

FORENSIC PATHOLOGY SPECIALIST GROUP

Notes of the meeting held at 11:00am on Thursday 16th January 2014 at the Home Office, London

Present:

Jeff Adams	Home Office (Acting Chair)
Caroline Browne	Human Tissue Authority
James Grieve	Scottish Executive
Anne Harrison	Association of Chief Police Officers/National Crime Agency
Dean Jones	Home Office
Trevor Rothwell	Consultant (via phone link)

Apologies:

Harry Millward-Sadler	(Chair)
Martin Bottomley	Association of Chief Police Officers
Jack Crane	Department of Justice Northern Ireland
Nigel Meadows	Coroners' Society
Marjorie Turner	Royal College of Pathologists
Charlie Wilson	British Association in Forensic Medicine (BAFM)

Introductions

1.1 Jeff Adams apologised for the delay in circulating papers and confirming that this meeting would go ahead. This had resulted in a number of apologies. He promised that next time a note would be issued at least a week prior to the date to confirm that the meeting was going ahead. The aim also remains to send out papers a week before the meeting.

1.2 He reported that the Forensic Science Regulator was scheduled to leave his post to become a commissioner at the Criminal Cases Review Commission at the end of February. His post will be advertised. FPSG members wished to record both their support for the work done by the Regulator and for the support he has given to the work of the FPSG. The FPSG also wished the Regulator the best in his future endeavours.

Apologies

2.1 Apologies were received from Martin Bottomley, Jack Crane, Nigel Meadows, Harry Millward-Sadler, Marjorie Turner and Charlie Wilson.

Minutes of the last meeting 13 June 2013

3.1 The minutes of the meeting held on 13 June 2013 were agreed.

Matters arising

4.1 Dean Jones gave feedback on an action from the meeting of 6 September 2012 about further information on the neuropathology service mentioned in an National Policing Improvement Agency communication. He said that the relevant regulations have been updated to allow the PDB (Pathology Delivery Board) to act as the designated body for the purposes of forensic pathology and related fields employed in support for police cases, with Jack Crane as the “suitable person”. The PDB will therefore be in a position to support the revalidation of medical experts where this is necessary to assist the Criminal Justice System.

4.2 Mortuary Standards: The draft is with the College for consideration. The Chief Coroner has the right to set the criteria for what is a “suitable place” for a post mortem examination. That may offer a direct route to enforcement of the standards.

4.3 Post Mortem in Hazardous Cases: This is carried forward from the last meeting. A summary and letter referring to the Health Protection Agency guidance on the management of chemical fatality and self-harm incidents should be sent to pathologists with the guidance.

Action: Jeff Adams/Dean Jones

4.4 There was some concern about the small number of forensic pathologists from England and Wales in this Group. A change to the Terms of Reference will be proposed to the Regulator to increase the number of Home Office registered pathologists on the Group.

Action: Jeff Adams

4.5 The issue of the reducing number of pathologists on the Register will be addressed by the forensic pathology review.

4.6 Other actions from the last meeting were either cleared or were agenda items.

Audit

5.1 Trevor Rothwell reported that historically, he tried to start the audit in August/September with a target date of 31 March for completion. He has sent out letters inviting the submission of cases and has received responses. This year’s audit will concentrate on road traffic incident fatalities and deaths occurring as a result of fire. The 2013 exercise had been delayed and scrutiny would not commence until late March. The report would probably not be ready before June.

5.2 He was grateful to Anne Harrison for nominating the two Senior Investigating Officers to be involved in the audit. James Grieve said he was prepared to take part in the next audit. Hugh White had retired and at least one more pathologist was required to join the audit team. The circulated paper (FPSG-20140116-2) proposed a matrix of forensic pathologists to be involved in the audit process over the period to 2017. The matrix provided for five pathologist auditors to take part each year. This arrangement took into account the need for continuity, geographical location, whether the pathologist

is an employee or self employed, etc in order to have an acceptable mix of auditors in the team. In assigning cases to auditors it was necessary to try to ensure no one was auditing a direct colleague and that cases were evenly distributed.

5.3 The FPSG agreed the approach adopted and was content with the names set out. Jeff Adams thanked Trevor Rothwell for the work done so far.

5.4 It was agreed that a recommendation be made to the Regulator that the Terms of Reference for the FPSG should be amended to state that a member and the Chair of the audit team should be a member of, or invited to meetings of the FPSG.

