Terms of Reference

for the

Forensic Science Advisory Council

Status

The Forensic Science Advisory Council (‘the Council’) is a body established to advise and support the Forensic Science Regulator (‘the Regulator’) in the exercise of his/her duties.

Background

2. Recent developments in the forensic science market have aimed to create a fully functioning market with the right services, at the right price, delivered to the appropriate standard. To achieve this it is essential to ensure that the integrity of, and confidence in, the Criminal Justice System (CJS) is maintained, that a level playing field exists for all suppliers and that quality standards are maintained in the face of the growing market and increased competition.

3. Quality standards for forensic science were historically established by the Forensic Science Service (FSS), which both provided most of the outsourced forensic science services to the CJS and acted as the Government’s adviser on forensic science issues. The FSS is now a limited company, wholly owned by the Home Office, competing in the marketplace with other forensic service providers. In this new landscape there is a need for a central authority to establish common quality standards in the provision of forensic science services to the police and the wider CJS.

4. Home Office Ministers have agreed that this function should be discharged by a newly created office of the Forensic Science Regulator (‘the Regulator’). The Regulator will be established within the Home Office and will be accountable to the Home Secretary in the discharge of his/her regulatory function.

5. By establishing, and enforcing, quality standards for forensic science used in the investigation and prosecution of crime, the Regulator will reduce the risk of quality failings impeding or preventing the identification, prosecution and conviction of offenders. This will contribute to the Home Office objective of preventing, detecting and deterring crime and improving public confidence in the police and other CJS agencies.

6. The role of the regulator will be as follows:

   i). To establish, and monitor compliance with, quality standards in the provision of forensic science services to the police service and the wider CJS;
ii). To ensure the accreditation of those supplying forensic science services to the police, including in-house police services and forensic suppliers to the wider CJS;

iii). To set and monitor compliance with, quality standards applying to national forensic science intelligence databases, beginning with NDNAD and the National Ballistics Intelligence System (NBIS) and extending to others in due course;

iv). To provide advice to Ministers, CJS organisations, suppliers and others as seems appropriate, on matters related to quality standards in forensic science; and

v). To deal with complaints from stakeholders and members of the public in relation to quality standards in the provision of forensic science services.

7. The Regulator will not be expected to deliver all these activities directly. It will be the function of the Regulator to ensure that the standards exist, that they are fit for purpose, that they are subject to accreditation and that they are monitored. Where organisations exist to deliver the above activities\(^1\), the expectation will be that this will continue and that the Regulator will operate through the established processes unless these processes are unable, for some reason, to deliver the required outcome.

8. Subject to that, the remit of the Regulator will encompass:

i). Scientific quality standards relating to organisations providing forensic science services to the CJS;

ii). Processes carried out within those organisations which affect the quality of the forensic science services provided to the CJS;

iii). New scientific techniques introduced in, or adopted by, such organisations, before those techniques are introduced;

iv). The competence of individual forensic scientists.

**Remit**

9. The Forensic Science Advisory Council (FSAC) will support the Regulator by considering, and offering advice on, matters related to:

i). The setting of, and monitoring compliance with, quality standards in the provision of forensic science services to the police service and the wider CJS. This will include the quality both of the “science” and of closely associated processes such as exhibit tracking and integrity. Implementation

\(^1\) For example UKAS in relation to accreditation services for processes.
will generally be managed through, or with the support of, existing specialist bodies, for example UKAS;

ii). The accreditation of those supplying forensic science services to the police, including in-house police services and forensic suppliers to the wider CJS;

iii). The procedures for validating and approving new technologies and applications in the field of forensic science;

iv). The setting of, and monitoring compliance with, quality standards applying to national forensic science intelligence databases, beginning with the National DNA Database (NDNAD) and the National Ballistics Intelligence System (NBIS) and extending to others in due course;

v). The quality of academic and educational courses in forensic science;

vi). International developments relevant to quality standards in the provision of forensic science services;

vii). Complaints from stakeholders and members of the public in relation to quality standards, and their application, in the provision of forensic science services;

viii). Any other issues concerning quality standards in forensic science which are referred to the Council.

10. The responsibilities of the Council will include the following:

i). Contributing to the identification of requirements for new or improved quality standards;

ii). Advising on prioritisation of requirements for quality standards;

iii). Creating, tasking and overseeing the work of Expert Working Groups (EWG) established to advise on or develop quality standards;

iv). Assessing the recommendations of EWG (or other sources) and advising the Regulator on how to respond to them;

\(^2\) Where such complaints are not more appropriately dealt with elsewhere: eg by professional bodies.
v). Assisting the Regulator in responding to requests for advice from Home Office Ministers and others;

vi). Advising on, and monitoring the operation of, the process for reviewing existing standards and recommending development of new/modified standards;

vii). Monitoring the development of academic and educational courses in forensic science and, through the responsible authorities, promoting approaches to maintain and improve quality standards;

viii). Monitoring international developments and fostering co-operative links with relevant international fora;

ix). Advising on, and monitoring the operation of, the processes by which new standards are created.

11. The Council will also, through the Regulator, advise the Police Science and Technology Strategy Group on any matters within its remit which may, from time to time, be referred to the Council.

