



Item No: 14

Meeting Date: Wednesday 24th January 2018

Glasgow City Integration Joint Board

Report By: Susanne Millar, Chief Officer, Strategy and Operations /
Chief Social Work Officer

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SAFER DRUG CONSUMPTION FACILITY AND HEROIN ASSISTED TREATMENT

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| Purpose of Report: | To update the Integration Joint Board regarding the legal aspects of establishment of a safer drug consumption facility and heroin assisted treatment service in Glasgow |
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| Background/Engagement: | Legal advice has been, and continues to be, sought from Glasgow City Council Legal Services, NHS Greater Glasgow and Clyde Central Legal Office and external counsel. Engagement with the Lord Advocate and with Scottish Government is outlined within this report. |
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| Recommendations: | The Integration Joint Board is asked to: a) note this report; and, b) note that further updates will be provided to the IJB in due course. |
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Relevance to Integration Joint Board Strategic Plan:

Development of a Safer Consumption Facility and Heroin Assisted Treatment Service supports the attainment of a number of aspects of the stated vision of the IJB, namely:

- Focussing on being responsive to Glasgow's population and where health is poorest
- Supporting vulnerable people and promoting social well being
- Designing and delivering services around the needs of individuals carers and communities
- Striving for innovation

In addition, these services directly support the IJB's key priorities of:

- Early intervention, prevention and harm reduction; and,
- Public Protection

Implications for Health and Social Care Partnership:

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| Reference to National Health & Wellbeing Outcome: | <p>The services directly link to a number of National Health and Wellbeing Outcomes:</p> <ul style="list-style-type: none"> • Outcome 1: People are able to look after and improve their own health and wellbeing and live in good health for longer • Outcome 3. People who use health and social care services have positive experiences of those services, and have their dignity respected • Outcome 4. Health and social care services are centred on helping to maintain or improve the quality of life of people who use those services • Outcome 7. People using health and social care services are safe from harm • Outcome 9. Resources are used effectively and efficiently in the provision of health and social care services. |
| Personnel: | <p>Establishment of the Safer Consumption Facility and Heroin Assisted Treatment service will involve some element of service redesign. This will have an impact on staff, as operational models develop as a result of these services and wider whole-system redesign activity already underway. This may involve the up-skilling of current addictions staff, and potentially staff from other business areas, and / or recruitment or redeployment of a number of full and part time staff, in line with the specialist nature of the service.</p> |
| Carers: | <p>Family and carer organisations have expressed support for these proposals and have since become members of the Short Life Working Group, involved in further planning.</p> |
| Provider Organisations: | <p>There is potential for the reception and aftercare / additional support elements of the service to be provided by third or independent sector organisations. A number of partners from the third sector have expressed interest in contributing to services provided within the proposed services. This will be further scoped and progressed as required.</p> |
| Equalities: | <p>An Equalities Impact Assessment will be carried out alongside finalisation of the service specification and operating parameters.</p> |

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| Financial: | A draft financial framework for the safer drug consumption facility and heroin assisted treatment service was outlined in a previous report to the IJB available at https://glasgowcity.hscp.scot/sites/default/files/publications/ITEM_No_9_-_Safer_Drug_Consumption_Facility_and_Heroin_Assisted_Treatment.pdf |
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| Legal: | As outlined in this report. |
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| Economic Impact: | There is likelihood of a positive economic impact within health, social care, criminal justice and police domains, through effective engagement with a population which currently has a high utilisation of these services. There is also potential for wider economic benefit through improved public spaces in Glasgow city centre resulting in improved public amenity and less adverse impact of public injecting and acquisitive crime on businesses. |
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| Sustainability: | None |
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| Sustainable Procurement and Article 19: | None |
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| Risk Implications: | Key risks associated with the proposed model were identified in the options appraisal process outlined in the draft business case. Emerging risks that arise during the project's development and implementation will be managed in line with normal arrangements. |
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| Implications for Glasgow City Council: | There are a number of implications for both the Council and Health Board, including political and reputational impacts, and positive impacts on the local community. There may also potentially be increased demand for additional services as a result of successful sustained engagement with health and social care supports for a cohort of individuals who historically may be engaged on a sporadic and unscheduled basis with these services. Resource implications of an increased uptake in consistent and preventative health and social care supports may be offset by a reduction in demand for unscheduled care services such as acute health services and crisis / emergency social care services. |
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| Implications for NHS Greater Glasgow & Clyde: | As per above implications for the Council |
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| Direction Required to Council, Health Board or Both | Direction to: | |
| | 1. No Direction Required | ✓ |
| | 2. Glasgow City Council | |
| | 3. NHS Greater Glasgow & Clyde | |
| | 4. Glasgow City Council and NHS Greater Glasgow & Clyde | |

