

FORENSIC SCIENCE ADVISORY COUNCIL

Notes of the eighth meeting, held at 11am on Monday 2 March 2009 at the Home Office, 2 Marsham Street, London SW1P 4DF

Present:

Andy Rennison	Forensic Science Regulator (Chair)
Jane Beaumont	United Kingdom Accreditation Service
Stan Brown	Forensic Science Northern Ireland
Julie Goulding	Criminal Cases Review Commission
Julie Mennell	UK Forensic Science Education Group
Nigel Pilkington	Crown Prosecution Service
Brian Rankin	Forensic Science Society
Sheila Willis	Association of Forensic Science Providers
Kenny Chigbo	Forensic Science Regulation Unit (Secretary)

In attendance:

Jeff Adams	Forensic Science Regulation Unit
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Apologies:

Roger Coe-Salazar	Crown Prosecution Service
David Croisdale-Appleby	CRFP
Paul Crowther	ACPO
Andrew Goymer	Judiciary
Ian Kelcey	Law Society
Mohammed Khamisa	Criminal Bar Association
Tom Nelson	Scottish Police Services Authority
Roger Robson	Forensic Access
Basil Purdue	British Association in Forensic Medicine

Introduction

Andy Rennison welcomed those present to the eighth meeting of the Forensic Science Advisory Council (FSAC) and informed them that Roger Robson of Forensic Access and Ian Kelcey from the Law Society have been invited to join the FSAC. It was accepted that there was a need for in-house forensic services providers to be represented on the FSAC. Andy Rennison agreed to discuss this further with Paul Crowther.

Action: Andy Rennison

Andy Rennison also agreed to discuss commitment to the FSAC with Ian Kelcey and Mohammed Khamisa.

Action: Andy Rennison

1. Notes of the seventh meeting held on 1 and 2 December 2008

1.1 Sheila Willis clarified that the reservations in paragraph 4.2 were not about the methodology, which was sound, but about interpretation.

1.2 FSAC members:

- agreed the note of the seventh meeting of the FSAC held on 1 and 2 December 2008.

2. Matters arising from the minutes of the seventh meeting

2.1 Paragraph 2.1 (of the note of the 1 and 2 December 2008 meeting) – Nick Pilkington agreed to check if there was a copy of the MoU between the CPS and coroners.

Action: Nick Pilkington

2.2 Paragraph 3.3 (of the note of the 1 and 2 December 2008 meeting) – The Regulator has not circulated the draft ToR of the strategy group.

Action: Andy Rennison

2.3 Paragraph 3.3 (of the note of the 1 and 2 December 2008 meeting) – Sheila Willis has made contact with the Home Office about providers' input to the strategy group.

2.4 Paragraph 4.2 (of the note of the 1 and 2 December 2008 meeting) – The position with Mass Spec Analytical has not been finalised yet. There was a US guidance document for judges on the evaluation of scientific material that FSAC members may find useful. It will be circulated for information.

Action: Jeff Adams

2.5 Paragraph 6.2 (of the note of the 1 and 2 December 2008 meeting) – UKAS has been consulted on their role in the validation process.

2.6 Paragraph 7.1 (of the note of the 1 and 2 December 2008 meeting) – It was suggested that bringing together all the Chairs of the Specialist Groups would be helpful in identifying the issues in defining an end-user requirement. Andy Rennison agreed to arrange a meeting with all the Chairs

Action: Andy Rennison

2.7 Paragraph 7.3 (of the note of the 1 and 2 December 2008 meeting) – Andy Rennison agreed to chase up David Croisdale-Appleby for a standard CV from medical research.

Action: Andy Rennison

2.8 Paragraph 12.4 (of the note of the 1 and 2 December 2008 meeting) – Jane Beaumont reported that UKAS will need assessors in all areas. There were difficulties due to commercial considerations. The key areas were DNA and e-crime. She welcomed information on any sources of expertise. She also agreed to discuss the issue of the competence of assessors with the Regulator

Action: Jane Beaumont

2.9 Paragraph 12.6 (of the note of the 1 and 2 December 2008 meeting) – The ideas on a strategy and vision are part of Item 9 on the agenda.

3. Report from the Forensic Science Regulator

3.1 Andy Rennison reported about the publication of his consultation document on quality standards, which was pulled together from standards already in place, and has attempted to plug the gaps in-between those standards. FSAC members commented as follows:

- There were concerns about what value has been added.
- Standards on interpretation of evidence were not addressed.
- Issues around ambiguity in interpretation of evidence were not clarified.
- It appeared that the National Occupational Standards will provide a foundation for practitioner competency.
- It was not clear to what degree an organisation needed to adopt those standards to satisfy UKAS.
- It was clarified that the appendices will address the specifics that needed to be satisfied for each discipline.
- It was necessary for the standards to capture issues that protect the courts. They needed to shift towards the end user being the courts.
- There were concerns about the independence of providers being undermined by the new standards system.
- The definition of science in the glossary was not encompassing.
- The definition of crime scene needed to reflect scenes involving digital evidence.
- The difficulties in defining all words used in a common way were acknowledged.
- Equipment should only be used by authorised staff and the gaps around defence access for equipment used needed to be addressed.
- The process for reporting quality failures/issues needed to be highlighted. This should be reported to the customer and the Regulator.
- The Code of Conduct used in appendix 2 looked very similar to that issued by the CRFP. The question of whether the annex should incorporate an acknowledgment was raised. There was a debate as to whether the code issued by the CRFP was itself based on the work of forensic science suppliers. .
- Complaints handling for individuals was not fully covered.

