



**SUMMARY OF THE RESPONSES RECEIVED FOR THE
FORENSIC SCIENCE REGULATOR'S CONSULTATION PAPER
ON "A REVIEW OF THE OPTIONS FOR THE ACCREDITATION
OF FORENSIC PRACTITIONERS"**

July 2009

EXECUTIVE SUMMARY

1. The Regulator published on 16 March 2009 for consultation “A review of the options for the accreditation of forensic practitioners”.
2. This paper sets out a summary of the responses received for this consultation exercise.
3. The consultation exercise resulted in the submission of 53 written responses. The sources are set out in Annex 2.
4. As to be expected, the responses were diverse and varied in opinion, thus a representative range of the comments, issues and concerns recorded against each of the consultation points are set out in Annex 1.

SUMMARY OVERVIEW

5. There was overwhelming support that all providers with a laboratory function should be accredited to the ISO 17025 standard and agreement that it is important to ensure that the standard is applied rigorously to all providers, including those working for the defence and in-house provision by law enforcement bodies.
6. The main concerns of the accreditation model proposed was the associated costs and the case of independent specialist expert witnesses, not employed by a forensic provider and/or are not full-time forensic practitioners, but used on an occasional basis.
7. Generally there was acceptance that National Occupational Standards (NOS) were of value to organisations, that they were generic, required further development and there was not as much knowledge and awareness of the NOS as there was for the ISO standards.
8. Many viewed that the existing Forensic Science NOS did not provide sufficient test of practitioner competence and external assessment against them using competent current practitioners/peer reviewers could be used as a basis for recognition when competence is achieved.
9. Benefits of the move to incorporate the NOS into the organisation’s quality management systems process and to be assessed as part of the external accreditation process was strongly supported, although concern was expressed about forcing NOS into an already established competency framework, as some organisations may already have standards which significantly exceed them.

10. There was support in principle for 'the common language'; and that any agreed standards should be UK wide and compatible with European requirements.
11. As The Council for the Registration of Forensic Practitioners (CRFP) had ceased trading when the consultation was published, many responses made no comment and/or indicated that it was no longer relevant.
12. For those who responded about CRFP, there were mixed and diversely opposing views, ranging from the belief that "the current assessment of competence for registration with CRFP is dated and not fit for purpose" to "found the CRFP assessment and registration processes to be satisfactory" and the "assessment process was sufficiently broad and deep to effectively determine competence".
13. It was viewed that the creation of the CRFP established an era of regulation to a field previously unregulated and provided a single public facing register of practitioners providing assurance to the Criminal Justice System (CJS) and public confidence.
14. Concern was expressed about the short term regulatory gap between the closure of the CRFP and the implementation of the Regulator's standards and for the long term should the proposed system not be implemented as currently envisaged resulting in inconsistent regulation.
15. There was general agreement for giving an appropriate balance between ensuring appropriate expertise and avoiding the imposition of unnecessarily restrictive requirements, however, the CRFP external assessment approach was seen to have captured shortcomings of the current accreditation regime.
16. There was general acceptance that individual competence was a reflection of the culture and quality management approach of the practitioner's organisation, but again, didn't address the case of independent specialist expert witnesses not employed by an organisation.

SUMMARY FROM THE RANGE OF RESPONSES

3.3 *'In the meantime, all providers with any laboratory function will be expected to be accredited to ISO 17025. Any law-enforcement body with an in-house laboratory function will be expected to work to the same standard and to apply for ISO 17025 and/or ISO 17020 accreditation. This, along with the full adoption of the National Occupational Standards (see the next section), means that each organisation will have to maintain a high level of practitioner competence.'*

