INTRODUCTION FROM THE DIRECTOR OF REGIMES

1. This Prison Service Order (PSO) is about the employment in prisons of specialist drug workers by contracted external drug agencies who are providing Counselling, Assessment, Referral, Advice and Throughcare services (CARATs), rehabilitation programmes and therapeutic communities.

Purpose

2. Some very effective drug workers in the community are ex-addicts and they may also have convictions for drug related offences. Experience has shown that their histories often enable them to influence, achieve credibility and build a rapport with an often difficult group of prisoners. This PSO, which follows consultation with Area Managers, the Directorate of High Security Prisons, Security Group and Business Link sets common criteria for allowing workers with a history of drug misuse and/or offending behaviour to have access to prisons. The criteria differentiate between the high security prisons and the rest of the estate.
3. The PSO also describes the drug testing arrangements to be adopted in the high security estate (from a date to be determined by the Director of High Security Prisons) when there are suspicions or concerns about a drug worker’s conduct. There are no plans at this stage to introduce drug testing of drug workers in the rest of the prison estate.

4. All externally employed drug workers are subject to the vetting requirements set out in PSO 1210.

Performance Standards

5. A Performance Standard on Drugs Strategy was issued in March this year.

Output

6. The PSO will introduce consistent criteria for allowing drug workers access to prisoners and will ensure that at a time when such workers are in short supply, those of proven ability will be excluded only when security requirements cannot be set aside.

Implementation

7. Part 1 of this PSO comes into effect immediately. Part 2 will take effect from a date in 2000 - 01 to be determined by the Director of High Security Prisons.

Impact and resource assessment

8. Standardising the admission criteria does not carry any additional resource implications for Prison Service staff.

9. Up to £50k is available from the Directorate of High Security Prisons’ budget, which, it is estimated, would allow each of the 30 workers to be tested between 7 and 8 times a year. This far exceeds the expected level of testing.

Mandatory Action

10. Establishments must ensure that the arrangements for vetting set out in PSO No 1210 are strictly applied.
11. All staff involved in the admission of externally employed drug workers to High Security Prisons and core local establishments holding category A prisoners must be aware that they will not normally admit a drug worker who has:

- received any custodial sentence;
- a conviction for any offence within the past 5 years;
- a conviction for any serious offence involving drugs, e.g. importation, possession with intent to supply, cultivation;
- a conviction for any serious sexual or violent offence; or
- a conviction for any offence involving children.

12. All staff involved in the admission of externally employed drug workers to any other establishment must be aware that they will not normally admit a drug worker who has:

- a conviction for importing or supplying drugs;
- a conviction for any offence in the last 5 years (excluding most motoring offences unless they involved death or injury);
- been released from a custodial sentence in the last 5 years;
- a conviction for a sexual offence e.g. rape, indecent assault; or
- a conviction for any offence involving children.

13. Governors must be aware of their ability to make exceptions in individual cases, as set out in paragraph 9 of the PSO.

14. In addition, from a date to be notified by the Director of High Security Prisons, Governors of High Security Prisons who suspect because of the conduct of a drug worker that he or she may have taken an illegal drug must apply the arrangements set out in Part 2 of the PSO for drug testing the worker and take any consequential action resulting from the test.
Audit and Monitoring

15. The mandatory vetting requirements will be the subject of compliance auditing by Standards Audit Unit.

16. Use of the power to drug test drug workers in High Security Prisons will be monitored by the Area Drug Co-ordinator. He will inform the Drug Strategy Unit whenever a drug worker is subjected to urine testing, the result of the tests and the final outcome for the worker. The Governor will inform the Director of High Security prisons of the final outcome when a positive test has lead to further action.

Contact point

17. For further information about this PSO contact Luke Edwards (DSU) on 0207-217-5344.

NOTE FOR ESTABLISHMENT LIAISON OFFICERS

ELOs must record the receipt of the Prison Service Order - Vetting & Testing of Specialist External Drug Workers in their registers as issue 130 as set out below. The PSO must be placed with those sets of orders mandatorily required in Chapter 4 of PSO 0001.

