



Message from the Regulator

Welcome to our latest newsletter aimed at keeping you up to date with our work on forensic science quality standards and associated issues.

These are difficult times, with the closure of the Forensic Science Service and the pressures on forensic science budgets. However, the commitment to quality and the general desire to adopt quality standards remains high with increasing numbers of organisations achieving accreditation against BS/EN ISO 17025 and more working through the process.

The accreditation certificate of each accredited organisation is published by the United Kingdom Accreditation Service (UKAS) on their website which provides the most up to date information accredited organisations and their scope of accreditation. See <http://www.ukas.org>

May I take this opportunity to send you all good wishes for the forthcoming festive season and for a prosperous and happy new year.

Andrew Rennison

Codes of Practice and Conduct

In the Regulator's January newsletter, he announced that the United Kingdom Accreditation Service (UKAS®) would be conducting dry-runs of the Codes of Practice and Conduct. The outcomes of the dry-runs were reported to the Regulator in June 2011 and a small editorial group was tasked to look at mitigating certain perceived impacts, principally:

- a) **Methods** currently part of a provider's scope of accreditation ought to have a validation library, but retrospectively producing missing paperwork would not be expected when the Codes go live; and
- b) **Competency** in court reporting is still an area which the Codes ought to cover, but a specific requirement will be left out of the publication until a clearer assessment methodology can be defined.

The Codes are in final preparation for publication in December 2011 and are prefaced with a statement of the quality standards the Regulator expects, briefly outlined as follows.

If there is a current expectation that the provision of a forensic science service requires accreditation then the Regulator reiterates this with a virtually immediate commencement date of April 2012 with the full requirements of Codes taking effect in October 2013.

The European Union Council Framework Decision 2009/905/JHA require accreditation of providers carrying out DNA and fingerprint laboratory activities in the EU by 2013 and 2015 respectively.

The Regulator does not intend allowing the DNA profiling standards to slip backwards waiting for the EU laboratories' to catch-up, therefore the commencement date of April 2012 is used rather than October 2013. However certain simple DNA swabbing activities, using appropriate guidance, will continue to be permissible up to October 2013 without accreditation. With latent finger mark enhancement, in keeping with the Framework Decision, October 2015 is the commencement date for both ISO/IEC 17025:2005 and the Codes. Colleagues will be aware the Framework Decision actually states November for each of its deadlines, however when translating such decisions into domestic legislation the common commencement months of April and October are usually used. The Regulator will use any intervening time to

carry out an assessment of the extent of compliance and advise Ministers.

Forensic Consumables – Publicly Available Specification

The British Standards Institute (BSI) in collaboration with the Regulator has started the **development of PAS 377** which specifies requirements for the performance and manufacture of “**Consumables used in the collection, preservation and processing of material for forensic analysis - Specification for performance, manufacturing and forensic kit assembly**” (working title). It will specify requirements for consumables used in DNA testing.

A **steering group** has been established with representation from the Regulator and relevant trade associations to review the draft PAS in readiness for the review panel's consultation process due to commence 14th December.

Further Information

Can be found at:

<http://www.bsigroup.com/en/Standards-and-Publications/How-we-can-help-you/BSS/-/-/BSS/PS/Our-services/Current-projects/PAS-377/>

PAS 377 Consultation

<http://drafts.bsigroup.com/Home/Details/902>

Deadline for comments: **Thursday 19 January 2012**

For further information contact:
Shanti.Conn@bsigroup.com

Forensic Pathology

Code of practice and performance standards for forensic pathology in England, Wales and Northern Ireland

This Code of Practice is published in partnership with the Royal College of Pathologists. The draft, developed by the Forensic Pathology Specialist Group (and previously reviewed by the College's Forensic Pathology Sub-Committee), was provided to the College for review. The College raised a number of issues with the draft – particularly in relation to the scope of application of the Code which have been considered and addressed by the Specialist Group. The draft is undergoing a final review before being returned to the College for consideration.

Historically the Code applied to Northern Ireland as a result of the position adopted by Professor Jack Crane (the State Pathologist for Northern Ireland). The issue was raised with the Department of Justice in Northern Ireland and the application of the Code to that jurisdiction has been agreed. The draft has been amended to reflect this.

Tissue Handling Guidance - In 2006 the Home Office issued a guidance document to reflect discussions between relevant parties about the legal issues surrounding forensic pathology and the seizure and retention of human tissue. A review and update of this document was required, and the **Forensic Pathology Specialist Group** agreed to oversee the review, and the draft was then

provided to the Human Tissue Authority for consideration. The Authority raised a number of issues which have now been addressed. Separately, the review of the **Murder Investigation Manual** identified areas where greater clarity was required. One of these was the requirements for continuity as applied to human tissue. The draft has been altered to cover this subject.

The draft is, subject to a final review, ready to be sent to the organisations which were involved in the preparation of the 2006 document for consideration.

Audit - The first audit of forensic pathology performed under the oversight of the Specialist Group is almost complete. A draft report was considered by the Group and suggestions are being addressed. The process of establishing the second audit is underway.

Fingerprints

There has been expectation building up across the fingerprint community around the publication of the **Fingerprint Inquiry Scotland**, and the impact that report may have on the quality standards that should apply to fingerprints.

The Regulator, ahead of the publication of the inquiry's report, formed a fingerprint quality standards specialist group to advise on the standards that should apply to fingerprints; he will shortly be publishing the views of the group in light of the recommendations made by the inquiry.

The recent case of R v Smith in the Court of Appeal gives a good indication of the Court's views on the standards that should apply.

Further Information

R. v. Smith, [2011] EWCA Crim 1296

The Inquiry Report can be found at:

<http://www.thefingerprintinginquiryScotland.org.uk/inquiry/3041.html>

Conferences

The Regulator is collaborating with the National Policing Improvement Agency (NPIA) to create a series of **NPIA regional forensic science quality standards workshops** for police forces.

**Quality Manager's Event
1 March 2012
Holiday Inn, Birmingham
(Invitation only)**

Planning arrangements are now taking place to host the Regulator's second **Quality Managers' Event**, with provisional programme timings: 11 am start and 4 pm finish.

Spaces are limited and will be an **'invitation only'** event for quality managers (or their equivalents).

To assist with future event planning

could you please ensure we have the latest key person contact details for your company/organisation.

Research

Research and Development in Forensic

Science: a Review - published on the Regulator's website, was conducted by Professor Bernard Silverman, the Home Office Chief Scientific Adviser. The Regulator supported Professor Silverman in the review and is now leading on one of its key recommendations to **establish better communications across the broad domain of forensic science research and development** through regular research and development conferences.

The Regulator and the NPIA hosted a joint workshop in October with representatives from across the broad range of research organisations in order to discuss the options for a future conference focused on research. The result is that a further planning group is to be set up, supported by a science panel.

Further Information

More details to follow.

Editorial Notes

Comments are welcomed by the Forensic Science Regulation Unit:
Josephina.Zacaroli-Walker@homeoffice.gsi.gov.uk

PLEASE DISTRIBUTE THIS NEWSLETTER TO COLLEAGUES

The Forensic Science Regulator
5 St Philip's Place Birmingham B3 2 PW
Telephone Number: +44 (0)121 200 3830
<http://www.homeoffice.gov.uk/agencies-public-bodies/fsr/>