- It was considered that as ISO 9001 is not concerned with the demonstration of technical competence whereas ISO 17025 is specifically written for laboratories and is concerned with technical competence, this approach can only be seen as a benefit with the eventual incorporation of industry specific standards supporting the initiative to develop a unified standard for forensic science in the UK.
- The approach was seen to provide consistency to an internationally recognised laboratory-based standard for all forensic providers to the criminal justice system and place accountability for meeting those standards on senior managers.
- ISO 17025 is viewed as a generic standard, considered a basic quality requirement both in the public and private sectors; it is not the only standard available and should not be considered a "one size fits all" option.
- Some responses commented on the ambiguity of what disciplines were covered by the proposal, as demonstrated by this quote: "The title of the consultation paper refers to the very general description 'forensic practitioners' whereas the detailed aims at paragraph 1.6 states that 'our focus is primarily the presentation of scientific evidence in the criminal courts'". The detail of the consultation also seemed to be aimed exclusively at forensic scientists, not at forensic practitioners more generally.
- Careful consideration will need to be given as to how the standard will apply to new start-ups, and the impact on small agencies and sole traders.
- The proposal does not give sufficient attention to the case of independent specialist expert witnesses who are not employed by a forensic provider who are not full-time forensic practitioners but used on an occasional basis.

- The implementation of the proposal could be difficult for forces and others who have not already embraced ISO accreditation.
- A weakness in the proposal was if adoption of the standards is not made mandatory to all practitioners/providers with a lab function.
- That some 'forensic practitioners' may not be covered by accreditation.
- Disagreed in principle to the organisational approach, as it was seen as usual to regulate the individual as well as the organisation.
- Some were not convinced that the move to a 17025/17020 type quality systems for all involved in forensic science was either proportionate or targeted.
- Many expressed some concern about the costs involved and the implications about whether or not the company concerned is a 'testing' laboratory or indeed an individual.
- The cost of the assessment process was seen as an important factor for organisations.
- Clarity on costs and fuller transparent costing of the model were required as the costs of becoming accredited using UKAS were seen as prohibitive to small companies, problematic for sole traders, was unreasonable, and cost effective/alternative arrangements should be considered.
- Concerns about the cost of the proposed accreditation, particularly to sole trader practitioner level.
- Costs must be proportionate and affordable.
- It would be helpful if there was a robust and simple process for accreditation and to discourage unnecessary duplication between accreditation schemes.
- It was not clear whether UKAS have the necessary skill base and staff available to take forward this proposal in the short term, may take considerable lead-in time to become prepared, and the transition of forces to accreditation will need careful management to ensure UKAS were not swamped.
- There appeared to be no involvement of HMIC in the process or of any future role they may play.

- ISO 17025 accreditation system is primarily concerned with laboratory procedures and practices rather the competence of individuals to objectively secure, assess and interpret data.
- The accreditation of companies as a whole could mislead the courts and juries into assuming that they employ staff who are competent in scientific disciplines where they may lack appropriate skills, and that professional opinions were sound, when in specialist fields it is the individual expertise that is critical.
- Concern that the proposed accreditation arrangements, and the focus of the Regulator's Quality Standards on 'providers, practitioners and methods' do not appear to address that embedded in the forensic process and inextricably linked, are the critical activities of case assessment and interpretation, if not managed appropriately, has the potential to undermine providers of forensic science services'. Providers have a requirement to 'demonstrate their ability to consistently deliver products and services that meet the requirements of their customers' thus the assessment standards can only be met by the customer and provider working in partnership.

3.36 *'The National Occupational Standards: Are viewed by managers as an indispensable tool for managing a highly skilled workforce. They are used widely to support individual and organisational development and quality assurance at all levels. They provide benchmarks of good practice across the UK'.*

- National Occupational Standards (NOS) are a valuable tool for managers.
- Concerned at the level of understanding or knowledge of the suite of NOS produced by Skills for Justice among the forensic science community as care needs to be taken to interpret them sufficiently for translation to the forensic roles as recognised by the forensic providers.
- NOS at best are general guidelines; should be the baseline or minimum standards. Some organisations may have standards which significantly exceed these.
- NOS need to be developed further, and updated in full consultation with the users, to ensure they fully reflect the requirements and developments of the particular industry.
- It is important that consistent interpretation by different providers is assured.
- They do not substitute for an effective quality management system and they should not be forced upon businesses which already have competency systems in place.