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Ken Sutton
Director of Resettlement
INTRODUCTION

1. Following the Comprehensive Spending Review (CSR), the increased contracting of community agencies from 1 October 1999 to provide Counselling, Assessment, Referral, Advice and Throughcare services (CARATs), rehabilitation programmes and therapeutic communities means that up to 300 specialist drug workers will be working in establishments when these services are fully operational. Most of the agencies will have to recruit new staff to meet their commitments. There will be subsequent staff turnover.

2. PSO 1210 sets out the arrangements for security vetting which will apply to these workers. A number of them are likely to be ex-addicts and/or have convictions for drug related offences which could under existing practice prevent them from working in some prisons. This PSO introduces in Part 1 standard criteria for determining whether a worker with a history of drug misuse or offending behaviour should nevertheless have access to establishments if he is employed by an external agency contracted to provide drug services there. It also provides, in Part 2, for the drug testing of agency drug workers operating in high security prisons.

PART 1 - VETTING AND CRITERIA FOR EXCLUSION

CURRENT PRACTICE

3. Drug workers in the community are often ex-addicts and some also have convictions for drug related offences. Their history gives them credibility among drug users and enables them to build a rapport with a group who are difficult to influence. Traditionally, policy about the admission of externally employed workers has been left to Governing Governors because of their ultimate responsibility for the security of their establishments. This has lead to inconsistency because some prisons have been prepared to admit drug workers who have been addicts or who have served sentences for drug related offences, whereas others have not.

4. Because the new drug services are planned on a clustered basis, greater consistency is needed so that a supplier can appoint staff who will be able to work anywhere within a cluster. This makes it easier to maintain services during temporary shortages such as sickness and annual leave. It also reduces the cost.

CRITERIA

5. Previous convictions and previous drug use are separate issues. The former can be identified and verified by the usual external checks. Disclosure of the latter depends crucially on the honesty of the individual. For that reason, the criteria which follow are based on convictions.

6. The criteria and the vetting procedures have been developed as a result of consultation including the Deputy Director General, Area Managers, the Directorate of High Security Prisons, Security Group, Business Link, the Police Adviser and some of the drug agencies. Ideally a single system would apply service-wide. However, this would mean standardising in accordance with the special needs of the high security estate. For the majority of establishments, such a level of security is unnecessary and would eliminate too many potentially good workers. Separate criteria are therefore proposed for the high security prisons and the rest of the estate.

MANDATORY

7. Apart from those prisons covered by paragraph 8 below, establishments will not normally admit a drugs worker who has:
• a conviction for importing or supplying drugs;
• a conviction for any offence in the last 5 years (excluding most motoring offences unless they involved death or injury);
• been released from a custodial sentence in the last 5 years;
• a conviction for a sexual offence e.g. rape, indecent assault; or
• a conviction for any offence involving children.

8. High security prisons and core local establishments holding category A prisoners will not normally admit a drug worker who has:

• received any custodial sentence;
• a conviction for any offence within the past 5 years;
• a conviction for any serious offence involving drugs, e.g. importation, possession with intent to supply, cultivation;
• a conviction for any serious sexual or violent offence; or
• a conviction for any offence involving children.

Exceptions

9. There will inevitably be individual cases where an exception would be appropriate. Experience has shown that workers with previous convictions can make telling contributions to treatment programmes in prisons and we would not want to lose their proven skills except when security dictates. It may be appropriate to disregard a conviction or custodial history in the light of exceptional circumstances, such as age at the time of the offence, its seriousness, when it took place and the motive and subsequent behaviour of the offender. Governors may disregard any offence which they consider to be irrelevant and unlikely to present any threat to security or control. The case for so doing will be strengthened if the drug worker is already personally known to the establishment from his or her days there as a prisoner.

10. Some prisons already had contracts on 1 April 1999 with agencies for the provision of drug services. There may be workers employed under those contracts who do not meet the new criteria but who have given good service and have posed no threat to the security of the establishment. Refusing them access at this stage would be counter-productive. The criteria in this PSO will not therefore apply retrospectively to these existing contracts.

