

National Collaborative: Charter of Rights for People Affected by Substance Use**Summary and Recommendations**

In order to integrate human rights into the National Mission to eliminate drugs and alcohol related harms and deaths, the National Collaborative, a lived and living experience collaborative, has developed a draft Charter of Rights for people affected by substance use (appendix A). While most of the rights in the Charter are already enshrined in law through various pieces of human rights legislation, the Scottish Government seeks to introduce three new rights into Scots law through the Scottish Human Rights Bill. COSLA officers have recently begun engaging with the National Collaborative and key stakeholders to finalise the Charter of Rights and develop the supporting documents before publication in December 2024.

Members are invited to:

- i. Note the update provided in the report in relation to the work of the National Collaborative and development of the Charter of Rights.
- ii. Provide views on the draft Charter of Rights and supporting documents.
- iii. Agree for COSLA officers to continue engagement in the co-design of supporting documents.

References

- No previous papers

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Purpose

1. This report outlines the background to the National Collaborative and the development so far of the Charter of Rights for people affected by substance use.
2. This report seeks agreement that COSLA officers continue to engage with the National Collaborative and seeks views on the draft Charter of Rights and its supporting documents.

Current COSLA Position

1. The National Collaborative is a lived and living experience collaborative founded in January 2022. It is facilitated by the [ALLIANCE](#), supported by the Scottish Government's Drug Policy Division, and independently chaired by Professor Alan Millar. The National Collaborative recruited a Change Team of people with lived and living experience of substance use to co-design a draft Charter of Rights for people affected by substance use and develop a draft Implementation Framework and Toolkit (appendix A).
2. The Charter of Rights aims to place human rights at the centre of drug and alcohol policy by providing a framework for providers to meet the human rights of people affected by substance use. In line with the wider aims of the National Mission, the ultimate objective is to improve outcomes for individuals affected by substance use and eliminate drug and alcohol related harms and deaths.
3. The Charter of Rights is informed by the National Collaborative's [Analysis Report](#), published in November 2023, which summarises the experiences of substance use from over 650 people from communities across Scotland. People described experiencing stigma and power imbalances with professionals. Particular challenges were described by women, family members and people living in remote and rural areas.
4. The draft Charter of Rights, published in December 2023, outlines seven rights:
 - i. Right to Life
 - ii. Right to the Highest Standard of Physical and Mental Health
 - iii. Right to an Adequate Standard of Living
 - iv. Right to Private and Family Life
 - v. Right to a Healthy Environment
 - vi. Freedom from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
 - vii. Freedom from Arbitrary Arrest or Detention
5. Four (i, iv, vi and vii) of these rights are already included enshrined in law by the [Human Rights Act 1998](#). However, (ii) Right to the Highest Standard of Physical and Mental Health and (iii) Right to an Adequate Standard of Living are only contained in the International Covenant on Economic, Social and Cultural Rights (ICESCR) and along with (v) Right to a Healthy Environment, will not be incorporated in Scots Law until the passage of the [Scottish Human Rights Bill](#). The public consultation on this Bill closed in October 2023 and the [analysis](#) was published in January 2024.

6. It is also important to note that the current [Equality Act \(2010\) Disability Regulations](#) exclude individuals with drug and alcohol dependencies, meaning that dependency alone does not qualify as a disability, and is therefore not a protected characteristic in the Equality Act.
7. In addition to the Charter of Rights, the National Collaborative published a draft Implementation Framework, which outlines the [PANEL principles](#) underpinning the Charter of Rights to ensure a human-rights based approach. The final piece of documentation is the draft Implementation Toolkit which will form the basis of how the Charter is used by people to ensure the rights are met in day-to-day life.

What is Changing?

8. The National Collaborative is consulting on the draft Charter of Rights, Implementation Framework and Toolkit with both “duty bearers” (services providers) and rights-holders until June 2024. While COSLA does not deliver or commission services to support people affected by substance use, after initial discussions with Scottish Government colleagues, COSLA officers agreed to attend workshops to provide insight from a Local Government perspective. Officers attended the first of three workshops in February 2024, alongside colleagues from Local Government, NHS, Public Health Scotland and the third sector.
9. A crucial purpose of the collaborative workshops is to develop the Implementation Toolkit. This is a living document which will contain guidance, checklists to ensure providers are meeting human rights (including a specific checklist for women and for families) and a bank of good practice examples. The aim is that the Toolkit will grow as people adapt the checklists to suit different communities, priorities, and service contexts.
10. In discussions so far, COSLA officers have stated that they welcome the human rights-based and trauma-informed approach to empower people affected by substance use, end substance-related stigma, and to support the goals of the National Mission to eliminate drug and alcohol related deaths and harms.
11. COSLA officers have highlighted the fact that this Charter needs to align with the wider human rights landscape in the health and social care space. Scottish Government and the NHS developed a [Stigma Charter](#) for organisations to pledge to create a stigma-free Scotland. Other relevant charters include the [Carers’ Charter](#) (2018) and the [NHS Charter of Patient Rights and Responsibilities](#) (updated 2022) which concerns all NHS care.
12. In addition, there are plans within the National Care Service Bill to develop a Charter of Rights and Responsibilities, however, unlike the National Collaborative’s Charter, the NCS Charter will not give rise to any new rights.

Proposed COSLA Position

13. It is proposed that COSLA officers continue to engage in the finalisation of the Charter of Rights and the development of the Toolkit, to ensure that rights

outlined in the Charter are implemented and realised for people affected by substance use.

14. Health and Social Care Board Members are invited to:


- i. Agree for the COSLA officers to continue engagement with other stakeholders.
- ii. Provide views on the draft Charter of Rights and supporting documentation, to feedback at the next workshop meeting.

Next Steps

15. Following input and agreement of Board Members, COSLA officers will attend a pre-meet with duty-bearers in late March or early April ahead of the next workshop in April.

16. The finalised Charter, Implementation Framework and Toolkit will be published in December 2024.

March 2024

COSLA Plan 22-27	Priority Areas	
	Strengthen Local Democracy	
	Secure Sustainable Funding	
	Improve the Wellbeing of Individuals, Families and Communities	√
	Enhance Education and Support for our Children and Young People	
	Deliver a Just Transition to a Net Zero Economy	
	Support the Most Vulnerable in our Communities	√
Verity House Agreement	Shared Priorities	
	Tackling Poverty	
	Just transition to net zero	
	Sustainable Public Services	√