal:

As the estimate is based on historical rehabilitation placement throughput and costs, it does not include estimated costs from increased uptake as a result of the introduction of the Bill; [redacted s30(b)(i)] The most recent drug prevalence study estimated 57,300 problem opiate/benzodiazepine users (1.6% of the population), [redacted s30(b)(i)]

[redacted s30(b)(i)]

Equalities Implications

The Bill proposal draws out analysis from the drug-related death report on recent drug trends and those with protected characteristics but doesn't consider the impacts of the Bill, although this is included in the consultation questions. [redacted s30(b)(i)]

[redacted s30(b)(i)]

Parliamentary Handling

[redacted s30(b)(i)] The opposition debate on the ‘Legal Right to Recovery’ with the motion which called ‘for a legal right to recovery to tackle Scotland’s ongoing drug deaths crisis with the urgency that it deserves’ resulted in a vote of 92 for, 28 against and 9 no vote. **Annex B** sets out proposed lines to be used in FMQs and in public engagement.

Recommendation

In the month following a final proposal being lodged, the lead portfolio Minister will bring a paper to Cabinet Sub Committee on Legislation (CSCL) to seek collective agreement.

[redacted s30(b)(i)]

[redacted s30(b)(i)]

Our initial recommendation would be that Ministers
[redacted s30(b)(i)]

Supporting Documents

Annex A- Members' Bill process

Annex B- Top lines on Right to Addiction Recovery (Scotland) Bill

[redacted – s.38(1)b]

Drugs Policy Division

20/10/2021

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constitutional Interest	General Awareness
First Minister					x
Cabinet Secretary for Health and Social Care			x		
Cabinet Secretary for Social Justice, Housing and Local Government			X		
Minister for Mental Wellbeing and Social Care			x		
Minister for Public Health, Women's Health and Sport			x		
Members of the CSCL: <ul style="list-style-type: none"> Deputy First Minister Minister for Parliamentary Business Lord Advocate Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights 			x		

DG Health and Social Care
Director of Population Health
Diane McLafferty
Sinead Power
[redacted – s.38(1)b]
[redacted – s.38(1)b]
[redacted – s.38(1)b]
[redacted – s.38(1)b]
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[redacted – s.38(1)b]

ANNEX A: OVERVIEW: SCOTTISH PARLIAMENT MEMBERS BILL PROCESS

Parliament Standing Orders

5. Parliamentary procedure regarding Members Bills is largely governed by chapter 9 of Parliament's Standing Orders on Public Bill Procedures. Rule 9.14 specifically deals with the proposal stages and other aspects of the process explicitly for Members Bills. The main features are summarised below:

- **Lodging a Draft proposal**

This must be lodged by a Member wishing to pursue a Bill and should consist of: the proposed short title of the Bill and a brief explanation of the purpose of the proposed Bill. It should also be lodged with either a consultation document or a written statement of reasons why, in the member's opinion, a case for the proposed Bill has already been established without need for a consultation.

- **Lodging a Final Proposal**

A final proposal can only be lodged following the 12 week minimum consultation period or following a Committee consideration that it is satisfied by the statement of reasons for not consulting. The final proposal must be accompanied by a publication of the responses to the consultation where this took place.

- **Securing the Right to introduce**

The following is required within a month of the final proposal being lodged in order to secure the right to introduce a Bill:

- Support for the final proposal from 18 MSPs, from at least half of parties represented on Bureau; and
- The Scottish Government does not indicate that it will initiate legislation to give effect to the proposal.

Where the member does not obtain such a right to introduce, the proposal falls and a proposal in the same or similar terms may not be lodged by any member during the same session within 6 months of that proposal falling.

- **Bill introduction**

If an MSP introduces a Bill, it will follow the normal 3 stage process for a public Bill.

6. Under Standing Orders the Scottish Government can make a statement to confirm it will initiate its own legislation to give effect to the final proposal for a Members Bill (not an altered version of it), in one month period following lodging of a final proposal. This can be done by introducing a Bill; making subordinate legislation; or laying in draft a statutory instrument containing subordinate legislation proposed to be made. It must be initiated within a period of 2 years from the date of the statement, or before the end of the parliamentary session, whichever is earliest.

Role of lead portfolio Ministers]

7. The main role of the portfolio Ministers is:
- Note any draft proposals and consider any immediate handling requirements such as media lines;
 - Seek collective agreement with CSCL on the Government's position on the final proposal, including consideration as to whether the Government would wish to initiate its own legislation, to effectively take over the Bill proposal, as per paragraph 2 above;
 - If a Bill is introduced:
 - seek collective agreement with CSCL on the Government's position on the Bill and to a memorandum to the lead Committee, setting this out;
 - Lead engagement for the Government with the Member-in-Charge during passage of the Bill; and
 - participate in parliamentary scrutiny of the Bill, including giving evidence to Committee, speaking to Government amendments and speaking in debates.

Role of the Minister for Parliamentary Business]

8. The main role of the Minister for Parliamentary Business in the programme is to:
- Consider CSCL papers where collective agreement on the Government's position on a final proposal or once a Bill has been introduced, with particular consideration for legislative programme implications and parliamentary handling plans;
 - Where appropriate, engage with ministerial colleagues to work through implications of the government's position, particularly where parliamentary support for that position may be challenging.
 - Point of liaison with Committee Convenors on plans for scrutiny of Members Bills, in particular how this may interact with the Government's legislative priorities.

Key Members Bill Statistics

Members Bills proposals and parliamentary passage

	Proposal	Bill
--	----------	------

Session	Draft Proposal	Final Proposal	SG commit to legislate	Right to introduce obtained	Introduced	Fallen	Withdrawn	Passed
1	N/A	46 ¹	0	42 ¹	16	6	2	8
2 ²	38	39	0	35	18	35	6	3
3	31	23	0	20	13	4	2	7
4	28	18	2	15	13	6	1	6
5	35	25 <i>71% of draft prop</i>	2	22	16 <i>64% of final prop</i>	7	1	8 <i>50% of intro.</i>

Note:

¹ Figures include 4 superseded by later proposals

² Procedural and Standing Order changes relating to Members Bills took place on 12 November 2004 which introduced a requirement to consult on a draft proposal, a higher threshold of support for a final proposal, a mechanism to enable the Executive to intervene in cases where it or the UK Government are planning similar legislation; and a limit on the number of proposals or Bills that each member can have in progress at any time. As such figures provided for Sessions 1 and 2 are not all directly comparable to Sessions 3 – 5.

Noteworthy Issues during/from Session 5[]

Volume and Timing of Members Bills

- There was a large number of Bills introduced late in the Session, with 9 of the 16 Members Bills introduced in the 4 months February to June 2020, putting more pressure of the parliament in the final 12 months of the Session, at a time when there is also pressure on the Government legislative programme.
- Timing of Members Bills near the end of Session, and during the pandemic, meant that the Government supported a numbers of Bills which they may have otherwise been sceptical about doing so, resulting in a few changes in positions close to the Stage 1 debate.

Use of secondary legislation to give effect to a Members Bill proposal

For the first time, the Scottish Government used secondary legislation to give effect to two Members Bill proposals, after indicating it would initiate legislation at the final proposal stage. Use of secondary legislation saves Government and parliamentary time and resource.

Members bill introduced after 1 June deadline

For the first time, the Parliamentary Bureau agreed that a Members Bill could be introduced after 1 June deadline. Standing Orders specify that the right to introduce a Members Bill may only be exercised until the first sitting day in June, or, exceptionally, with the consent of the Parliamentary Bureau until the last sitting day in September in the calendar year preceding that in which the next ordinary Scottish Parliament general election is due to be held. The Disabled Children and Young Persons (Transition to Adulthood) Bill was introduced on 30 September. The lead Committee took some evidence on the Bill but considered that there was insufficient time to allow them to consider fully and they made recommendations in their Legacy Report.

