

PE1900/BB: Access to prescribed medication for detainees in police custody

Minister for Drugs and Alcohol Policy and Sport

Dear Jackson Carlaw MSP,

Thank you for your letter dated 29 January 2026 regarding the above petition. As requested, I am writing to provide an update on our ongoing work to ensure that individuals detained in police custody have timely and appropriate access to their prescribed medication. As you note in your letter, the next step for the Scottish Government was to commission a survey towards the end of last year, similar to the previous rapid review, to ensure continued oversight and improvement in this area.

This survey was sent to Health Boards on 6 November 2025. The aim was to gather information on controlled drug licences for custody suites and when these are renewed; whether policies ensure detainees can access all prescribed medication, including OST; whether adverse events, complaints and feedback are consistently recorded and where gaps exist and what plans and timescales are in place to achieve full compliance. This would help to build a national picture across Scotland.

All Health Boards responded, by mid December 2025, confirming that the vast majority of Boards hold the required controlled drug licences for police custody suites and have stable governance arrangements in place. However, three Health Boards did report delays in licence renewals due to Home Office processing times, however continuation letters or formal acknowledgements ensured services could continue safely while the process is completed.

A small number of areas, primarily remote locations including Orkney, Shetland, the Western Isles, and Argyll & Bute, rely on named patient or external clinical arrangements to obtain controlled drugs when needed. Although these regions operate without a controlled drug licence, established pathways remain in place to ensure detainees can still access their prescribed treatment. Home Office colleagues have previously confirmed to the Scottish Government that a controlled drug licence is not required in these circumstances.

You also asked for an update regarding logistical issues within NHS Grampian. Earlier this month, NHS Grampian updated the Scottish Government on the work that is under way to introduce an Opioid Replacement Therapy programme for people in custody in Elgin and Fraserburgh.

NHS Grampian have now been able to identify further community pharmacies within Grampian that will support the delivery of Schedule 2 medicines to allow the Forensic Medical Examiner (FME) and nursing teams to deliver Opioid Replacement Therapy for patients to ensure continuation of their opioid treatments. A working group is actively progressing this work, and given the success of implementation within Kittybrewster, it is expected that progress to roll this out across Elgin and Fraserburgh will now happen at pace.

NHS Grampian is also clear that they do not provide Dihydrocodeine as an Opiate Replacement. Patients on a methadone prescription, that can be confirmed by their Pharmacy and their Community Prescriber, will be administered methadone within the first 48 hours (if required) following clinical assessment and decision making by the FME service. At this time this can only be administered at Kittybrewster Custody Suite. However, for any patients where this cannot be confirmed and are actively in withdrawal while in Police Custody, they will be assessed by the Nursing and FME team and given Dihydrocodeine to alleviate withdrawal symptoms.

In conclusion, to ensure robust and consistent monitoring in this area, the Scottish Government will request an update from all Health Boards each November as part of an annual review process. We will also seek updates to confirm the completion of the roll out of the Opioid Replacement Therapy pathway across NHS Grampian. As previously noted, HM Inspectorate of Constabulary in Scotland and Healthcare Improvement Scotland have commenced a programme of joint police custody inspections since 2023. Where areas for improvement are identified, recommendations are made within inspection reports and progress is monitored by the scrutiny bodies.

Through maintaining this structured approach, we can uphold high standards of care and demonstrate our ongoing commitment to improving outcomes for detainees in police custody.

I trust that this update is helpful for Committee.

Kind regards,

MAREE TODD MSP

Minister for Drugs and Alcohol Policy and Sport