#Voluntary drug testing policy procedures

**Parent topic:** [Personnel security clearances](personnel-security-clearances.md)

##Introduction

The Cluster 2 Security Unit (C2SU) forms part of the Transforming Government Security programme which aims to standardise and strengthen operational security across Government.

Cluster 2 is one of four cross-Government Security Clusters which delivers operational security services to the following Government organisations:

* Home Office
* DEFRA
* Department for Education
* Department for Transport
* Ministry of Justice (MoJ)
* Ministry for Housing, Communities, and Local Government

The MoJ Senior Security Advisor (SSA) is responsible for the overall management of security and for ensuring that the Cluster services and policies provided meet Government and organisational aims for improved security in Government.

If you have any queries about this information, contact [MoJ Group Security](mailto:mojgroupsecurity@justice.gov.uk).

##Procedures

These policy procedures support and underpin the [Voluntary Drug Testing Policy](voluntary-drug-testing-policy.md). Unless otherwise noted, these procedures **SHALL** be complied with fully.

##Aftercare arrangements: Use of Voluntary Drug Testing

A security clearance requires ongoing review. A voluntary drugs test is one of a range of vetting aftercare arrangements which provides assurance and confirms that staff are suitable for ongoing access to sensitive government information and assets. Drug testing is a voluntary process which enables security clearances to be assessed and granted in cases where they would ordinarily be refused.

Voluntary drug testing is used when illegal drug use is admitted to during the vetting process.

C2SU decide on a case-by-case basis whether drug testing is necessary. C2SU also identify any potential security risks to Government assets in consultation with the MoJ Senior Security Advisor. In any event, the individual must commit to not using any type of illegal drugs during any period of employment with the MoJ.

##Drug testing arrangements

C2SU set a timeframe in which an individual will be periodically tested for a panel of illegal drugs by an accredited and approved drug testing provider.

##Disclosure of personal information

Personal information needs to be disclosed to the approved drug testing provider to support the administration of the drug testing process. By agreeing to take part in the voluntary drug test, the individual is subsequently consenting to the following personal information being provided:

* Full name.
* Date of birth.
* Place of work (for example, MoJ).
* Declaration of illegal drug use both historic and current (including type of drug(s), frequency, and quantity).
* Declaration of controlled substances both historic and current (for example, prescription medications).
* Other medical history required to help safely facilitate the drug testing process.

This information is used only for the purposes of facilitating the drug testing process.

##Sample collection

The primary method for the sample collection is a hair sample. However, in some circumstances other alternative methods, such as a urine sample, may be used for drug testing analysis. At each drug test an alternative hair or urine sample is taken to allow for independent re-testing, if required (for example if a test result is inconclusive or further evidential testing is required).

The individual is expected to co-operate fully with any request to provide a sample collection. If the initial request cannot be met due to availability issues, such as pre-arranged annual leave commitments, the individual must arrange as soon as possible with the C2SU’s drug testing provider, and no later than five working days after the unavailable period, to provide a sample collection for drug testing analysis.

If, due to a change of circumstances beyond the individual’s control, they are unable to attend the scheduled appointment, they must give advanced noticed (minimum of 24 hours) and reason(s) for non-attendance to C2SU and the drug testing provider. The appointment must be rescheduled within seven days of the original appointment date.

Failure to either provide advanced notice to C2SU and the drug testing provider, or reschedule the original appointment date within the set timeframe, is interpreted as the individual’s unilateral withdrawal from the vetting aftercare arrangements, and could lead to withdrawal of the security clearance.

Failure to co-operate with any part of the drugs testing process, or if C2SU has reason to believe that deliberate attempts by the individual are being made to delay, frustrate, or circumvent the process, is interpreted as the individual’s unilateral withdrawal from the national security vetting aftercare arrangements and could lead to the withdrawal of the security clearance.

##Raising concerns

Any concerns about the sample collection process, or about the approved drug testing provider, must be raised with C2SU at once and in any event prior to receiving confirmation of drug testing results. C2SU investigates any concerns raised with the approved drug testing provider.