Legacy Reports

There were 4 Members Bills introduced in Session 5 which were not fully considered before the end of the Session. Recommendations regarding three of these Bills were included in Committee Stage 1 or Legacy reports:

Session 5 Committee Legacy/Stage 1 Report recommendations:

- **Disabled Children and Young Persons (Transition to Adulthood)**
The Education and Skills Committee noted that it did not have time to fully scrutinise the Bill introduced by Joanne Lamont, but noted that there was *'scope for our successor committee to examine the issues it raises in the next Parliamentary session, including potentially via a Committee Bill, where no other legislative opportunities are available'*.
- **Fair Rents**
The Local Government and Communities Committee did not report on the general principles of the Bill at Stage 1, but reflected on some of the key themes arising from the evidence received in its legacy report and recommended that the Committee with responsibility for housing in Session 6 *'will be required to look at any revised proposals relating to the regulation of short term lets. It may wish to undertake its own detailed scrutiny of short-term letting prior to the laying of any revised proposals.'*
- **Travelling Funfairs (Licensing)**
Local Government and Communities Committee published their Stage 1 report on 19 March and indicated that they had not been able to gather sufficient information to support the general principles of Richard Lyle's Member's Bill. However the report noted that the Committee considered that there is a need for reform in this area and recommended that the Scottish Government works with the sector to review options early in Session 6 session and brings forward proposals to support travelling funfairs.

The Minister for Community Safety wrote to Committee on 24 March indicating that the Scottish Government will engage with the travelling funfair sector and other licensing stakeholders to consider the Report, and the suggestions made, with a final decision on how to proceed for the next administration in due course.

ANNEX B RIGHT TO ADDICTIONS RECOVERY (SCOTLAND) BILL]

- The [draft proposal](#) for the Right to Addiction Recovery (Scotland) Bill was formally lodged by Douglas Ross MSP on 7 October 2021. The consultation closing date is: 23.59pm on Wednesday 12 January 2022.
- Douglas Ross raised the prospect of a Bill at [FMQs](#) on 7 Oct and FM was clear: *'We will consider the proposals in the consultation and, as and when that develops into actual proposed legislation, we will consider that in detail.. speed of action now is essential. We all know that legislation takes time to go through the proper processes[...] on the face of it, it [the Bill proposal] does not appear to suggest anything that goes beyond what we are already doing, although it suggests that those things should be enshrined in legislation.'*
- The opposition debate on the 'Legal Right to Recovery' on 29 September which was supported by a vote of 92 following Government amendments.

Top Lines

Government is fully supportive of the principles behind the Bill in terms of getting more people into treatment and recovery that is right for them

We are allocating an additional £250m over the next five years to improve and increase access to services for people affected by drug addiction – including an investment of £100m on residential rehabilitation.

[redacted – s.30(b)(i)]

The MAT standards emphasise the importance of allowing people to make informed choices about the type of treatment and help available to them and in turn ensure consistency of services across the country.

[redacted – s.30(b)(i)]

We have been clear that Residential rehabilitation should be part of the full range of drug prevention and treatment services available to people in all local authority areas so that people have the choice to move on to abstinent recovery.

[redacted – s.30(b)(i)]

Q&A - [redacted – out of scope]

18. Document 11(b)

Document withheld in full s.36(1)

19. Document 12

From: McLafferty DJ (Diane) <Diane.McLafferty@gov.scot>
Sent: 20 October 2021 10:39
To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>
Cc: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; Heijmer-Mason O (Orlando) Orlando.Heijmer-mason@gov.scot
Subject: RE: For Clearance by COP Tuesday- Submission- Right to Addiction Recovery (Scotland) Bill

[redacted – s.38(1)b]

The analysis and the submission are very good, thank you. My only points, in descending order of importance are:

- [redacted – s.30(b)(i)]
- [redacted – s.30(b)(i)]
- The legal right recovery debate motion supported by 92 was as amended by [redacted – s.38(1)b] so that should be reflected;
- It's [redacted – s.38(1)b], not [redacted – s.38(1)b].

DMcL

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>
Sent: 19 October 2021 13:06
To: McLafferty DJ (Diane) <Diane.McLafferty@gov.scot>
Cc: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; Heijmer-Mason O (Orlando) <Orlando.Heijmer-mason@gov.scot>
Subject: RE: For Clearance by COP Tuesday- Submission- Right to Addiction Recovery (Scotland) Bill

Hi Diane,

Just to say I've updated the submission after further conversations with the HR team. [redacted – s.30(b)(i)] I think it would be a good plan to widen the session on Thursday to include colleagues from HR Bill team and potentially the NCS team, do you have a preference as to how we run that session?

I'd be grateful if you could consider this today so that we can send up to Ministers within the 2 week timeframe as required by PLU.

Best,
[redacted – s.38(1)b]

From: McLafferty DJ (Diane) <Diane.McLafferty@gov.scot>
Sent: 18 October 2021 16:47
To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>
Cc: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; Heijmer-Mason O (Orlando) <Orlando.Heijmer-mason@gov.scot>

Subject: RE: For Clearance by COP Tuesday- Submission- Right to Addiction Recovery (Scotland) Bill

Ok, thanks, [redacted – s.38(1)b].

I thought that the HR Bill was going to be some way off anyway?

DMcL

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>
Sent: 18 October 2021 15:11
To: McLafferty DJ (Diane) <Diane.McLafferty@gov.scot>
Cc: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; Heijmer-Mason O (Orlando) <Orlando.Heijmer-mason@gov.scot>
Subject: RE: For Clearance by COP Tuesday- Submission- Right to Addiction Recovery (Scotland) Bill

Hi Diane,

Just to say the HR Bill team are making changes in the document linked below so grateful if you can hold off reviewing for now. I'll let you know once things have fallen into place again!

[redacted – s.30(b)(ii)]

Best,
[redacted – s.38(1)b]

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>
Sent: 15 October 2021 11:30
To: Heijmer-Mason O (Orlando) <Orlando.Heijmer-mason@gov.scot>; McLafferty DJ (Diane) <Diane.McLafferty@gov.scot>
Cc: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>
Subject: For Clearance by COP Tuesday- Submission- Right to Addiction Recovery (Scotland) Bill

Dear Diane, Orlando,

Below is a link to the draft submission on the Conservative Right to Addiction Recovery (Scotland) Bill draft proposal. This has had input from various teams across SG and SGLD.

We have a session on Thursday next week to discuss this with the Minister so I can put some time in on Monday/ Tuesday for a pre-meet to discuss if you would find that helpful? Subject to a pre-meet, clearance by COP Tuesday would enable us to send this to the Minister in good time ahead of that session.

Click on the link to open 'Submission- Member's Bill Draft Proposal- Right to Recovery Bill- October 2021' - <https://erdm.scotland.gov.uk:8443/documents/A34900256/details>

Best,
[redacted – s.38(1)b]

[redacted – s.38(1)b] I Residential Rehabilitation Team I Drugs Policy Division I Scottish Government I 3 E St Andrews House I Regent Road I Edinburgh I EH1 3DG I [redacted – s.38(1)b]

20. Document 13(a)

Document withheld in full s.36(1)

21. Document 13(b)

Document withheld in full s.36(1)

22. Document 14

Document withheld in full s.36(1)

23. Document 15

Document withheld in full s.36(1)

24. Document 16

Document withheld in full s.36(1)

25. Document 17

Document withheld in full s.36(1)

ANNEX A: Conservative Right to Recovery Bill

Bill recommendation 1 - General Principles - Any individual seeking addiction and/or substance misuse treatment is able to quickly access their preferred treatment option, unless a medical professional deems it would be harmful to the individual.

