

**DRUG LAW REFORM:
FORWARD PLAN**

**SCOTTISH
DRUG DEATHS
TASKFORCE**





BACKGROUND

This forward plan provides the principles of engagement for the Drug Deaths Taskforce’s consultation to obtain views and opinions from a wide range of stakeholders in Scotland. The engagement will explore whether the Misuse of Drugs Act 1971 affects the provision of a strengthened and consistent public health approach to drug use.

The subject matter of the Misuse of Drugs Act 1971 is reserved to the UK Parliament. The main purpose of the 1971 Act and its associated regulations is to prevent the misuse of controlled drugs by restricting the possession, supply, manufacture, import and export of controlled drugs subject to certain exemptions.

CONTEXT

The Drug Death Taskforce (the Taskforce) has been working to draw together the evidence that will enable it to fulfil its task of identifying a tailored strategy to tackle the public health crisis of Scotland’s rising drug-related deaths. The Taskforce recognises that much can be done to reduce harm and save lives within the existing legal framework, and are working on a number of tests of change to achieve that. However, a key area which the Taskforce wishes to explore is how existing drug legislation affects the access of people who use drugs to health and social care services, and what changes can be made that will improve this.

The terms of reference of the Taskforce includes a commitment to: “Review whether the Misuse of Drugs Act 1971 affects the provision of a strengthened and consistent public health approach to drug use, recognising that this is reserved to the UK Parliament and any changes will require the agreement of the UK Parliament. The review will consider whether the 1971 Act has an impact on proposals to provide public health harm reduction services or on the availability of diversion from arrest or court.”

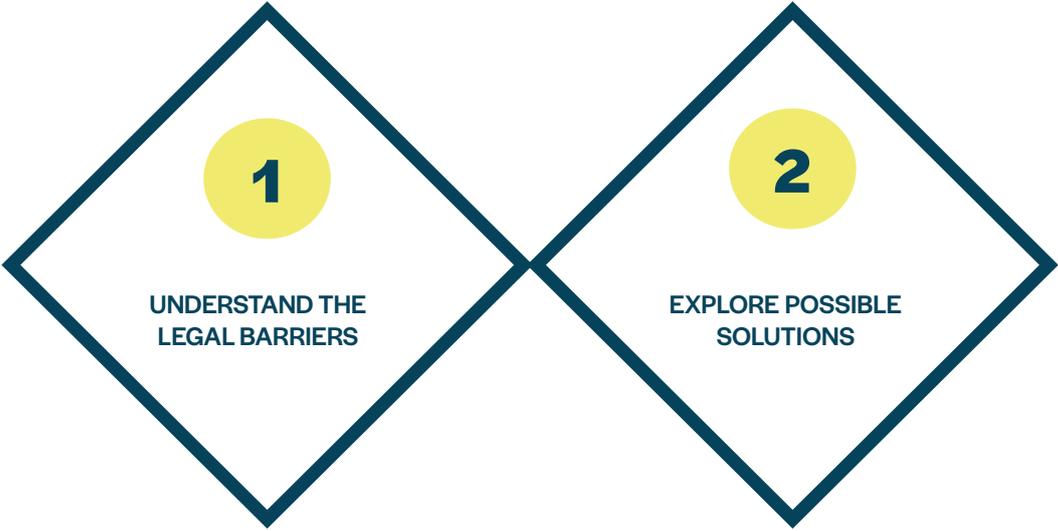
The Scottish Affairs Committee inquiry into problem drug use in Scotland heard that “the Misuse of Drugs Act 1971 is outdated, its classification system is arbitrary, and that it is fundamentally incompatible with a public health approach.” They concluded that “if the UK Government is to implement a public health approach as we have called for then the Misuse of Drugs Act must be substantially reformed.”

The Westminster Health and Social Care Committee reported that efforts to improve the unacceptably high rates of drug-related deaths would be strengthened by explicitly reframing drug use as a health rather than a criminal justice issue. Scotland’s alcohol and drug strategy, Rights, Respect and Recovery (2018) adopted a human rights based, public health approach to tackle the drug related deaths public health emergency in Scotland.

PRINCIPLES OF ENGAGEMENT

The Taskforce is committed to making it as easy as possible for those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work. This phased engagement process will commit to facilitating the meaningful exploration of ideas and viewpoints that will be used to inform the Drug Deaths Taskforce recommendations on areas where reform may be required.

The Taskforce aims to deliver a phased engagement process to understand the problems with the existing law and explore potential solutions.



PHASE ONE

1

Phase One will improve the Taskforce's understanding of what critical barriers to providing access to health and social care services have been, or are being, experienced under the current legislation and will result in a published summary of stakeholder views on the barriers and the required effects of any potential changes to the law. This will inform the Taskforce's recommendations for future exploration of suggested changes in Phase Two.

The first engagement phase will consult with stakeholders that operate in the intersection between health and justice in relation to drug use or those that may be impacted by the current reserved legislative framework.

The Taskforce will hold engagement events in January and February 2021 and will be in touch with relevant stakeholders to confirm further details.

The engagement events with identified stakeholders will cover five key themes:

1. Protecting and improving health outcomes
2. Operational and practice based barriers
3. Evidence based interventions that are currently restricted or limited by the current legislative context
4. Suggestions for significant legislative change
5. The approach to a Phase Two engagement

The information received from the Phase One engagement agenda will be published in an output summary report that will coincide with a Scottish Government social research report outlining the evidence from a number of international drug law reform case studies.

The Phase One engagement will allow the Taskforce to develop a drug law reform engagement agenda which will underpin the international evidence base. The output summary report will be presented to Scottish Ministers and published on the Taskforce website. It is intended to deliver this pre-election in March 2021, so that the incoming administration can consider proposed next steps in relation to drug law reform.

PHASE TWO

2

The Taskforce ‘Plan on a Page’, in the overarching forward plan, highlights a number of planned actions between now and the end of 2022, the deadline by which the Taskforce intends to deliver its final report detailing the evidence-based strategy needed to tackle Scotland’s unique challenge. ‘Changes to the legislation’ are a key part of that plan and this work will provide key recommendations for change within this timeframe.

The key milestones include the proposed delivery of the Phase One output report which will provide a summary of the Phase One engagement and the Taskforce’s recommendations for future work. Assuming Government approval on a way forward and the continuation of the Taskforce, it will develop Phase Two engagement actions for delivery in 2021 and 2022, resulting in key recommendations for change.

TIMESCALES

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	2020	2021				2022
TIMELINE	DEC	JAN	FEB	MAR	MAY - JUL	JULY 2021 - DEC 2022
DRUG DEATHS TASKFORCE: Drug Law Reform Engagement Plan	Communicate Phase One engagement strategy	Phase One Stakeholder engagement events	Phase One Stakeholder engagement events	Phase One output report	Scottish Parliamentary elections. Development and launch of Phase Two	Phase Two engagement reporting by the end of 2022