##Confirmation of test results

Confirmation of test results is provided in full to the individual, and shared in their entirety with the Cluster 2 Aftercare Security Unit.

Any positive trace of illegal drugs is grounds for assessing the individual’s suitability to hold security clearance. The level of security clearance withdrawn is decided by C2SU on a case-by-case basis.

Confirmation of test results, and any subsequent decision making made by C2SU, is held on the individual’s vetting file and stored in accordance with C2SU retention periods.

The test results are not be used for any purpose other than deciding on suitability to hold national security vetting. Exceptions to this include legal obligations (for example court order or police warrant), or the transfer of records to another Vetting Authority as part of clearance confirmation procedures, or where there is an overriding corporate duty of care to the vetting subject.

##Self-reporting

Following the Cluster 2 department’s Drugs and Alcohol Substance Policy, or equivalent, individuals misusing substances are encouraged to discuss this with their line manager and urged to seek expert help and advice at the earliest opportunity.

Additionally, holders of national security vetting clearance at all levels are expected to show the highest level of honesty, integrity, transparency, openness, and frankness in sharing personal information (including lifestyle habits, and changes to them) of security relevance, or when engaging with C2SU. Dishonesty and intent to mislead or conceal is viewed seriously and influences whether the clearance is kept.

**All information shared with C2SU is treated in confidence. Support is provided where possible.**

Self-reporting of any drug misuse is not necessarily considered as automatic grounds for the withdrawal of security clearance. C2SU assess everyone on a case-by-case basis. However, failure to self-report drug misuse which later comes to light via drug testing, or any other means, is likely to lead to security clearance being withdrawn.

The following contributing factors are considered by C2SU. This is not an exhaustive list:

* The type and quantity of illegal drug usage.
* Previous history of the misuse of illegal drugs.
* How long since the previous declaration of illegal drugs use.
* How the illegal substances were acquired.
* The environment in which the illegal drug use took place.

C2SU assess an individual’s suitability to continue to hold security clearance by deciding the level of risk they have of being susceptible to pressure or improper influence, or indicate unreliability, because of their actions. The principles around national security vetting focus specifically on the threats posed to UK national security (for example terrorism, espionage, or other actions that would threaten the UK). The threats and any subsequent risks to the business might differ, so they are assessed and managed by locally produced business-related policy and procedures.

##Appealing decisions of withdrawing security clearance

If a security clearance is withdrawn following a positive test result, the appeal rights and processes are the same as for withdrawal or refusal of national security vetting clearance for any other reason. Any appeal is dealt with following the terms of the Security Clearance Appeals Procedure. These state that Right of Appeal applies to those falling under these criteria:

* Permanent members of MoJ staff.
* Current contractors or other non-permanent staff, already engaged in MoJ work.
* Current permanent members of staff of other government departments and organisations who have applied for or transferred a security clearance with the MoJ.
* Current contractors already engaged on government work in other departments and organisations who have applied for or transferred a security clearance with the MoJ.

There is no Right of Appeal for individuals on recruitment to the Civil Service seeking employment or contractual work with the MoJ. For further information on the Security Clearance Appeals Procedure, contact Group Security: [mojgroupsecurity@justice.gov.uk](mailto:mojgroupsecurity@justice.gov.uk).

##Appealing a positive drug test

Any disputed drug test **SHALL** be appealed to C2SU, in writing, within five days of receiving confirmation of a test result.

An appeal **SHALL** detail the reason or reasons why the positive result is being disputed. This information **SHALL** be shared with the approved drug testing provider and the positive test results **SHALL** be subject to further scientific expert analysis to decide the probability of the positive test result being incorrect. The results of any secondary testing **SHALL** be treated as final.

##Review of drug testing arrangements

The requirement for drug testing individual cases **SHALL** be subject to ongoing review, on a case-by-case basis, by C2SU. The individual **SHALL** be formally notified by C2SU if this aftercare arrangement is withdrawn.