- [redacted s.30(b)(ii)]

Bill recommendation 2 - No individual shall be denied access to their preferred addiction and/or substance misuse treatment option, unless a medical professional deems it would be harmful to the individual.

- [redacted s.30(b)(ii)]

Bill recommendation 3 - Should an individual request an addiction and/or substance misuse treatment option and be refused immediate access to that treatment, a medical professional will be required to provide a written explanation detailing the grounds of refusal within 24 hours.

- [redacted s.30(b)(ii)]

Bill recommendation 4 (Scope of the new statutory right to services) –incls: short and long term residential rehabilitation, Community-based rehabilitation, residential detoxification, community-based detoxification, stabilisation services and substitute prescribing services as well as any other forms of treatment as a health professional may deem appropriate, in line with guidance from the Scottish Ministers.

- [redacted s.30(b)(ii)]
- [redacted s30(b)(i)]

Bill recommendation 5 – Implementation - A new section to Section 1 of The National Health Service (Scotland) Act 1978 to require Scottish Ministers to enshrine the rights of people with substance misuse issues and to transfer these rights from a general duty to a statutory duty.

- [redacted s.30(b)(ii)]

Bill recommendation 6 – Implementation - Scottish Ministers will be required to introduce a scheme to enable a person access to an individual holistic ‘care plan’. Care plans should include the services listed above and support and aftercare measures including housing, employability etc.

- [redacted s.30(b)(ii)]

Bill recommendation 7 - Implementation - Care plan should ensure that parental rights are protected when someone seeks treatment and ensure that the family remain as a unit... at no time should a person fear losing family at a time of need.

- [redacted s30(b)(i)]
- [redacted s30(b)(i)]
- [redacted s.30(b)(ii)]

Bill recommendation 8 - Implementation – Scottish Ministers should make regulations to provide a person with a right to be assessed for a care plan within a reasonable period of approaching the relevant services and asking for assistance.

- [redacted s.30(b)(ii)]

Bill recommendation 9 - Implementation - Scottish Ministers must provide a Code of Guidance of Drug Treatment in Scotland, following the guidance and recommendations in the UK guidelines on clinical management, giving guidance to any person doing a care plan.

- [redacted s30(b)(i)]

Bill recommendation 10 - Implementation - Scottish Ministers commission an independent regulatory body to monitor the performance of the duties and guidance

- [redacted s30(b)(i)]

Bill recommendation 11 - Financial Implications - Bill should amend Proceeds of Crime Act 2002 to require money raised from the proceeds of drug crime in Scotland will be applied to fund care plans.

[redacted s.30(b)(ii)]

Bill recommendation 12 - Financial Implications - The Bill should require that the Scottish Minister's deliver core funding to the optimal level required to meet the duties outlined in the Bill.

- We are already allocating an additional £250m over the next five years to improve and increase access to services for people affected by drug addiction – including an investment of £100m on residential rehabilitation.

Annex B: FMQ lines on the Right to Recovery Bill

NOTE:

- Thurs 7 Oct: The Conservatives published a consultation on their proposed Bill. The consultation closing date is: 23.59pm on Wednesday 12 January 2022.
- The Bill would aim to cover both drug and alcohol addiction.
- Consultation document states that “I know that residential rehabilitation might not be the best path for every person with an addiction. The key aim of treatment must be to wean those who suffer from addiction off the substance which they are dependent on. But to do this they must have the opportunity and choice of treatment. People must be provided with a choice and opportunity to overcome their addiction and get well.” (Page 11)
- The bill aims to give “enforceable rights” and place duties on NHS health boards, Scottish Ministers and others.
- Consultation assumes a minimum cost of £14.8m for rehabilitation places annually and “...a significant proportion of this cost is already being funded and will therefore not be new. It should be noted that this is well within £50 million annual spending that the Scottish Government intends to spend on drug treatment in each of the next five years.” (Page 16)
- Douglas Ross raised the prospect of a Bill at FMQs on 17 June, and FM was clear that “I have said previously and have repeated today—at least, I have given a strong indication, but am happy to say it more expressly—that I will look with an open mind at any proposals, including proposals for legislation. Douglas Ross has said that he has not yet published the draft bill. When it is published, we will look at it.”
- Minister for Drugs Policy said in a debate last month “...once the bill has been published and I and others have had the opportunity to ensure that it will do what it says on the tin, I will give a view on it. I have an open mind about whether, at some point, we need to legislate.” (Official Report 29 Sept)

Angela Constance will lead the Government’s consideration of the proposals made by the Conservatives and whether legislation is needed to achieve the objectives of improving access to services.

- Getting people into treatment and recovery that is right for them at the right time is at the very core of our national mission to save and improve lives.
- We are allocating an additional £250m over the next five years to improve and increase access to services for people affected by drug addiction – including an investment of £100m on residential rehabilitation.

- [redacted – out of scope]

Residential rehabilitation should be part of the full range of drug prevention and treatment services available to people in all local authority areas so that people have the choice to move on to abstinence recovery.

- We are working closely with Alcohol and Drug Partnerships across Scotland to develop clearer and more consistent pathways into and from rehab. £5m of the £13.5m uplift in funding to Alcohol and Drugs Partnerships is to be spent on residential rehabilitation.
- [redacted s.30(b)(ii)]

Background analysis of the Conservative Right to Recovery Bill aims

1 - Establishing a right to recovery treatment

- Getting people into the treatment and recovery that is right for them at the right time is at the very core of our national drugs mission.

- [redacted s.30(b)(i)].
- [redacted s.30(b)(i)]
- [redacted s.30(b)(i)]
- [redacted s.30(b)(i)]

2- Adding strength to that right/ enforceability by placing duties on NHS Health Boards, Scottish Ministers and others

- [redacted s.30(b)(i)]
- [redacted s.30(b)(i)]

3- Allowing those with addiction issues to choose their preferred treatment option (unless deemed harmful by a medical professional)& 4- Ensuring access to treatment is not denied unless there is a strong medical case

- [redacted s.30(b)(ii)]
- [redacted s.30(b)(ii)]
- [redacted s.30(b)(i)]
- [redacted s.30(b)(i)]

5- Establishing national standards and guidance

- [redacted s.30(b)(ii)]

6- Establishing a complaints procedure for those with addiction issues/ their families to pursue if the right is being denied- if the current procedures are not deemed suitable

- [redacted s.30(b)(ii)]

7- Establishing a national funding scheme

- [redacted s.30(b)(ii)]

8- Requiring relevant bodies responsible to report progress to the Scottish Parliament

- Angela Constance as Minister for Drugs Policy has committed to updating Parliament regularly on progress of the National Mission.
- [redacted s30(b)(i)]

28. Document 20

Options:

1. **Baseline-** [redacted s.30(b)(i)]
2. **NCS Bill-** [redacted s.30(b)(i)]
3. **Government takes over Right to Recovery Bill-** [redacted s.30(b)(i)]

NOTE:

Human Rights- [redacted s.30(b)(i)]

The “other” Right to Rehab- [redacted s.30(b)(i)]