- NOS should be part of an overall framework in which competence can be assured.
- Used alongside ISO 17025, NOS are an effective tool for ensuring that practitioner skills and knowledge is kept current and updated. Having a formal way of recording the fact that continuous development is in fact taking place can only be of benefit to both organisations and individuals.
- Would welcome the move to incorporate this process into the organisation's quality management systems and be assessed as part of the external accreditation process and would be a welcome benchmark of particular quality to UKAS assessors.
- NOS may cover the laboratory based competences but may not cover the expert opinion competences, or the attendance at scenes competences.
- It would be helpful if the NOS incorporated the standards required at the more complex end of the forensic process.
- Suggested the possibility of all forensic practitioners taking part in accredited learning programs as part of National Occupational Standards (NOS) whether or not they are employed by accredited forensic service providers.
- Regarding the accreditation assessment process, it should be considered that qualifications do not automatically equate to competence.
- Fragmentation of service provision raised concerns as the training provided by large providers can not be emulated by small providers.
- Some practitioners' may have concerns about individual NOS and their suitability, senior scientists may not view NOS as relevant to them and they may not be generally accepted in the independent sector.
- Some find these over-bureaucratic and impractical.

3.40 *“Skills for Justice recommend that NOS are used as a ‘common language’ and that they are the key test of practitioner competence. Skills for Justice recommend that NOS are used as a ‘common language’ and that they are the key test of practitioner competence.”*

- Any agreed standards should be UK wide and compatible with European requirements and that 'common language' should be agreed.

- Should be synonymous (and transparent to the individual!) across the whole process, from initial training (or even recruitment) through to competency work based assessments.
- NOS are a very high level 'common language' and will need developing for application to individual fields of forensic science.
- The identification of best practice as the development of new elements of knowledge by the Forensic Science Providers (FSPs), forces and other key stakeholders will provide vital input to the process of defining and updating the suite of NOS, then they can be used as part of the assessment process for practitioner competence.
- Whilst the NOS may be adopted as a 'common language' and that they are the key test of practitioner competence, organisations may already be using competence systems which exceed the NOS.
- The move to the use of the NOS 'language' would take some time if introduced; the most appropriate individual should undertake ongoing assessments.
- Agree that NOS have the potential to provide benchmarks of good practice and a common language. However, the forensic science suite is still too generic in places to provide effective tests of competency. There is a need to put more flesh on these bones.
- Agree and accept NOS as the "common language" and the basis for testing competence. Standard Operating Procedures will also need to be considered to ensure consistency of assessment. NOS being the standard and SOPs the way to achieve the standard. Regular competence assessment is an integral management function that additionally requires external review.
- If NOS are to be the key test of practitioner competence then there is a need to be confident that both managers and staff have a clear understanding of the requirements.
- The developed FS NOS within the sector now offer the opportunity for individuals to gain meaningful credit for the skills developed throughout their careers. By specifying exactly what skills, knowledge and understanding are required in order for an individual to be considered competent, the NOS can be used as a basis for recognition when competence is achieved.
- Do not agree that the NOS are used for internal assessment as it could be that the needs of the company could come before the requirement for quality and yet remain unnoticed. The whole idea was to have external peer review of scientists rather than an internal assessment (which led to the inception of CRFP).

- NOS does not provide sufficient test of practitioner competence.
- The key test of practitioner competence is continuous peer review.
- Behaviours should be an essential element in any competency framework.
- The Regulator's draft standards document, published on the 26/1/09, only requires 'reference' to NOS.
- The NOS approach could be a barrier to innovation. Science develops through innovation.