Vetting procedures

11. All drug workers must be vetted in accordance with PSO 1210.

12. Each Area will set up a clearing house to process the casework. Areas will be able to judge the volume of work from the number and size of the contracts involving their prisons. When contracts are awarded, drug agencies will be advised that as soon as they have shortlisted applicants, they should contact the clearing house, to arrange for the applicant’s identity documentation to be verified, to complete the Basic Check Verification Form and the Criminal Conviction Declaration Form. Additional information may also be required at that time if employment in a high security or core local prison is envisaged. The completed documentation should then be passed to the police for the necessary checks to be carried out.
PART 2 - DRUG TESTING

13. Governors in High Security Prisons have authority to drug test a drug worker if there are particular circumstances under which they have suspicions or concerns about his or her conduct. At this stage there are no plans to introduce drug testing of drug workers employed in the rest of the prison estate, but this may change if drug testing of Prison Service staff is introduced at some future date.

14. If the Governor of a High Security Prison wishes to conduct a test, he or she must contact the Area Drug Co-ordinator (ADC) after liaising with a nominated representative of the drug worker’s employer. The ADC will then arrange for a urine test to be carried out.

15. External laboratory services will be contacted by the ADC to carry out the sample collection. The guaranteed minimum call out time will be two hours. The sample will be analysed within 24 hours of collection and the result faxed to the ADC. Positive screen tests will be confirmed and medically reviewed within 48 hours and the result faxed to the ADC.

16. The drug worker must be informed that a drug test has been authorised by the Governor, and told the reasons for the Governor’s suspicions, if possible on arrival at the prison gate. If the sample is to be collected from a venue outside the prison, the drug worker must be asked to attend immediately. He or she must be identified to the sample collector prior to the test being carried out.

17. If the sample is to be collected within the prison, the drug worker and the sample collector must be escorted to the collection site. An officer must be nominated for this purpose (“the nominated officer”). The collection site must be in a suitable area affording privacy out of sight of prisoners and prison staff. It must be suitably equipped and of a standard consistent with the collection of urine for the purpose of drug testing. No more than one member of staff, normally the nominated officer, is to be present at the sample collection site to facilitate the collector in performing his duties.

18. The arrangements must respect the drug worker’s right to privacy. The overall procedure must therefore involve the minimum number of prison staff needed to enable the sample to be collected. For example, it will be necessary to inform the Gatekeeper of the impending arrival of the sample collector but unnecessary routinely to advise other staff or the Gatekeeper of the identity of the drug worker being tested.

19. The nominated officer must explain to the drug worker the process for the collection of the sample and that failure to provide one, unless there are medical reasons, will be treated as a positive result. If the worker fails to provide a sample for analysis the Governor will be informed accordingly and will decide on an appropriate course of further action, i.e. re-test, temporary or permanent exclusion from the establishment.
20. The result of the sample analysis must be made known to the worker as soon as possible. If it is negative, no further action need be taken. If it is positive the Governor must decide if the worker should remain in the prison pending confirmation and medical review. It will normally be appropriate to exclude the worker. Confirmation and medical review of a positive test or an admission of guilt by the drug worker must require the Governor to discuss the findings with the Chief Executive of the employing Drug Agency and the ADC in order to determine what course of action is appropriate. The drug worker must be invited to make representations to them either in person or by letter.

21. The ADC will inform

- the DSU whenever a drug worker is subjected to urine testing, the result of the tests and the final outcome (i.e. what happens to the worker); and
- the Chief Executive of the Drugs Agency concerned of all workers who screen test positive and are subsequently confirmed.

The Governor will inform the Director of High Security Prisons of the final outcome when a positive test has lead to further action.

**PART 3 IMPLEMENTATION**

22. Part 1 is introduced with immediate effect. Part 2 will take effect from a date in 2001 - 02 to be determined by the Director of High Security Prisons.