Initial analysis of the Conservative Right to Recovery Bill aims

- 1 - Establishing a right to recovery treatment
 - Getting people into the treatment and recovery that is right for them at the right time is at the very core of our national drugs mission.
 - [redacted s.30(b)(i)].
 - [redacted s.30(b)(i)]
 - [redacted s.30(b)(i)]
 - [redacted s.30(b)(i)]
- 2- Adding strength to that right/ enforceability by placing duties on NHS Health Boards, Scottish Ministers and others
 - [redacted s.30(b)(i)]
 - [redacted s.30(b)(i)]
- 3- Allowing those with addiction issues to choose their preferred treatment option (unless deemed harmful by a medical professional)& 4- Ensuring access to treatment is not denied unless there is a strong medical case
 - [redacted s.30(b)(ii)]
 - [redacted s.30(b)(ii)]
 - [redacted s.30(b)(i)]
 - [redacted s.30(b)(i)]
- 5- Establishing national standards and guidance
 - [redacted s.30(b)(ii)]
- 6- Establishing a complaints procedure for those with addiction issues/ their families to pursue if the right is being denied- if the current procedures are not deemed suitable
 - [redacted s.30(b)(ii)]
- 7- Establishing a national funding scheme
 - [redacted s.30(b)(ii)]
- 8- Requiring relevant bodies responsible to report progress to the Scottish Parliament
 - Angela Constance as Minister for Drugs Policy has committed to updating Parliament regularly on progress of the National Mission.
 - [redacted s30(b)(i)]

15 AUG: Conservatives urge SG to back the Right to Recovery Bill. The Bill proposal was drafted with support from FAVOR UK and Shelter Scotland. It has not been introduced in the Scottish Parliament.

21 May: Annie Wells laid the motion in parliament, which has since achieved cross-party support [Miles Briggs, Alexander Burnett, Donald Cameron, Jackson Carlaw, Sharon Dowey, Russell Findlay, Murdo Fraser, Pam Gosal, Jamie Greene, Craig Hoy, Stephen Kerr, Liam Kerr, Monica Lennon, Oliver Mundell, Willie Rennie, Douglas Ross, Dr. Sandesh Gulhane, Alexander Stewart, Paul Sweeney, Mercedes Villalba, Sue Webber, Brian Whittle].

We are working to ensure residential rehabilitation is available for everyone who wants it - and for whom it is considered to be clinically appropriate - at the time when they ask for it, in every part of the country.

- There are currently too many barriers to wanting to access residential rehabilitation. We are working closely with Alcohol and Drug Partnerships across Scotland to develop clearer and more consistent pathways.
- The Government is clear that residential rehabilitation should be part of the full range of drug prevention and treatment services available in all local authority areas so that people have the choice to move on to abstinent recovery.

The Government has never ruled out the need for further legislation and will consider the detail of the draft Right to Recovery Bill once it is made available.

- We are allocating an additional £250m over the next five years to improve and increase access to services for people affected by drug addiction – including an investment of £100m on residential rehabilitation.

[redacted – s.30(b)(i) and (ii)]

- **[redacted – out of scope]**

Background

We have not ruled out the need for further legislation and have been exploring alternative options [redacted s30(b)(i)]:

- a) [redacted s30(b)(i)]
- b) [redacted s30(b)(i)]
- c) [redacted s30(b)(i)]

Below is a line-by-line summary of the proposals within the Right to Recovery Bill and SG officials' analysis to demonstrate how ongoing work is addressing these points or where there would be opposition to the proposal. [redacted s30(b)(i)].

Conservative Right to Recovery Bill Proposal	SG Analysis
General Principles	
Any individual seeking addiction and/or substance misuse treatment is able to	Getting people into the treatment and recovery that is right for them at the right time is at the

quickly access their preferred treatment option, unless a medical professional deems it would be harmful to the individual.	very core of our national drugs mission. [redacted s30(b)(i)].
No individual shall be denied access to their preferred addiction and/or substance misuse treatment option, unless a medical professional deems it would be harmful to the individual.	[redacted s30(b)(i)]
Should an individual request an addiction and/or substance misuse treatment option and be refused immediate access to that treatment, a medical professional will be required to provide a written explanation detailing the grounds of refusal within 24 hours.	[redacted s30(b)(i)]
Scope of the new statutory right to services	
<ul style="list-style-type: none"> a) Short-term residential rehabilitation. b) Long-term residential rehabilitation. c) Community-based rehabilitation. d) Residential detoxification. e) Community-based detoxification. f) Stabilisation services. g) Substitute prescribing services. h) Any other forms of treatment as a health professional may deem appropriate, in line with guidance from the Scottish Ministers. 	[redacted s30(b)(i)].
Implementation	
A new section to Section 1 of The National Health Service (Scotland) Act 1978 to require Scottish Ministers to enshrine the rights of people with substance misuse issues and to transfer these rights from a general duty to a statutory duty.	[redacted s.30(b)(i)]
Scottish Ministers will be required to introduce a scheme to enable a person access to an individual holistic 'care plan'. Care plans should include the services listed above and support and aftercare measures including housing, employability etc.	[redacted s30(b)(i)]
The care plan should ensure that parental rights are protected when someone seeks treatment and ensure that the family remain as a unit and that at no time should a person fear losing their family at a time of need.	[redacted s30(b)(i)]
Scottish Ministers should make regulations to provide a person with a right to be assessed for a care plan within a reasonable period of	[redacted s30(b)(i)]

approaching the relevant services and asking for assistance.	
Scottish Ministers must provide a Code of Guidance of Drug Treatment in Scotland, following the guidance and recommendations in the UK guidelines on clinical management, giving guidance to any person doing a care plan.	[redacted s30(b)(i)]
Scottish Ministers commission an independent regulatory body to monitor the performance of the duties and guidance	
Financial Implications	
The Bill should amend the Proceeds of Crime Act 2002 Act to require that money raised from the proceeds of drug crime in Scotland will be applied to fund care plans.	[redacted s30(b)(i)]
The Bill should require that the Scottish Minister's deliver core funding to the optimal level required to meet the duties outlined in the Bill.	We are allocating an additional £250m over the next five years to improve and increase access to services for people affected by drug addiction – including an investment of £100m on residential rehabilitation.

30. Document 21(b)

15 AUG: Conservatives urge SG to back the Right to Recovery Bill. The Bill proposal was drafted with support from FAVOR UK and Shelter Scotland. It has not been introduced in the Scottish Parliament.

- [redacted s30(b)(i)]

21 May: Annie Wells laid the motion in parliament, which has since achieved cross-party support [Miles Briggs, Alexander Burnett, Donald Cameron, Jackson Carlaw, Sharon Dowey, Russell Findlay, Murdo Fraser, Pam Gosal, Jamie Greene, Craig Hoy, Stephen Kerr, Liam Kerr, Monica Lennon, Oliver Mundell, Willie Rennie, Douglas Ross, Dr. Sandesh Gulhane, Alexander Stewart, Paul Sweeney, Mercedes Villalba, Sue Webber, Brian Whittle].

26 AUG: The Daily Record reports that Drugs Policy Minister personally intervenes to fast track a placement for Francis McGowan. Mr McGowan claimed to have been denied rehab on account of a lack of funding and criticises the lack of choice for those wanting to move towards abstinent recovery.

31 AUG: To mark Overdose Awareness Day, Peter Krykant took part in a ceremony of remembrance outside parliament.

We are working to ensure residential rehabilitation is available for everyone who wants it - and for whom it is considered to be clinically appropriate - at the time when they ask for it, in every part of the country.

- [redacted s30(b)(i)]
- The Government is clear that residential rehabilitation should be part of the full range of drug prevention and treatment services available in all local authority areas so that people have the choice to move on to abstinent recovery.

The Government has never ruled out the need for further legislation and will consider the detail of the draft Right to Recovery Bill once it is made available.

- We are allocating an additional £250m over the next five years to improve and increase access to services for people affected by drug addiction – including an investment of £100m on residential rehabilitation.

