

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

## Petitioner written submission, 15 January 2026

According to an FOI release in November 2025, where NHS Grampian stated that medication, including dihydrocodeine, is administered based on a clinical assessment and is prescribed and given by clinical staff on every occasion usually by a remotely situated clinician.

They also advised that dihydrocodeine is used for opioid withdrawal in line with their guidelines, not as an opioid replacement. Their guidelines are not in line with the Scottish Government MAT policy. Furthermore, they stated that "no Police, Nursing or Medical staff administer Dihydrocodeine or any other medication without prescription". The detainees are not allowed the legal requirement of informed consent.

I believe informed consent is a legal right and not a privilege. I also believe the prescription for the controlled drug dihydrocodeine should be a signed (inked) prescription, not provided verbally as is the norm. Despite this, the ongoing Scottish petition asserts that detainees in police custody suites, such as those in Elgin and Fraserburgh, still receive the unlicensed drug without being asked for informed consent. The petitioner contends that detainees should have the same right to informed consent as the general public.

There have been ongoing concerns raised through my petition that NHS Grampian has been providing the controlled drug dihydrocodeine to detainees in police custody without their explicit informed consent, which the petitioner argues is contrary to the principles established in the Supreme Court case of *Montgomery v Lanarkshire Health Board*.

### Key Points of Contention

- **Informed consent:** The *Montgomery* ruling established a patient-centred standard for consent, meaning doctors must take reasonable care to ensure a patient is aware of any material risks of a proposed treatment and any reasonable alternatives. The petitioner argues that detainees are not being asked for this informed consent and that the onus is on the detainee to give consent, not the clinician to decide for them.
- **Dihydrocodeine use:** NHS Grampian has provided dihydrocodeine to detainees experiencing opioid withdrawal as a substitute for their prescribed methadone, which is an unlicensed use for the treatment of drug dependence. The Health Board's position is that this is based on a clinical assessment and is "clinically appropriate" where a controlled drug licence for opioid replacement therapy is absent in the custody suite.

- **Police involvement:** The petitioner has raised concerns that unqualified Police Scotland staff, not specialist clinicians, are involved in administering the medication and conducting monitoring, and that the police have at times held the drugs without the necessary controlled drugs licence. Police Scotland maintains that the provision of medical care is the responsibility of NHS Scotland and its healthcare professionals.
- **Official statements:** The Scottish Government and NHS Grampian have been engaged in the petition process and have provided various responses, including that a rapid review was conducted and actions taken regarding controlled drug licences in custody suites. However, the petitioner continues to assert that the practice of giving non-consented dihydrocodeine persists and breaches Human Rights Act articles.

In essence, while NHS Grampian assert their actions are clinically reasoned and within guidelines, the facts and supporting documents argue that the current practice for detainees in police custody in the Grampian area falls short of the legal and ethical standards for informed consent set by the *Montgomery* judgment.

Healthcare provision in police custody in Scotland is the responsibility of local NHS Boards, not police staff.

Police custody staff are generally not medically qualified to administer, titrate, and monitor on medications like dihydrocodeine; this is the role of a qualified healthcare professional (HCP) or a medical practitioner. Yet in Elgin and Fraserburgh police custody staff regularly dispense dihydrocodeine, a controlled drug to detainees and monitor them for adverse symptoms, that they are not trained to do.

In FOI/2025/1254 NHS Grampian unintentionally confessed to lying to the Scottish Government, Scottish Parliament and my MSP, Richard Lochhead in a face to face meeting.

I asked:

**“Under the freedom of information act could you answer the following questions:**

**1) What special license does NHS Grampian need to transport Methadone to custody suites in Elgin and Fraserburgh. This was an answer give to Emma Roddick MSP, the question was: 1.2 S6W-41699**

**I can find no reference to this special licence, I have used reference books and asked pharmacists and they do not know, what is this special licence and who issues it.”**

The response was:

“NHS Grampian does not supply the custody suites from its managed service (hospital based) pharmacies and so no special licence is required by NHS Grampian as a legal entity.

For a private, independent community pharmacy to supply stock controlled drugs via wholesale (rather than prescription) a wholesaler dealers authorisation is required from the MHRA and a controlled drugs license is required from the Home Office.

For a private, independent community pharmacy to supply stock controlled drugs via an NHS stock order, where that pharmacy holds a wholesale dealers authorisation the Home Office expects the pharmacy to also hold a controlled drugs licence.”