12. The remit of the Council may from time to time be modified by the Regulator following consultation with the Council.
Composition

13. The Council will be chaired by the Regulator.

14. Membership of the Council will comprise one person in each of the following categories. Where stated, the relevant organisation will normally be invited to nominate a suitable person to the post:

<table>
<thead>
<tr>
<th>Area of expertise</th>
<th>Person description</th>
<th>Nominating authority</th>
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<tbody>
<tr>
<td>Accreditation</td>
<td>A person experienced in accrediting forensic science laboratories and processes to recognised international and domestic standards</td>
<td>UKAS</td>
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<tr>
<td>Forensic science</td>
<td>A fully qualified forensic scientist who has achieved eminence in the practice of forensic science, including holding a senior management position in a forensic science laboratory or a police service forensic science department.</td>
<td>Forensic Science Society</td>
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<tr>
<td>Pathology</td>
<td>A senior practising, or recently retired, Home Office registered pathologist.</td>
<td>BAFM, in consultation with Royal College of Pathologists</td>
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<tr>
<td>Academic training and qualification</td>
<td>A person from the academic field with experience in, and responsibility for, feeder training for the forensic science and crime scene examination professions. The responsibilities to be national rather than local.</td>
<td>Skills for Justice</td>
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<tr>
<td>Forensic science providers</td>
<td>A senior manager from a commercial or Government-owned forensic science laboratory</td>
<td>Association of Forensic Science Providers</td>
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<td>CJS</td>
<td>A senior manager or lawyer with experience of prosecuting, or managing the prosecution of, cases in which forensic science has been at issue; or a senior manager with responsibility for setting policy in this area</td>
<td>CPS</td>
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<td>A member of the judiciary with responsibilities relevant to forensic science in the courts, or a particular interest in this area</td>
<td>LCJ</td>
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<td>A member of the Bar with significant experience of acting for both the prosecution and the defence</td>
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<td>Scotland</td>
<td>A senior forensic manager with extensive knowledge of the Scottish legal system and the provision of forensic services in Scotland</td>
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<td>Police</td>
<td>A senior police officer or member of police staff with responsibilities in relation to the provision of forensic science services to the police, or a closely related field, and with knowledge of the application of forensic science in the investigation of major crime</td>
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<tr>
<td>Lay member</td>
<td>A person, not a member of a government department or organisation within the CJS, with experience of operating at an influential level alongside the CJS on behalf of the public. This might, for example, involve working on behalf of victims and witnesses. Knowledge of relevant legislation would be an advantage.</td>
<td>12</td>
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15. The organisations invited to nominate representatives to the Council may, from time to time, be amended by the Regulator following consultation with the Council.

16. Each organisation shall submit its proposed nomination for approval by the Regulator before appointment is confirmed.

17. Each organisation will be invited to appoint an additional person to deputise for their nominee in his or her absence.

18. Each appointment to the Council will be reviewed before the expiry of three years following the date of appointment. With the consent of Regulator and the appointee the appointing body may renew the appointment for subsequent three year terms.
19. The Regulator may, following consultation with the Council, add to the membership of the Council or invite other individuals to serve on the Council for limited periods of time where additional skills, knowledge or experience are required.

20. The Regulator may appoint (a) one of the members of the Council or (b) a senior member of his or her staff to deputise for him or her as Chair of the Council in his or her absence.

Operation

21. The Council shall meet at least four times per year and otherwise as required.

22. The Regulator, following consultation with the Council, may establish such other procedures as s/he considers appropriate for the operation of the Council.

23. In the interests of public accountability, the Council will carry out its work as openly as possible, within the terms of the Code of Practice on Access to Government Information, subject to any conditions set by Ministers or agreed by the Council. Council meetings will not be open to members of the public but minutes of the meetings may be published, subject to any redactions considered to be necessary. Reports produced by the Council will be published at the discretion of the Regulator who will, where appropriate, seek Ministerial approval.

24. Membership of the Council is unremunerated, but members will be entitled to claim travel and subsistence allowances in reimbursement for expenses actually and necessarily incurred in the course of Council business. The relevant rates will be determined by the Home Secretary and notified to the Council from time to time.

25. Support for the Council will be provided by the Regulator’s Office. No budget is delegated to the Council but such assistance as is reasonably required to enable the Council to undertake its duties will be provided, within available resources.
Committees and Working Groups

26. The Council may, with the approval of the Regulator, institute such committees and working groups as it considers from time to time necessary for the efficient and effective conduct of its business. Such working groups and committees may be standing or ad-hoc. Each will be constituted with clear written terms of reference and will report to the Council.

27. The membership of working groups and committees shall not be limited to members of the Council.

Conduct

28. Members of the Council are required to observe the Seven Principles of Public Life endorsed by the Nolan Committee on Standards in Public Life. Each member must at all times act in good faith and observe the highest standards of impartiality, integrity and objectivity in relation to the conduct of the Council’s business.

29. Any Council member has the right to bring to the attention of Chief Scientific Adviser to the Home Office any matter, which he or she believes raises important issues relating to his or her duties as a member. In such cases the member should, before approaching Chief Scientific Adviser, raise their concerns with the Regulator to establish whether they might be resolved within the Council.

Confidentiality

35 In accepting appointment to the Council, members are required to accept that they will not disclose any information or documents presented to the Council without the approval of the Regulator. This includes any documents marked with any GPMS security classification (including RESTRICTED) and the content of any discussions relating to such information. Members undertake not to make copies of any such documents, and to follow the advice provided by the Regulator and Secretariat about the handling of such documents.

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First produced September 2007 (revised June 2012)