[redacted – s.30(b)(i) and (ii)]

- [redacted – out of scope]
- [redacted – out of scope]

RIGHT TO ADDICTIONS RECOVERY (SCOTLAND) BILL

- The [draft proposal](#) for the Right to Addiction Recovery (Scotland) Bill was formally lodged by Douglas Ross MSP on 7 October 2021. The consultation closing date is: 23.59pm on Wednesday 12 January 2022.
- Douglas Ross raised the prospect of a Bill at FMQs on 7 Oct and FM was clear: *'We will consider the proposals in the consultation and, as and when that develops into actual proposed legislation, we will consider that in detail.. speed of action now is essential. We all know that legislation takes time to go through the proper processes[...] on the face of it, it [the Bill proposal] does not appear to suggest anything that goes beyond what we are already doing, although it suggests that those things should be enshrined in legislation.'*
- The opposition debate on the 'Legal Right to Recovery' on 29 September

Top Lines

Government is fully supportive of the principles behind the Bill in terms of getting more people into treatment and recovery that is right for them

We are allocating an additional £250m over the next five years to improve and increase access to services for people affected by drug addiction – including an investment of £100m on residential rehabilitation.

[redacted – s.30(b)(i)]

The MAT standards emphasise the importance of allowing people to make informed choices about the type of treatment and help available to them and in turn ensure consistency of services across the country.

[redacted – s.30(b)(i)]

We have been clear that Residential rehabilitation should be part of the full range of drug prevention and treatment services available to people in all local authority areas so that people have the choice to move on to abstinent recovery.

[redacted – s.30(b)(i)]

Q&A - [redacted – out of scope]

ANNEX B - [redacted – out of scope]

32. Document 23

From: [redacted s.38(1)(b)]

Sent: 12 October 2021 09:03

To: [redacted s.38(1)(b)]

Subject: Right to Addiction Recovery (Scotland) Bill

Dear [redacted s.38(1)(b)]

I'm reaching out to you after searching for a contact on the Edinburgh Law School website so apologies that this is a bit out of the blue. I head up the Residential Rehabilitation team in the Drugs Policy division in Scottish Government and I'm leading on developing advice for Ministers on the Conservative [Right to Addiction Recovery \(Scotland\) Bill](#) lodged in the Scottish Parliament on 7th October. The consultation process will run until January but Ministers are keen to have some initial advice by the end of the week.

We are in the process of doing an initial analysis of the consultation document and considering ways in which the Government could strengthen existing rights and support the implementation of those rights in practice as well as evaluating the proposal to introduce a new right to recovery treatment. [redacted – s.30(b)(i)]

Best wishes,

[redacted s.38(1)(b)]

[redacted s.38(1)(b)] | Residential Rehabilitation Team | Drugs Policy Division | Scottish Government | 3 E St Andrews House | Regent Road | Edinburgh | EH1 3DG | [redacted s.38(1)(b)]

33. Document 24

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Sent: 13 October 2021 08:16

To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Subject: RE: Right to Addiction Recovery (Scotland) Bill

Hey [redacted – s.38(1)b], [redacted – s.38(1)b],

Good to speak yesterday.

Here is the link to the gypsy traveller agreement that I mentioned (based on a wider NHS patient charter):

[Our-Health-Our-Right-Ours-NHS.pdf \(scotphn.net\)](#)

[redacted – s.38(1)b]

[redacted – s.38(1)b] | Senior Policy Manager | Health Improvement: Health Inequalities Unit | Population Health Directorate | Scottish Government | St Andrew's House | Regent Road | Edinburgh | EH1 3DG

[redacted – s.38(1)b] [redacted – s.38(1)b]@gov.scot | www.gov.scot

My working days are Tuesday-Friday, I do not work Mondays

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Sent: 12 October 2021 13:47

To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Cc: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Subject: RE: Right to Addiction Recovery (Scotland) Bill

Thanks [redacted – s.38(1)b],

Would 3.20 or 3.30 this afternoon be ok? I've got another call at 2pm so it would just give me a little more time to read through the docs in advance.

[redacted – s.38(1)b]

[redacted – s.38(1)b] | Senior Policy Manager | Health Improvement: Health Inequalities Unit | Population Health Directorate | Scottish Government | St Andrew's House | Regent Road | Edinburgh | EH1 3DG

[redacted – s.38(1)b] [redacted – s.38(1)b]@gov.scot | www.gov.scot

My working days are Tuesday-Friday, I do not work Mondays

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot> **Sent:** 12 October 2021 09:56

To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Cc: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Subject: RE: Right to Addiction Recovery (Scotland) Bill

Hey [redacted – s.38(1)b]!

Thanks for picking this request up and for looping in colleagues in the Fair Health Team. I've got some time today at 15:00-16:00 or tomorrow 14:00-16:00 if that would work for you?

Below is a link to the draft submission we've been working on to send to the Minister by the end of this week. Still some gaps and some things to iron out but sharing this for context ahead of any discussion.

Click on the link to open 'Submission- Member's Bill Draft Proposal- Right to Recovery Bill- October 2021' - <https://erdm.scotland.gov.uk:8443/documents/A34900256/details>

Best,

[redacted – s.38(1)b]

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Sent: 12 October 2021 09:45

To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Cc: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Subject: FW: Right to Addiction Recovery (Scotland) Bill

Hey [redacted – s.38(1)b], hows things?

[redacted – s.38(1)b] is tied up with some other priority work today but she has passed this to me to have a look at.

I'm just back from 2 weeks off today so trying to get through a few e-mails but I'll have a proper look through this and happy to have an initial chat later. I think it'd also be useful for a colleague from Fair Health Team to join any discussion too, so I've already shared your e-mail with them to see if one of them is free to join the call too.

[redacted – s.38(1)b]

[redacted – s.38(1)b] | Senior Policy Manager | Health Improvement: Health Inequalities Unit | Population Health Directorate | Scottish Government | St Andrew's House | Regent Road | Edinburgh | EH1 3DG

[redacted – s.38(1)b] | [redacted – s.38(1)b]@gov.scot | www.gov.scot

My working days are Tuesday-Friday, I do not work Mondays

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Sent: 12 October 2021 08:44

To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Subject: Right to Addiction Recovery (Scotland) Bill

Hi [redacted – s.38(1)b], [redacted – s.38(1)b],

I head up the Residential Rehabilitation team in the Drugs Policy division and I'm leading on developing advice for Ministers on the Conservative [Right to Addiction Recovery \(Scotland\) Bill](#).

We are in the process analysing the consultation document and considering ways in which the Government could strengthen existing rights and support the implementation of those rights in practice. I think there may be some relevant links in with the health inequalities work which I'd be keen to explore. Do you have time to chat this afternoon from 15:00-16:00?

Best wishes,
[redacted – s.38(1)b]

[redacted – s.38(1)b] **I Residential Rehabilitation Team I Drugs Policy Division I Scottish Government I 3 E St Andrews House I Regent Road I Edinburgh I EH1 3DG I** [redacted – s.38(1)b]

34. Document 25

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Sent: 14 October 2021 12:06

To: 'Annie.Sorbie@ed.ac.uk'

Subject: RE: Right to Addiction Recovery (Scotland) Bill

Dear Annie,

I just wanted to say thank you so much for your time yesterday, I found our discussion really invigorating and it has helped to clarify my thinking for drafting this advice. On a personal level I find the intersection of the policy arm of the Mason Institute fascinating and I'm glad to have come across your work!

Best,

[redacted – s.38(1)b]

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Sent: 12 October 2021 09:51

To: 'Annie.Sorbie@ed.ac.uk'

Subject: RE: Right to Addiction Recovery (Scotland) Bill

Hi Annie,

It would be great to meet to have an initial discussion in order to help with this advice which is more of a starter for ten. I've sent a scheduler for 12:30 tomorrow and look forward to speaking then! I would be very keen to link up with your colleagues in the Mason institute over a longer timeframe for developing our position during the consultation process.

