

Are you seeking information about shy bladder syndrome (paruresis) and drug and alcohol testing?

This guidance is aimed at individuals, testers and legal representatives.

Its purpose is to explain the issues around drug and alcohol testing for people who have shy bladder syndrome. Shy bladder syndrome is also known as paruresis. We will outline the procedures which need to be followed. We will explain to individuals who have shy bladder what their options will be under the testing regulations.

It has been compiled with guidance from the following:

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Paruresis at times of pressure

People with shy bladder syndrome are under extra pressure if they are required to provide a urine sample. For instance by the police, in prison, or in the workplace.

Shy bladder is not a condition that you either have or do not have. Many individuals who have never experienced shy bladder have "locked-up" when faced with the conditions used in drug testing. GPs say that it is common for patients to say they cannot produce a sample on demand.

Testers usually assume that time and/or drinking water will result in the individual having to pee. Unfortunately this is not the case. However much an individual wants to urinate, when under stress the nervous system "closes the tap" and blocks the process. This can be a painful experience.

Prison Procedures

There are rules of procedure that the prison staff and police must follow to ensure that the person being charged provides a valid sample of urine. Two officers must observe the urine being produced and delivered into the sample cup. However, there are options available to deal with shy bladder. This depends on the staff responsible being aware of the HM Prison Service Policies and Procedures.

The following guidance is provided to all prison staff who are undertaking Mandatory Drug Testing (MDT):

Some prisoners have a psychological condition called shy bladder syndrome or paruresis which prevents them passing urine if they are observed or pressurised. The problem may or may not be linked to other, more serious, psychological problems; it may be more common amongst young offenders than amongst adult prisoners. If a prison officer suspects a prisoner cannot provide a sample because of this problem, there are two possible approaches:

a) the prisoner must be allowed more time at the toilet without the time pressure to provide an immediate sample and a reduced level of observation; and

b) if this fails, the prisoner, after a full strip search, may be provided with a sample collection cup and allowed to provide a sample in complete privacy in a cell with either internal sanitation (water must be blued and the flush must not be accessible from inside the cell) or a cell without water but furnished with a urine container for the collection of excess urine and the opportunity then afforded the prisoner to wash their hands immediately thereafter.

Police Procedures

If, following a breathalyser test, the police need further evidence, then they can request a blood or urine sample. If they choose urine then, in line with prison procedures and in the view of the UKPT, you should be allowed four hours to provide this.

In practice it is often one hour or two at the most. The individual should tell the arresting officer at the time of arrest, or the desk sergeant on arrival at the police station, that he has a problem urinating when someone else is present. The police could then exercise discretion and get a medical practitioner to take a blood sample. However, not all police officers are aware of this procedure, and the individual may need to be assertive to get their paruresis recognised. It can help if the individual has previously consulted their GP about the issue so that there is medical evidence backing up their problem.

Workplace testing

Drug testing is mandatory in some workplaces. Workplace testing is often sub-contracted out, and sub-contractors may not be aware of the procedures available to the prison and police services. Individuals may be embarrassed and anxious about testing, which could make it even harder to give a urine sample.

The following steps may be helpful for individuals who have paruresis and are required to undergo testing:

It may be useful to have previously seen your GP or specialist and been diagnosed with some degree of paruresis.

Take literature from the UKPT website to offer as evidence of the existence of the condition (https://www.ukpt.org.uk/)

Inform the tester about paruresis. Tell them how it affects you. Tell them about the procedural options available to the prison service and the police.

Inform them that saliva drug testing is an accredited alternative to urine lab testing. Reports from saliva drug tests may be admissible as evidence in court, subject to industry standards and company policy. A saliva drug test can detect drugs up to two days after the event. For more information visit https://www.crystal-health.co.uk/shy-bladder- syndrome-and-urine-drug-testing/

If you use a catheter, showing the tester a catheter should be enough to convince them of the need to follow the options available to them.

Inform them that they are not following procedures in making allowances for the condition. Say also that the procedures conflict with the Disability Discrimination Act.

Remind them that your human rights entitle you to total discretion. This means they must not tell your employer. However, you may wish to consider disclosing your paruresis concerns with your employer prior to testing. Many companies who introduce a drug testing programme will have a period of time in which they allow employees to raise any concerns they have. This would also apply if you were starting a new job. As a new employee you would be able to view the company's drug and alcohol policy and address any concerns prior to being asked to undergo testing. Try to be matter of fact about your difficulty; behave as if you were colour-blind, or partially deaf, and needed to tell the employer i.e. it is something you are, and not something you chose to be.

If you are not able to give a urine sample, and your employer starts a disciplinary procedure, it is important to inform your solicitor about your paruresis as soon as possible. Inform them that the failure to provide urine was not a refusal but an inability to do so.

If later charged in relation to failure to provide a urine sample, immediately get legal advice. Tell your solicitor about the UKPT and the information available at this web site.

Additional recommendations for legal representatives

In order to be most helpful to your client, take the time to inform yourself about this distressing condition and the procedures in place to cater for it.

Be realistic about the possibility that some people may pretend to have paruresis. Accept the fact that the employer and the tester's initial reaction may be influenced by that belief.

Thank you for reading this information.

By referring your patient for specialist assessment and treatment for their paruresis, you will be giving them the best chance of overcoming this life-affecting problem.

By additionally signposting your patient to the UKPT website, you will be offering them the opportunity to access support and help from people with lived experience of beating paruresis.

General enquiries? Looking for support? Visit www.ukpt.org.uk for information about paruresis, including CBT based workshops. Or you can email us at info@ukpt.org.uk if you have a specific query.

Address: 1 Sawmill Close, Kendal, Cumbria LA9 6JE

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Sources used to create this information resource are available by contacting the UKPT.

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