3.2 The FSAC acknowledged that the consultation process will allow for formal feedback to be provided in detail.

4. Use of casework material

4.1 Andy Rennison explained that this issue had been discussed in a number of groups and the proposal was to use a validation protocol, which will include steps for access to the material used. The protocol will give providers a way forward. It should include restrictions on researchers taking action in regard of case material which is likely to destroy all available material. Preservation of material was critical for appeals/review of cases.

4.2 Concerns were expressed about using techniques that have not been validated. It was suggested that the proposed approach should be to let the Chief Crown Prosecutor know when a technique that has not been validated is being used. The End-User Specialist Group should be asked to also consider this issue.

Action: Jeff Adams

4.3 The issue in the last bullet of paragraph 12 of paper FSAC/020309/40 was a lot wider than just exhibits submitted to labs for examination. It involves more than just providers and should include other areas of forensic science.

4.4 The FSAC accepted that a protocol was a good start and the work should go ahead, with further discussions at the EUSG and with CPS policy to create a workable protocol for the Regulator to take to his meeting with the DPP.

5. Consultation responses on the Manual of Regulation

5.1 FSAC members were informed that 18 responses were received. There was broad support for the principles underpinning the MoR. The responses reflected strong support for a level playing field for all suppliers. There were concerns about costs. Some responses raised the issue of expanding the role of the Regulator beyond the CJS and to include in his remit all providers of expert evidence in the courts. A workshop on 6 March will be taking forward the issues raised in the responses.

5.2 Andy Rennison indicated that he had no current plans to expand his role, but plans to review it in due course. In the meantime, other areas are welcome to adopt standards agreed for the CJS. He does not propose to expand the role to cover all expert witnesses, such as, forensic accountants, psychologists, etc.

5.3 The proposal in the MoR is for enforcement through the procurement framework and not legislation. If appropriate there may be use of a Code of Conduct under the Police Reform Act, which all chief officers have to sign up to. The Law Commission is also undertaking work on the admissibility of expert evidence using a court-based test, and guidance on the issues to be addressed when deciding on admissibility, which will be used to enforce compliance to the agreed standards. Sanctions against non-compliance will be the loss of accreditation. This means that the individual/organisation would be unlikely to get any work.

6. Draft business plan 2009/12

6.1 Andy Rennison expressed the need to start planning the rollout of the new standards framework. It is necessary to consider the high risk areas and what is not top priority. The FSAC agreed that areas such as interpretation, people issues and competence, and communication should be focused on. Andy Rennison agreed to publish a matrix of the top priorities.

Action: Andy Rennison

6.2 FSAC members raised the following points on the business plan:

- The focus should not be on disciplines/areas but on standards within those disciplines.
- The Regulator should keep an eye on research and development to ensure they enhanced the standards regime.
- The term “interpretation” should be replaced with “evaluation”.
- The quality of higher education courses in forensic science should be considered by the Regulator. This is in the FSAC’s Terms of Reference as one of the areas the Council should support the Regulator in carrying out his role. It was noted that this task needed careful consideration and that the Regulator should revisit the ToR to see if the task was still appropriate.

Action: Andy Rennison

6.3 Andy Rennison will revise the business plan to reflect the above comments.

Action: Andy Rennison

7. Any other business

7.1 Andy Rennison brought to the attention of the FSAC a US National Research Council report on their forensic science system. It will be discussed at the Home Office Strategy Group meeting. The report is worth reading Although it does not exactly fit with the situation in the UK, it may generate media interest here.

7.2 It was noted that the consultation paper on the review of accreditation of practitioners did not mention that the CRFP was involved in the Regulator’s Specialist Groups. It was suggested that examples of costs of accreditation by UKAS provided in the paper may be substantially less than the real costs.

7.3 Andy Rennison reported that the CRFP held an AGM and agreed to cease trading on 31 March. The plan for closure has been agreed. Discussions are ongoing for the Regulator to maintain a register for those who want to remain on a register until the new arrangements are in place. This could help address concerns about a vacuum. The discussions also involve the possibility of the Regulator handling complaints cases.

8. Date and venue of the next meeting

8.1 FSAC members:

- noted that the next meeting will be held at Conference Room 6, Home Office, 2 Marsham Street, London SW1P 4DF on 1 June 2009 from 11am..

Forensic Science Regulation Unit
2 Marsham Street

May 2009