



Association of **Lawyers for Children**
Promoting justice for children and young people

PRESS RELEASE of the Association of Lawyers for Children

The police are investigating the potential manipulation of drug and alcohol test results carried out by 2 companies: Trimega Laboratories Ltd and Randox Testing Services. The Association of Lawyers for Children (ALC) is mainly concerned by the investigation into Trimega. They undertook hair strand testing for drug and alcohol use in family court cases between January 2010 and April 2014. Randox primarily undertook tests for criminal prosecutions and in coroners' cases although the ALC is aware of Randox being used in some family cases.

The Ministry of Justice (MoJ) and HM Courts and Tribunals Service (HMCTS) have published guidance for people concerned about the potential unreliability of these tests. You can read the guidance here: <https://www.gov.uk/guidance/forensic-toxicology-tests>. We encourage you to read it.

The guidance explains what you can do if you think that an order was made in a family court case because of an unreliable drug or alcohol test by Trimega. The guidance explains that you can apply to the court to set aside or vary the order using a special form, C650, and that, if you use this form, you don't have to pay a fee. You can get the form here:

http://hmctsformfinder.justice.gov.uk/HMCTS/GetForm.do?original_id=2044

The guidance also says that you can still make another type of application to vary, discharge or appeal the order if you wish to or if you are advised to do so, but that you would have to pay the relevant court fee.

If you were involved in a family court case that you think was affected by an unreliable drug or alcohol test, you can try to contact the solicitors' firm who represented you in that case and ask for their advice. If you cannot contact them or they cannot help you, you can look for another solicitor on The Law Society's website: <http://solicitors.lawsociety.org.uk/>. You could also contact Citizens Advice or the local authority involved in your case.

If you are a lawyer reading this, please note that the ALC considers that those affected should be able to receive non-means, non-merits tested advice and assistance under the 'Legal Help' scheme so that they can get free initial advice about their situation. Further, if you take the view that a client has sufficient merit to make an application to the court, the ALC considers that you ought to be able to apply for a legal aid certificate to continue to assist the client and prepare any relevant application. While the Legal Aid Agency (LAA) may require an application for

a legal aid certificate to meet the merits criteria, the ALC firmly believe that no financial eligibility test should be imposed; the application for a legal aid certificate should be non-means tested.

The ALC will therefore be making its position clear to the LAA and the MoJ.

You may wish to carry out a review of your files so as to identify cases in which drug or alcohol testing by Trimega, or Radox (if applicable) occurred during the applicable period. The ALC will be liaising with relevant organisations in order to better establish what can reasonably be expected of our members in these circumstances. If you are a member of the ALC and you wish to contact us in relation to this issue, please do so by the usual channels.

22.1.17

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Contact:
Ms Natalia Dawkins
ALC Operations and Development Officer
Telephone: 020 8224 7071
Email: admin@alc.org.uk