1. Purpose

- 1.1 To update the Integration Joint Board regarding the legal aspects of establishment of a safer drug consumption facility and heroin assisted treatment service in Glasgow

2. Background

- 2.1 The Integration Joint Board of 31 October 2016 approved the development of a full business case for a co-located safer drug consumption facility and heroin assisted treatment service pilot in Glasgow city centre. The report is available at https://glasgowcity.hscp.scot/sites/default/files/publications/IJB_Meeting_20161031_Item_9.pdf
- 2.2 A draft business case was presented to the IJB on 15 February 2017, outlining the economic, social, public health and recovery case for development of a Safer Drug Consumption Facility (SDCF) and Heroin Assisted Treatment Service (HAT). This report and draft business case is available at [https://glasgowcity.hscp.scot/sites/default/files/publications/IJB_15_02_2017_Item_No13 - SCF and HAT.pdf](https://glasgowcity.hscp.scot/sites/default/files/publications/IJB_15_02_2017_Item_No13_-_SCF_and_HAT.pdf)
- 2.3 A further update report was presented in June 2017, and is available at [https://glasgowcity.hscp.scot/sites/default/files/publications/ITEM_No_9 - Safer Drug Consumption Facility and Heroin Assisted Treatment.pdf](https://glasgowcity.hscp.scot/sites/default/files/publications/ITEM_No_9_-_Safer_Drug_Consumption_Facility_and_Heroin_Assisted_Treatment.pdf), this was followed by a further updated in November 2017 which is available at https://glasgowcity.hscp.scot/sites/default/files/publications/ITEM%20No%2018%200-%20Safer%20Drug%20Consumption%20Facility%20and%20Heroin%20Assisted%20Treatment_0.pdf

3. Legal Update

- 3.1 As noted in June 2017, a formal request was sent to the Lord Advocate regarding a proposed change to prosecution policy which would allow the Safer Drug Consumption Facility (SDCF) to operate on a legal basis. A response was received from the Lord Advocate on 9 November 2017.
- 3.2 The Lord Advocate's response advises that, while he is responsible for making decisions as to whether or not an offence will be prosecuted, he "cannot alter the basic quality of the activity as criminal in law". Further, the Lord Advocate also cannot affect matters of civil liability.
- 3.3 It is therefore the case, based on The Lord Advocate's response, that an amendment to prosecution policy would be insufficient to allow the SDCF to operate on a legal basis.
- 3.4 The correspondence outlines in broad terms what legal changes are required in order to make the SDCF legally compliant. Much of this relates to the Misuse of drugs Act 1971, legislation which is reserved to the UK Government. The Lord

Advocate recommended that officers pursue discussions with the Scottish Government in the first instance to progress the necessary legal exemptions.

4. Next Steps

- 4.1 While noting that an amendment to prosecution policy would not in itself deliver the desired outcome of allowing the SDCF to operate on a legal basis, the Lord Advocate does recognise the significant public health issue behind the proposal, and notes that he has discussed this matter with the Cabinet Secretary for Health.
- 4.2 Officers from the HSCP have since met with officials from the Scottish Government to discuss next steps, including an approach to the UK Government requesting either that the UK Government amend the existing Regulations attached to the Misuse of Drugs Act 1971 in such a way as to enable the operation of a SDCF, or that the Scottish Government be given the power to amend the regulations.
- 4.3 Officers continue to engage with the Scottish Government on this element of the proposals, and the IJB will be kept updated on progress in due course.
- 4.4 IJB members will recall that no legal exemption is required to provide a heroin assisted treatment programme as this can legally be delivered within the framework of existing Medicines legislation. The correspondence received from the Lord Advocate confirms this position, noting that a Heroin Assisted Treatment (HAT) facility can legally operate within the existing law, provided appropriate licences are in place. The Lord Advocate further clarifies that a HAT facility could also operate a needle exchange scheme within the bounds of existing prosecution policy. Work is ongoing to progress this element of the proposals.

5. Recommendations

- 5.1 The Integration Joint Board is asked to:
 - a) note this report; and
 - b) note that further updates will be provided to the IJB in due course.