Best wishes,

[redacted – s.38(1)b]

From: 'Annie.Sorbie@ed.ac.uk'

Sent: 12 October 2021 09:42

To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Subject: RE: Right to Addiction Recovery (Scotland) Bill

Dear [redacted – s.38(1)b],

Great to hear from you and thanks for getting in touch.

If you leave this with me today I can speak to colleagues here at the Mason Institute (see link below for further details) to see if I can connect you with someone who has specific expertise relating to drug and alcohol services. However, even if this is not possible within the timescale below, I would be very happy to have a chat with you from a general medical law perspective, if you think that would be helpful. I have just skim read the proposal and a few thoughts have occurred to me in terms of things to think about. I am in a meeting tomorrow until 12.30, so we are both available from 12.30 – 13.30. If this sounds like a sensible way forward, shall we put in a Teams meeting during that window?

All the best,

Annie

Annie Sorbie (she/her)

Lecturer in Medical Law and Ethics

<https://www.law.ed.ac.uk/people/ms-annie-sorbie>
Deputy Director: Mason Institute for Medicine, Life Science and the
Law <http://masoninstitute.org/>

University of Edinburgh
School of Law
Room LG12
Old College
South Bridge
Edinburgh EH8 9YL
0131 650 3633

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>
Sent: 12 October 2021 09:00
To: SORBIE Annie <Annie.Sorbie@ed.ac.uk>
Subject: Right to Addiction Recovery (Scotland) Bill

This email was sent to you by someone outside the University.

You should only click on links or attachments if you are certain that the email is genuine and the content is safe.

Dear Annie,

I'm reaching out to you after searching for a contact on the Edinburgh Law School website so apologies that this is a bit out of the blue. I head up the Residential Rehabilitation team in the Drugs Policy division in Scottish Government and I'm leading on developing advice for Ministers on the Conservative [Right to Addiction Recovery \(Scotland\) Bill](#) lodged in the Scottish Parliament on 7th October. The consultation process will run until January but Ministers are keen to have some initial advice by the end of the week.

We are in the process of doing an initial analysis of the consultation document and considering ways in which the Government could strengthen existing rights and support the implementation of those rights in practice as well as evaluating the proposal to introduce a new right to recovery treatment. [redacted – s.30(b)(i)]

I'd be very keen to speak to somebody as soon as possible on this. Would this be something you would be able to speak to me about? If so, I have some time this afternoon after 15:00 or tomorrow from 10:00-13:30. If not please could you direct me towards somebody who might be able to?

Best wishes,
[redacted – s.38(1)b]

[redacted – s.38(1)b] | **Residential Rehabilitation Team | Drugs Policy Division | Scottish Government** | 3 E St Andrews House | Regent Road | Edinburgh | EH1 3DG | [redacted – s.38(1)b]

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35. Document 26

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Sent: 12 October 2021 10:25

To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Subject: RE: Proposed Right to Addiction Recovery (Scotland) Bill

Hi [redacted – s.38(1)b]

I'm happy to have a quick chat with you – I can speak later this afternoon if that suits?

[redacted – s.38(1)b]

[redacted – s.38(1)b]

Head of Communications and Engagement

Scottish Human Rights Commission

[redacted – s.38(1)b]

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Sent: 11 October 2021 12:43

To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Cc: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Subject: Proposed Right to Addiction Recovery (Scotland) Bill

Dear [redacted – s.38(1)b], [redacted – s.38(1)b],

I'm reaching out to you after searching for a contact for SHRC from the staff directory so apologies that this is a bit out of the blue. I head up the Residential Rehabilitation team in the Drugs Policy division and I'm leading on developing advice for Ministers on the [Conservative Right to Addiction Recovery \(Scotland\) Bill](#).

We are in the process analysing the consultation document and considering ways in which the Government could strengthen existing rights and support the implementation of those rights in practice. I have been looking at parallels with the Housing Rights in practice project run by SHRC and wondering whether I could speak to somebody about where we could learn from that approach.

You may not be surprised to hear that I have a very short timeframe for drafting this advice, Ministers have asked for this by the end of the week, and so I'd be very keen to speak to somebody as soon as possible on this. Please could you direct me towards the most appropriate person to contact?

Best wishes,

[redacted – s.38(1)b]

[redacted – s.38(1)b] **I Residential Rehabilitation Team I Drugs Policy Division I Scottish Government I 3 E St Andrews House I Regent Road I Edinburgh I EH1 3DG I** [redacted – s.38(1)b]

Subject: RE: FMQ Briefs - Drug policy - Additiona note on neew Bill proposal lodged

Pls could someone send this thorough asap.

65.

[redacted – s.38(1)b] ✉ [redacted – s.38(1)b]

I am currently working from home.

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Sent: 05 October 2021 4:29 PM

To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Cc: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b]
 <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>,
 [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted –
 s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted –
 s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted –
 s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted –
 s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted –
 s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Subject: RE: FMQ Briefs - Drug policy - update by 12 noon today pls

[redacted – s.38(1)b], colleagues,

Copying in for review Spads and justice analyst [redacted – s.38(1)b] who assisted with some lines on rising drug reconviction rates.

I've tightened up the brief some more, removing duplication and some older lines. It's now 7 pages, with the 3-page annex the FM has previously requested on the Cons Bill proposal.

Grateful if you can pls review and indicate if content; subject to any feedback from that, nothing else needed today, and we can review any developments in morning.

Thx again,

[redacted – s.38(1)b]

<< File: Drug Policy.docx >>

[redacted – s.38(1)b] | Head of FMQ Team, Scottish Government | [redacted – s.38(1)b]
----- Find out more on [Preparing First Minister's Questions \(FMQs\)](#) -----

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Sent: 05 October 2021 11:56

To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Cc: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b]
 <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>;
 [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted –
 s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted –
 s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted –
 s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Subject: RE: FMQ Briefs - Drug policy - update by 12 noon today pls

Hi [redacted – s.38(1)b],

Please see the attached updated FMQ for Drug Deaths.

All the best,

[redacted – s.38(1)b]

<< File: Drugs Policy.docx >>

[redacted – s.38(1)b] | Policy Officer | Drug Deaths | Drugs Policy Division | Directorate of Population Health | Scottish Government | 3E St Andrews House | Regent Road | Edinburgh | EH1 3DG

☎ [redacted – s.38(1)b] | ✉ [redacted – s.38(1)b]

I am currently working from home.

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Sent: 05 October 2021 9:41 AM

To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Cc: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Subject: RE: FMQ Briefs - Drug policy - update by 12 noon today pls

In both for this week pls. Will review next week. thx

[redacted – s.38(1)b] | Head of FMQ Team, Scottish Government | [redacted – s.38(1)b]

----- Find out more on [Preparing First Minister's Questions \(FMQs\)](#) -----

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Sent: 05 October 2021 09:38

To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Cc: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Subject: RE: FMQ Briefs - Drug policy - update by 12 noon today pls

Hi [redacted – s.38(1)b],

My colleague [redacted – s.38(1)b] been in contact with the Prison Policy team regarding the letters issue. They say they've included it in their FMQ brief and would like to check whether you would like this issue housed in one or both of the briefs?

All the best,

[redacted – s.38(1)b]

[redacted – s.38(1)b] | Policy Officer | Drug Deaths | Drugs Policy Division | Directorate of Population Health | Scottish Government | 3E St Andrews House | Regent Road | Edinburgh | EH1 3DG

☎ [redacted – s.38(1)b] ✉ [redacted – s.38(1)b]

I am currently working from home.