Action: Jeff Adams

5.5 The BAFM has asked for a presentation on the early findings.

5.6 Action was being pursued to follow up cases identified in the 2012 audit in which a forensic practitioner had to take over an examination started by a non-forensic pathologist. This exercise may in due course lead to revision of the guidance provided to coroners and the police.

Review of Forensic Pathology

6.1 Dean Jones reported that the proposal has been agreed by the Home Office committee dealing with forensic science; an individual has been appointed to lead the review.

Responsible Officer

7.1 The policy to appoint a Responsible Officer whose function is to make recommendations to the General Medical Council on the revalidation of Home Office registered pathologists is now in place. The FPSG previously recommended that the Forensic Science Regulator provide independent oversight of the operation of the Responsible Officer. The Regulator accepted the recommendation in principle but sought a proposal as to how such oversight would operate in practice. The circulated paper (FPSG-20140116-3) provided a proposed model.

7.2 The FPSG agreed with the proposed model.

Histology

8.1 The circulated paper (FPSG-20140116-4) noted the potential need to reconsider the provisions of the Code of Practice and Performance Standards for Forensic Pathology in England Wales and Northern Ireland in relation to the taking of samples for histology. The other circulated paper (FPSG-20140116-5), an extract from the 2004 audit, recorded the very uneven use of histology in previous years. It was agreed that a potential return to this situation would be a retrograde step. The FPSG confirmed that histology remained an essential adjunct to the post mortem examination. This accorded with the policy of the Royal College of Pathologists on the conduct of post mortem examinations.

8.2 The FPSG agreed that the provisions do not need to be altered.

Review of Human Tissue Authority (HTA)

9.1 Caroline Browne provided a brief update on progress made by the HTA in meeting the recommendations made by Justin McCracken. The Government published the McCracken review, together with its response, in July 2013. McCracken made 18 recommendations on the work of the HTA and the Human Fertilisation and Embryology Authority (HFEA). There were nine recommendations relevant to HTA, the first of which was that the HTA, along with the HFEA, should be retained as a separate Non-Departmental Public Body (NDPB) with a distinct identity, in order to ensure maintenance of public confidence in the activities it regulates. Other recommendations were in relation to governance of the Authority, its engagement with stakeholders, its regulatory approach, particularly with regard to its inspection work, and its collaboration with other organisations such as Clinical Pathology Accreditation to reduce regulatory burdens. Work is ongoing by the HTA to meet all the recommendations made.

9.2 Of particular interest to the FPSG is recommendation 15, which states: 'To further reduce the burden of regulation the Department of Health (DH) should review the legislation governing the use of human tissue and consult on amendments to bring it more into line with the legislation in force in Scotland. Consideration should be given (inter alia) to: reducing the scope so that microscope slide and tissue block samples and bodily products such as saliva, urine, and faeces are excluded; and exempting from the need for a licence the removal of tissue from deceased donors (where appropriate approvals are in place and where this is not part of an anatomical or post mortem examination).'

9.3 Following the Government's acceptance of the recommendation to review human tissue legislation, DH is currently developing this work and plans to publish a consultation policy document by the end of 2013/14. In line with the Government's commitment to reducing regulatory burden, the consultation will not only closely examine the areas cited in the McCracken recommendation (such as removing the need for licensing of storage of tissue from the living along the lines of legislation in Scotland) but will look more broadly at how regulatory burdens might be eased. The HTA is working with DH and together they have identified a number of issues associated with the statutory requirements, along with possible options that might resolve them.

Guidance Documents

10.1 Photographs – the misuse of photographs has been addressed in the guidance and it has been published for consultation.

10.2 Time of Death Estimation – The paper has been completed. Jeff Adams said that he will meet with Guy Ruty to discuss his concerns.

Action: Jeff Adams

10.3 Tissue Sampling – The document was awaiting comments.

Tissue Guidance

11.1 The document has been updated to reflect coroner's legislation in England and Wales. The FPSG was asked to send any comments to Jeff Adams.

Action: All

External Quality Assessment

12.1 This will be discussed at the next meeting because Jack Crane was unavailable.

Action: Jeff Adams/Jack Crane

Any Other Business

13.1 The HTA is meeting with the London Coroner, and Caroline Browne has been asked for any further agenda items. She agreed to raise the issue of consistency in histology.

13.2 Anne Harrison was updating the pathology user requirement and asked the FPSG to participate.

13.3 In light of the relatively low attendance at the recent meeting of the FPSG it was decided to circulate a note of the key actions/decisions so that members who were not present could comment before these actions/decisions are progressed.

Action: Jeff Adams