4.13 *'The Regulator would welcome views on the current assessment and registration processes conducted by CRFP to be sure that all views and experiences are heard and considered'*

The main strengths of CRFP were seen as;

- The CRFP had a Code of Practice and would not wish to see that element lost. The consultation paper implies that the Criminal Procedure Rules Part 33 may make such a code unnecessary.
- CRFP assessment by competent assessors/current practitioners. The Review proposes (at 3.41) to rely on assessment by "each practitioner's line managers". This notion is out of date, as the modern manager is an administrator, rather than experienced practitioners in the same field.
- Revalidation on a four year cycle and the assessment process could flex to take into consideration the differing roles of practitioners within the criminal justice system.
- CRFP assessment covered the entire process from selecting the most appropriate procedures to the interpretation of results and was the most comprehensive approach to accreditation available.
- Technical assessment by independent third party weeded out some practising candidates.
- If the experts were registered, CRFP provided a useful vehicle for raising concerns about an expert's professional work by either an assessor or by participants in court.
- CRFP registration reassured the court that registered experts acting for either prosecution or defence were of the same professional standing.
- Provided a single public facing register and that such a register of competent practitioners is still compelling as it provides assurance for the CJS and public confidence.

The main weaknesses and poor experiences of CRFP were reported as;

- CRFP was largely unknown to the user it was set up for i.e. the legal profession.
- It was not raised to be of relevance to those funding criminal defence work.
- They were not a regulatory body and didn't pursue issues of regulation rather than voluntary registration robustly, even in light of ongoing miscarriages of justice.
- Registration was not mandatory.
- Lack of strategic direction, priority areas for registration took too long.
- The experiences of new entrants to the forensic sector of CRFP were not good, in particular, there seemed to be no clear policy on whether or not the cases examined by a practitioner for a previous employer could be counted for registration.
- The CRFP assessment process was not focused on a single point in time, but on a portfolio of case work which could extend over a considerable period of time. No assessment process can guarantee future competence.
- CRFP assessment as a paper based indirect assessment process does not provide direct evidence of competence and was not able to determine what may have been missed during a physical examination.
- The CRFP accreditation procedure was haphazard, poorly managed, with very long delays in the process and very little communication from the CRFP regarding the progress of accreditation.
- Competency of the expert in court had proved problematic for CRFP to incorporate in its assessment.
- Following the winding up, it was not envisaged that there was any further risk to the criminal justice system as far as the delivery of forensic services is concerned, given that so few of the potential pool of registrants working in this field were actually registered with the CRFP.

8.3 'The Regulator takes the view that it is unnecessary and disproportionate to demand further levels of practitioner assessment through

the CRFP process, and questions what additional benefits, if any, registration with CRFP can add.'

- Agreement, however, on occasions the CRFP assessment has captured shortcomings.
- CRFP was seen as an additional burden on many, already overloaded Forensic Scientists.
- Support such a development, in the interests of justice in civil matters as well as criminal matters.
- The view that accreditation of experts should be encouraged by the courts, both in relation to giving evidence in courts and in relation to the methods they adopt in forming their expert opinions.
- If an organisation operates an externally audited quality management system that incorporates an element of third party assessment of practitioners, it would seem burdensome, but experience has shown that some applicants, who have passed their own organisation's internal review, were using incorrect methodology and producing incorrect or biased results.
- It takes time and effort to provide the CRFP with evidence of competence, but such a paper exercise does not meet the competency requirements expected for accreditation to ISO 17025. This has led to maintaining a second, parallel system of competency tests, and this duplication creates confusion for staff and additional costs to bear.
- NOS could be incorporated, and within that, training and subsequent refresher training, to remove the extra burden from the individual.
- If an expert has satisfied their own professional body of their competence, then no further requirements need to be laid on them to establish their expertise for court.
- On 8 April 2009 UKAS purchased CPA, although it is likely that there will be common standards between CPA/UKAS accreditation; any proposed accreditation scheme for forensic service providers will have differences, will consideration be given to any laboratory accreditation already in place?