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Sent: 05 October 2021 8:17 AM

To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Cc: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Subject: RE: FMQ Briefs - Drug policy - update by 12 noon today pls

[redacted – s.38(1)b], colleagues,

Many thanks for the Drugs brief.

I've made just minor tweaks, incl removing the Favor *GMS* transcript which I don't think is necessary for a second week. The annex on RtR Bill however is, as FM has mentioned it a few times now.

<< File: Drug Policy.docx >>

:: In the Background box, could you pls include the vote numbers for the Tory motion (or the SG motion that substantially amended it).

:: Quite a bit of press coverage this morning, incl Herald, on FM exchanges with Mr Ross through social media yesterday re working class communities, with Mr Ross specifically talking about visiting the FM's constituency, and talking about a rehabilitation facility closed there two years ago. Grateful if you can provide any more specific lines on that if possible.

:: finally, can you include a brief section of lines, from prison policy/SPS colleagues, on Conservative criticism re prison letters.

With thanks, grateful for an updated brief by 12 noon today please.

[redacted – s.38(1)b]

Drug policy

5 Oct

The Herald 4 **Ross 'looking forward' to visit with Sturgeon in storm over working-class roots** DOUGLAS Ross has said he is looking forward to joining Nicola Sturgeon on a visit to working-class communities after a row over claims the First Minister had lost touch with her roots. Speaking to journalists at the Conservative party conference in Manchester, the Scottish Tory leader also said he has not ruled out forming a coalition with other pro-Union parties in an attempt to unseat the SNP at Holyrood, but

3 Oct

Sunday Mail 9 **MSP SNP ignoring jail drug death fix** An MSP has accused the Scottish Government of ignoring a simple solution to cut drug deaths in jails. Scottish Conservative Russell Findlay wants mail entering prisons to be photocopied so letters can't be soaked in dangerous street valium and other substances. Mail was photocopied in lockdown and it eradicated the smuggling technique. Findlay said: "On four occasions I have challenged

SNP ministers. Yet neither the justice secretary nor drugs minister can offer a good reason why they can't do this. Failure to act puts officers and inmates at risk." The Scottish Government insisted photocopying was being "explored" as a way of reducing smuggling.

Thanks,

[redacted – s.38(1)b]

[redacted – s.38(1)b] | Head of FMQ Team, Scottish Government | [redacted – s.38(1)b]
----- Find out more on [Preparing First Minister's Questions \(FMQs\)](#) -----

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Sent: 04 October 2021 12:11

To: First Minister FMQs <FirstMinisterFMQs@gov.scot>; DG Health & Social Care <DGHSC@gov.scot>; Communications Health & Social Care <CommunicationsHealth&SocialCare@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; >; First Minister Covid Briefing Unit <FMcovidbriefingunit@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Cc: First Minister Covid Briefing Unit <FMcovidbriefingunit@gov.scot>; Cabinet Secretary for Health and Social Care <CabSecHSC@gov.scot>; Minister for Public Health, Women's Health & Sport <MinisterPHWHS@gov.scot>; Minister for Mental Wellbeing & Social Care <MinisterMWSC@gov.scot>

Subject: FMQ Briefs - Health and Social Care- w/c 4th October

Hi all,

Please see the attached Health briefs for this week.

[redacted – out of scope]

Tories Proposed 'Right to Addiction Recovery (Scotland) Bill

NOTE: Tories published a paper in June 2021 on their proposal for this Bill.

- Today (Thurs 7 Oct) they've published a consultation on their proposed Bill.
- The consultation closing date is: 23.59pm on Wednesday 12 January 2022.
- The Bill would aim to cover both drug and alcohol addiction.
- Consultation document states that *"I know that residential rehabilitation might not be the best path for every person with an addiction. The key aim of treatment must be to wean those who suffer from addiction off the substance which they are dependent on. But to do this they must have the opportunity and choice of treatment. People must be provided with a choice and opportunity to overcome their addiction and get well."* (Page 11)
- The bill aims to give *"enforceable rights"* and place duties on NHS health boards, Scottish Ministers and others.
- Consultation assumes a minimum cost of £14.8m for rehabilitation places annually and *"...a significant proportion of this cost is already being funded and will therefore not be new. It should be noted that this is well within £50 million annual spending that the*

Scottish Government intends to spend on drug treatment in each of the next five years.” (Page 16)

- Douglas Ross raised the prospect of a Bill at FMQs on 17 June, and FM was clear that *“I have said previously and have repeated today—at least, I have given a strong indication, but am happy to say it more expressly—that I will look with an open mind at any proposals, including proposals for legislation. Douglas Ross has said that he has not yet published the draft bill. When it is published, we will look at it.”*

TOP LINES

- As the Minister for Drugs Policy said in a debate last month *“...once the bill has been published and I and others have had the opportunity to ensure that it will do what it says on the tin, I will give a view on it. I have an open mind about whether, at some point, we need to legislate.”* (Official Report 29 Sept)
- As the consultation states *“At this stage, therefore, there is no Bill, only a draft proposal the legislation.”* (Page 5)
- Part of the consultation regards the establishment of a new ‘national funding scheme’ separate to ADPs. But it appears that no additional funding is being sought as the proposals are, according to the consultation, *“well within £50 million annual spending”* (Page 16) we are delivering.
- [redacted – s.30(b)(i) and (ii)]

BACKGROUND

The consultation makes reference to an individual case that Douglas Ross raised at FMQs on 17 June. At FMQs he said:

“The system is broken. If I may, Presiding Officer, I want to describe a case. I will keep the man’s identity anonymous, but if the First Minister will personally intervene, I will provide her with his details through the charity FAVOR—Faces and Voices of Recovery UK—which is acting on his behalf.

“The man was part of the Scottish Government’s independent care review. He was abused as a child and still suffers from post-traumatic stress disorder. He has been in the system in Glasgow for four years, without a care plan. He has been trying to get into rehab for two years, but keeps hearing that he is “not appropriate for rehab”. He is at death’s door. Today he is having a mental health assessment, which is just another hoop that he has to jump through because he wants to get better. His only hope, it seems, is private rehab, which is only possible because of a charity’s generosity.”

SUMMARY OF BILL PROPOSALS

The proposed Bill would establishing a right to recovery treatment, and

- add strength to that right/enforceability by placing duties on NHS health boards, Scottish Ministers and others;
- allowing those with addiction issues to choose their preferred treatment option (unless deemed harmful by a medical professional);
- ensuring that access to treatment is not denied unless there is a strong medical case;
- establishing national standards and guidance;
- establishing a complaints procedure for those with addiction issues/their families to pursue if the right it being denied – if the current procedures are not deemed not suitable for this proposal;
- establishing a national funding scheme;
- requiring the relevant bodies responsible to report progress to the Scottish Parliament.

The consultation states the statutory right would include, but not be limited to:

- Short-term residential rehabilitation;
- Long-term residential rehabilitation;
- Community-based rehabilitation;

- Residential detoxification;
- Community-based detoxification;
- Stabilisation services;
- Substitute prescribing services; and
- Any other forms of treatment as a health professional may deem appropriate, in line with guidance from the Scottish Ministers.

The Bill would seek to prevent individuals seeking drug and alcohol treatment services from being refused access for reasons including:

- A medical history of substance misuse;
- A criminal history involving substance misuse;
- Automatically on the outcome of a mental health assessment;
- The individual currently being in receipt of substitute prescribing services, regardless of the volume of prescription; and
- The individual currently still undertaking alcohol and/or drug misuse.

In addition, it would see the introduction of new national standards and guidance to increase the accessibility of rehabilitation programmes.

