

# Drug Death Prevention (Scotland) Bill

## About You

Q1. Are you responding as:

On behalf of an organisation

Q2. Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

*No Response*

Q3. Please select the category which best describes your organisation:

Representative organisation (trade union, professional association)

**Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g. whether it is the view of particular office-holders or has been approved by the membership as a whole).**

The Royal College of Nursing (RCN) is the world's largest professional organisation and trade union for nursing staff, with members in the NHS, independent and third sectors. RCN Scotland promotes patient and nursing interests by campaigning on issues that affect members, shaping national health policies, representing members on practice and employment issues and development opportunities.

Q4. Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

Please provide your name or the name of your organisation. (Note: The name will not be published if you have asked for the response to be anonymous or "not for publication".)

Royal College of Nursing Scotland

Q5. Please provide a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. (Note: We will not publish these contact details.)

XXXXXXXXXXXXXXXXXXXX

Q6. Data protection declaration

In order to proceed, please confirm that you have read and understood the Privacy Notice contained on Page 1

I confirm that I have read and understood the Privacy Notice to this consultation which explains how my personal data will be used.

Q7. If you are under 12 and making a submission, we will need to contact you to ask your parent or guardian to confirm to us that they are happy for you to send us your views.

*No Response*

## Your Views On The Proposal

Q8. Which of the following best expresses your view of the proposed Bill? (please note this is a compulsory question)

Partially supportive

**Please explain the reasons for your response.**

RCN members debated and subsequently passed a resolution at our 2022 Congress which called on RCN Council to lobby the UK Government to support the introduction of safer injecting facilities across the UK.

RCN Scotland therefore supports any attempts to introduce overdose prevention centres in Scotland.

RCN Scotland does not have a view on the proposal to create a Scottish Drug Deaths Council and we also cannot comment on the assertion in the consultation that OPCs can be established without amendment to the Misuse of Drugs Act and therefore we are partially supportive of the Bill overall.

Q9. Do you think legislation is required, or are there are other ways in which the Bill's aims could be achieved more effectively? Please explain the reasons for your response.

As the proposal document notes, the creation of overdose prevention centres will not be the 'silver bullet' in the battle against Scotland's drug death crisis. Other policy measures, such as clearer links to and improved funding of addiction and emergency services [See, for example:

<https://www.gov.scot/binaries/content/documents/govscot/publications/research-and-analysis/2022/03/scotlands-alcohol-drugs-workforce-compendium-mixed-methods-research/documents/skills-qualifications-review/skills-qualifications-review/govscot%3Adocument/skills-qualifications-review.pdf>] are also vital, as well as increased investment in the workforce, including nursing staff. Mental health nursing makes a significant contribution to alcohol and drug addiction treatment services yet nearly 1 in 10 mental health nursing posts are unfilled, according to the latest data [As at 31st March 2022, 9.8% of mental health nursing posts across Scotland are unfilled: <https://turasdata.nes.nhs.scot/data-and-reports/official-workforce-statistics/all-official-statistics-publications/07-june-2022-workforce/dashboards/nhsscotland-workforce/?pageid=6963>].

While RCN Scotland supports the introduction of OPCs, they must be introduced alongside strong governance measures which enable staff to work with support and continuing professional development.

As the consultation notes, an OPC was effectively set up in Glasgow and operated without legislation and with the support of police. The advantage of legislation is that this gives clearer protection for staff working in OPCs and can establish clearer operational and governance structures.

We would also need to be mindful that even if there were local legislative support, nursing staff could still be reported to the Nursing and Midwifery Council (NMC) under the Code [The Code of professional standards of practice and behaviour for nurses, midwives and nursing associates <https://www.nmc.org.uk/standards/code/>]. This issue would need to be addressed, with cooperation of the NMC, alongside any legislative approach.

Q10. Which of the following best expresses your view of the proposal to establish overdose prevention centres?

Fully supportive

**Please explain the reasons for your response.**

As discussed above, RCN Congress 2022 passed a resolution backing safer injecting facilities (defined in the resolution as facilities "also called supervised injecting facilities, safer injecting spaces, drug consumption rooms, overdose prevention centres, or harm reduction facilities, [they] are medically supervised facilities where individuals can consume their own drugs, supervised by trained staff who can intervene to prevent overdose."

