



# Forensic Testing Service

*clear evidence - expertly delivered*

**LEADING THE WAY IN  
DRUG AND ALCOHOL  
TOXICOLOGY FOR  
FAMILY LAW PROCEEDINGS.**

*The Parliamentary Review*

**BEST PRACTICE REPRESENTATIVE**

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# Forensic Testing Service



State-of-the-art forensic laboratory, West Yorkshire



Managing Director Paul Hunter

**F**orensic Testing Service work to provide evidence for use by local authorities and the family legal sector in courts.

Managing Director Paul Hunter explains that in instances of substance misuse, particularly those which impact the well-being of children, they ensure that information is accurately and efficiently obtained and processed. Paul tells The Parliamentary Review more about how FTS serves courts in the UK, and why the current system is in such serious need of reform.

Substance misuse has a devastating impact on our lives generally, but of particular concern is the harm that it brings to children's lives. It puts the lives of children of all ages at risk, even before they are born and if they survive the traumas, their lives are often damaged irreparably.

FTS now have the knowledge and capability to drive much needed reform that will improve the safety of children affected by substance abuse. This is our clear mission and what motivates our team and drives the innovation, delivery and growth of our service.

My previous work in substance abuse started in the mid-1990s and involved the introduction of a new patented technology and unique service to reform the provision of clinical and legal evidence for substance misuse street clinics, probation services and crime reduction partnerships. This work introduced me to the legal process, where I discovered that the family legal teams and courts had a very poor grasp of the complex science behind forensic testing and were being misled by this evidence.

In childcare proceedings there was a clear disconnect between what the court required and what the industry provided. However, there were no drug testing

## Facts about Forensic Testing Service

- **Managing Director: Paul Hunter**
- **Established in 2009.**
- **Based in Mirfield, West Yorkshire.**
- **Services: Providing legally defensible expert evidence for courts in the UK.**
- **No. of employees: 110**
- **Leading essential reform - the first and only company to have introduced the model of best practice in the UK.**
- **[www.forensic-testing.co.uk](http://www.forensic-testing.co.uk)**

## Challenges

Our biggest challenge for reform in this sector is getting an audience with the judiciary and other decision-making stakeholders to educate those who need to understand why change is required urgently. Most of the work we do is paid through public funding where the budget is controlled by the Legal Aid Agency or local authority.

The LAA are not accessible to us and the majority of local authority commissioners do not feel it's appropriate to speak to us. Therefore, they continue to be misinformed and continue to naively waste public money, perpetuating the risk and suffering that children face every day from substance misuse. There is infrastructure in place to deliver this education very quickly through judicial training and the local family justice boards. Although this education is essential, the structure is not presently accessible to us at FTS.

The court needs to know: does substance abuse represent a risk to a child? To answer this question requires more than a simple drug or alcohol test for the parent. Testing the child, which is complex and rarely undertaken, is also a crucial factor in many cases. The most significant factor missing in the present simple approach is a comprehensive forensic investigation, essential to provide the critical context needed to interpret and understand test results.

### Held up by court

The majority of local authorities and the family legal sector remain unaware that much of the "scientific" evidence from this testing does not meet the standard of proof required for legal proceedings. This results in a false confidence and over-dependence on it to make decisions.

Using this binary approach to report drug test results, in isolation of forensic investigations, is leading to the gravest miscarriages of justice imaginable; the wrongful removal of a child from their parents or leaving a child to likely harm or suffering. This binary process is designed for high volume commercial, clinical and epidemiological applications, but it is not appropriate for legal proceedings.

In family courts, evidence must achieve a standard of proof described as "balance of probabilities", but recent high-profile court of appeal cases have exposed that the incumbent process does not achieve this in all cases.

Without reform, having black hair means you're more likely to lose your child compared to having blonde or ginger hair. FTS's comprehensive database of cases from the past ten years has demonstrated these significant failings. Using the existing process, up to 40 per cent of regular drug users, would have been falsely identified as not using drugs. Around 20 per cent of non-users would have been falsely accused of using drugs.

“In childcare proceedings there was a clear disconnect between what the court required and what the industry provided”

laboratories providing a service designed to help the court process. The services available were clearly not fit for purpose and so in 2009, FTS was born.

### Reforming the system

Traditionally, a restricted drug or alcohol screening test is instructed by courts to deduce if individuals are abusing drugs or alcohol over extended histories of a few or several months. The output from this testing is a "positive", concluding substances have been abused, or "negative", concluding no substances have been abused. However, when investigating a case to establish an extended history, a wide range of biomarkers need to be tested from complex samples, including hair, nails and blood, the results from which, are not binary and should not be reported as such.

Without reform, numerous factors, including hair colour, can influence a judge's decision on a child's custody.



Given that the custody of a child often rests on this evidence, this lottery has to stop, these decisions must not be left to chance and the process has to change.

## Systematic reform

Our unique model of best practice incorporates a thorough forensic investigation and appropriate analytical work, to deliver the evidence that answers the specific questions relating to each case. Decisions can be made earlier and with more confidence, to assist the family courts achieve their strict 26-week window to open and close a case. It avoids the present misleading evidence, confusion and misinterpretation of scientific reports. It reduces the waste of public funds and significant cost to the child and families when the wrong decisions are made. The child's interest is placed at the centre of our work so the evidence needed to make the right decision for the child will continue to be the focus of our efforts.

We have revolutionised the testing process, so that much of the drug and or alcohol abuse that presently goes undetected, including the growing number of new synthetic drugs such as synthetic cannabinoids like "spice", can now be detected and reported for all cases. Our experts provide CPD training to legal teams, judiciary and social services allowing all to fully understand what this evidence means and crucially, why changing to instructing an expert is vital to obtain reliable evidence.

We have developed a highly sophisticated forensic laboratory in Mirfield, West Yorkshire, UKAS accredited and Home Office licensed, which holds certification from the Society of Hair Testing and Society of Toxicological and Forensic Chemistry. Our laboratory has a significant commitment to research and development working closely with major universities and laboratories in the UK



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and Europe offering a comprehensive and unique range of analytical services in forensic toxicology and bioanalysis, which we continue to expand.

In partnership with universities, we are investing heavily in IT to complete the development and introduction of a comprehensive data processing and reporting system, supported by the Leeds Enterprise Partnership and Innovate UK. The system incorporates decision trees, machine learning, and explainable artificial intelligence to fully optimise the strength and consistency of the evidence produced. These developments will facilitate the opportunity to rapidly scale up our services for all courts and local authorities in the UK and legal services in Europe. Courts can then feel increasingly confident that they are making the correct decisions and will no longer have to rely on crude, costly and confusing evidence.

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## FTS Best Practice Model

The FTS model of best practice delivers reliable evidence that achieves “balance of probabilities” for each case. It is specifically designed to assist the court in making the right decisions for the future of the child. This service is the first of its kind in Europe for dealing with cases involving substance misuse and is strongly supported by leading experts, district family judges and guardians working for children. The present process has been in place for over 30 years without reform, despite its inherent risks, its associated costs and ever-growing demands being placed on the legal sectors resources. If we value the safety and future of children, then the present process must change.