The Bill would also aim to establish a national funding scheme to ensure that resources swiftly reach frontline treatment services in areas of acute demand.

37. Document 28

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>
Sent: 02 September 2021 11:13
To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>
Cc: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; McLafferty DJ (Diane) <Diane.McLafferty@gov.scot>; Hutchison D (David) (Special Adviser) <David.Hutchison@gov.scot>; >; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>
Subject: RE: Drugs Policy FMQ - 10am Thurs

Hi [redacted – s.38(1)b],

As requested- I don't think this has the line by line analysis that FM was looking for. Copying in [redacted – s.38(1)b]who may be able to advise.

Best,
[redacted – s.38(1)b]

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>
Sent: 02 September 2021 10:41
To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>
Cc: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; McLafferty DJ (Diane) <Diane.McLafferty@gov.scot>; Hutchison D (David) (Special Adviser) <David.Hutchison@gov.scot>; >; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>
Subject: RE: Drugs Policy FMQ - 10am Thurs

Hi [redacted – s.38(1)b],

As discussed- updated version attached. Let me know if you need anything further.

Best,
[redacted – s.38(1)b]

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>
Sent: 02 September 2021 10:02
To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>
Cc: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; McLafferty DJ (Diane) <Diane.McLafferty@gov.scot>; Hutchison D (David) (Special Adviser)

<David.Hutchison@gov.scot>; >; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>
Subject: RE: Drugs Policy FMQ - 10am Thurs

[redacted – s.38(1)b]

Please could you give me a call?

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>
Sent: 02 September 2021 09:41
To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>
Cc: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; McLafferty DJ (Diane) <Diane.McLafferty@gov.scot>; Hutchison D (David) (Special Adviser) <David.Hutchison@gov.scot>; >; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>
Subject: RE: Drugs Policy FMQ - 10am Thurs

Thanks but where have the lines on each element of the Bill gone? That's' what FM was after

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>
Sent: 02 September 2021 09:27
To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>
Cc: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; McLafferty DJ (Diane) <Diane.McLafferty@gov.scot>; Hutchison D (David) (Special Adviser) <David.Hutchison@gov.scot>; >; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>
Subject: RE: Drugs Policy FMQ - 10am Thurs

Hi [redacted – s.38(1)b],

Elements of the lines below and the submission were slightly out of date and so I have updated the attached with the latest. [redacted s.30(b)(i)] so I've copied in [redacted – s.38(1)(b)] and [redacted – s.38(1)b] for info. The [redacted – s.38(1)b] case highlights the need for improved access and more standardised pathways to rehab.

Best,
[redacted – s.38(1)b]

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>
Sent: 02 September 2021 08:26
To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>
Cc: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; McLafferty

Subject: RE: Drugs Policy FMQ - 10am Thurs

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Cc: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b]
 <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>;
 [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted –
 s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; McLafferty
 DJ (Diane) <Diane.McLafferty@gov.scot>

Morning

[redacted – s.38(1)b] , I've taken what [redacted – s.38(1)b] sent and the lines I found and added them to the attached – alongside the latest line on the Bill which came from the Drugs FMQ. Grateful if you could work from this and let me know if any updates are required.

[redacted – s.38(1)b]

Sent: 01 September 2021 20:45

To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Cc: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b]
 <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>;
 [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted –
 s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; McLafferty
 DJ (Diane) <Diane.McLafferty@gov.scot>

Hi [redacted – s.38(1)b]

It's not been introduced - the status is still as published on the conservative home page.

Thanks

To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>
Cc: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>
Subject: RE: Drugs Policy FMQ - 10am Thurs

Evening [redacted – s.38(1)b]

I'm emailing you as out of hours contact on drugs policy for FMQs this week. **Please could you confirm this request has been picked up.**

You'll see on this thread I had sent the attached FMQ brief across to [redacted – s.38(1)b] and [redacted – s.38(1)b] earlier and asked for updates by 10am tomorrow. Hopefully this is in hand.

I've just come out of prep session with the FM who asked for a briefing she had previously on the Tories' Right to Recovery Bill. She said it went through each of the elements of the Bill, with our lines in response.

I have had a trawl through our briefings and found the lines below in an earlier FMQ which I think is what she's after. However, I'd be grateful if you could confirm (i) whether you're aware of any other briefing your team have produced on the Bill which is more relevant to FM's ask (as I'm conscious FM may not necessarily have been referring to a FMQ brief), and (ii) if this does look like the only brief you have on it, could you confirm it remains up to date or make any changes necessary.

Given [redacted – s.38(1)b] and [redacted – s.38(1)b] are updating the FMQ anyway, I'd be grateful if you could add in the relevant lines on the Bill to the brief to the same deadline – **10am tomorrow.**

Thanks
[redacted – s.38(1)b]

Residential Rehabilitation

ISSUE 21 JUNE: FAVOR UK intend to publish a "Summary of Residential Rehabilitation in Scotland" on or around 24 June 2021. This sets out how residential rehabilitation services in Scotland are accessed and funded. It also outlines some issues together with recommendations. This was sent to the Minister for Drugs Policy on 21 June

ISSUE 18 JUNE: The Press and Journal (Inverness, Highlands & Islands) reports Scottish Government will look at a draft Bill the Scottish Conservatives plan to publish this week that will give drug users a right to residential rehab treatment "with an open mind". The Herald also reported on the 'legal right to rehab', highlighting how Douglas Ross MSP pressed the FM on the issue last FMQ.

ISSUE 17 JUNE: At First Minister's Questions, Douglas Ross MSP reported that he heard about a case where an individual has been trying to get into rehab for two years, but has been told that residential rehabilitation is not an appropriate treatment for him in his circumstances. Mr Ross advised that the only hope appears to be private rehab, which is only possible because of a charity's generosity.

ISSUE 13 JUNE: Daily Record reports Hamilton Accies football club, alongside the Scottish Recovery Consortium and Blue Triangle, plan to create a 20-bed rehab centre as part of a £6 million Recovery and Wellbeing Village for drug, alcohol and gambling recovery.

ISSUE 21 MAY: Scottish Conservatives laid a motion on the Right to Recovery Bill. This would enshrine a right to necessary treatment in law, draw up national standards and referral

guidance to residential rehabilitation, and establish a dedicated and autonomous national fund to bypass alcohol and drugs partnerships.

- [redacted – s.30(b)(i) and (ii)]

We are working to ensure residential rehabilitation is available for everyone who wants it - and for whom it is considered to be clinically appropriate - at the time when they ask for it, in every part of the country.

- [redacted s.30(b)(i)]

From: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Sent: 01 September 2021 16:07

To: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Cc: [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>; [redacted – s.38(1)b] <[redacted – s.38(1)b]@gov.scot>

Subject: Drugs Policy FMQ - 10am Thurs

[redacted – s.38(1)b], [redacted – s.38(1)b]

Thanks for this FMQ. A few comments in the attached. I'm not sure if it's been updated following Min Constance's comments on Tuesday regarding the Naloxone campaign? Could we include the latest lines on that please. I also note the Tories have been commenting on the protest yesterday and the SG's lit buildings, with one tying it to a lack of funding for rehab – I think the lines in the FMQ cover this but if there's anything stronger we can add that would be great.

<https://twitter.com/kyleakthornton/status/1433017429211455490?s=20>

It feels like it's getting a bit jargon-heavy, so I've tried to reduce down some of the areas where we're repeating ourselves or don't have a lot to say in terms of tangibles. Happy to discuss but anything you can do to reduce the length is always greatly appreciated!

Could we have this back by 10am tomorrow?

Thanks

[redacted – s.38(1)b]

[redacted – s.38(1)b]----- Find out more on [Preparing First Minister's Questions \(FMQs\)](#) -----