Evidence shows that these facilities have been effective in reducing drug-related deaths (Drug Science, 2021, <https://www.drugscience.org.uk/wp-content/uploads/2021/06/SIF.pdf>) by engaging people who use drugs with services, reducing harm such as becoming infected with a blood borne virus (Marshall, 2011, <https://pubmed.ncbi.nlm.nih.gov/21497898/> ), and reducing antisocial behaviour and encounters with the police (European Monitoring Centre for Drugs and Drug Addiction, 2018, [https://www.emcdda.europa.eu/topics/pods/drug-consumption-rooms\\_en](https://www.emcdda.europa.eu/topics/pods/drug-consumption-rooms_en)).

Though the resolution was not passed unanimously, RCN members, including a number from Scotland, spoke passionately and universally in favour of introducing OPCs across the UK in order to save lives, improve public health and encourage access to support and addiction services. A recording of the debate can be viewed here: <https://www.rcn.org.uk/congress/congress-events/wednesday-afternoon-debate>.

RCN does not wish to comment on the accuracy of the consultation's conclusion that OPCs can be legally established in Scotland without amendment to the Misuse of Drugs Act. However, it is important to note that in addition to consideration around avoiding the prosecution of individuals using OPCs and staff members under the Misuse of Drugs Act, the establishment of OPCs would need to take cognisance of other professional rules and for Registered Nurses, that would include ensuring any action did not breach the Nursing and Midwifery Code of Practice (see above).

Q11. Which of the following best expresses your view of the proposal for a licensing regime to enable the establishment of overdose prevention centres?

Partially supportive

**Please provide reasons for your response, including on the proposed conditions for licensing (see pages 12 to 14 of the consultation document) and on the proposal that health and social care partnerships are responsible for licensing and scrutinising OPCs?**

Whatever mechanism used to allow for the operation of OPCs (whether that is a licencing framework, statutory guidance, or on the face of legislation of secondary legislation), must ensure that staff working in OPCs are fully supported, under robust governance structures.

Staff need to be working at advanced level and with advanced life support qualifications and experience. As a high-risk environment, OPCs would need to be adequately staffed and the impact of this staffing requirement on other services must be adequately planned for as part of wider workforce planning. As stated above, current levels of nursing vacancies, particularly in mental health nursing, would need to be addressed as a matter of priority alongside the introduction of any new services.

Any licensing regime would need to ensure clear governance and support with safeguarding and supervision on top of more general continuing professional development skills. The service would also need to ensure that staff are supported and managed where users overdose and cannot be revived.

Q12. Which of the following best expresses your view of the proposal for a new body, the Scottish Drugs Deaths Council?

Do not wish to express a view

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

There is a need for ongoing accountability, scrutiny and strategic oversight of drugs deaths, however we hold no view on whether this would be best achieved through a new body (such as a SDDC) or through existing structures (such as Health and Social Care Partnership, Health Boards or existing Ministerial accountability).

Beyond this point, RCN Scotland does not have a view on the merits or otherwise of creating a Scottish Drugs Deaths Council.

## Financial Implications

Q13. Any new law can have a financial impact which would affect individuals, businesses, the public sector, or others. What financial impact do you think this proposal could have if it became law?

skip to next question

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

RCN Scotland does not have a view on the financial impact of the Bill.

## Equalities

Q14. Any new law can have an impact on different individuals in society, for example as a result of their age, disability, gender re-assignment, marriage and civil partnership status, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

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

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

RCN Scotland would anticipate that this Bill will have impacts on different individuals, both in terms of potential reduced drug deaths but also potential impacts of OPCs on local areas. RCN Scotland has not carried out detailed work in to what these impacts might be, but would expect this to be considered as part of this consultation process and as the Bill progresses.

## Sustainability

Q15. Any new law can impact on work to protect and enhance the environment, achieve a sustainable economy, and create a strong, healthy, and just society for future generations.

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

Please explain the reasons for your answer, including what you think the impact of the proposal could be, and if there are any ways you think the proposal could avoid negative impacts?

*No Response*