8.7 *'It is important to recognise that individual competence is a product of the culture and quality management approach of the organisation in which someone works, as much as it is a reflection of individual ability. It seems logical, whenever possible, to assess individual competence within the overall assessment of an organisation. This is the standard adopted internationally for forensic science practitioners.'*

- The proposed approach focuses on the organisation whilst the individual is afforded only very limited treatment and so the model only addresses half the issue.
- Disagreement with the recommendation that individual competence should be assessed within the overall assessment of an organisation for which someone works. This may be appropriate in certain largely mechanistic types of scientific evidence, such as human DNA samples, but not where scientific interpretation requires years of competence in a particular discipline.
- Conflict of interest for the management to have their staff 'operational' to deliver service (constant against costs and time), whilst the management determines their staff's competence to perform their duties.
- All forensic experts should be regularly and independently competency-assessed,
- All laboratories and fingerprint bureaux be regularly proficiency-tested.
- All testing where possible should be independent.
- External assessment of individuals should be done in addition to the assessment of the organisation.
- The issue with expert evidence is that none of the ISO standards cover effectively interpretation of evidence by the forensic scientist and the opinions that might be expressed by such expert witnesses.
- Agree that individual competence is as much a product of organisational culture and standards as is individual ability. This reflects the approach to legal aid, where the firm rather than the individual is contracted to deliver the service required.
- The Legal Services Commission (LSC) is seeking to reduce fees. This could adversely affect those willing to be accredited, reduce the pool of those available to work and affect defence work and those in most need of an effective CJS.
- Proposed system is better than the status quo, but it must accommodate small providers.
- Professional regulatory bodies should be encouraged to take up the regulatory gaps.

ANNEX 2

	Name	Role/Position	Organisation
1	Andrew Mott	Forensic co-ordinator Training/Development	Avon and Somerset Police
2	Peter WHENT	Managing Director	Competency Assessment Services Ltd
3	Tiernan Coyle	Managing Director	Contact Traces
4	CRFP Board		CRFP Board
5	The Law Society of E&W Solicitors		Criminal Law Committee
6	Keir Starmer QC		Crown Prosecution Service
7	Katie Rayment	Business Development	Forensic Access
8	Forensic Science Northern Ireland		Forensic Science Northern Ireland
9	Romelle Piercy	Chairman's Office	Forensic Science Service Ltd
10	Gareth Booth	Chief Scientists Group	Forensic Science Service Ltd
11	Brian Rankin	President	Forensic Science Society (FSSoc)
12	Mike Loveland	Managing Director	Forensics for Justice
13	Ian Seabridge	Acting Deputy Chief Constable	Greater Manchester Police
14	Merv Valentine	Head of Procedural Standards (Crime)	Greater Manchester Police
15	Dr DJ Berry		GSTS Pathology LLP
16	Peter Morriss	SSM	Humberside Police
17	Felicity Banks	Head of Business Law	Institute of Chartered Accountants
18	Keith Borer Consultants		Keith Borer Consultants
19	Dr. Roger King CChem, FRSC	Forensic Director	Key Forensic Services Ltd.
20	Carolyn Regan	Chief Executive	Legal Services Commission
21	Peter Benton	Senior SOCO	Lincolnshire Police
22	Matthew Harvey	Spalding scenes of crime officer	Lincolnshire Police
23	Dr John Manlove		Manlove Forensics
24	Metropolitan Police Services		Metropolitan Police Services
25	Peter Neyroud	Chief Executive	NPIA
26	Anne Harrison	Head of Specialist Operational Support	NPIA
27	Sonya Baylis	Head of National Injuries Database	NPIA
28	Keith Fryer	Head of Centre	NPIA Forensic Centre

29	Jim McQuillan	Head of Scientific Support	Police Service of Northern Ireland
30	Prospect		Prospect Union representing Forensic Scientists
31	Skills for Justice	Not provided	Skills for Justice
32	I J Brewster	Regional SSM	South Wales Police
33	Kevin Morton	Scientific Support Manager	South Yorkshire Police
34	Nick Cooper	Senior Collision Investigator	Southwest/ South Wales Region of Senior Collision Investigators (SCIO)
35	Jennifer Button BSc, DipFMS	Head of Toxicology	St George's, University of London
36	Adrian Lee	Deputy Chief Constable	Staffordshire Police
37	Paul Cliff	Scientific Support Manager	Surrey Police
38	Edgar Blazier	Practice Manager	Sytech Technology Ltd (Expert Witnesses)
39	Karen Smith	Acting Scientific Support Manager	Thames Valley Police
40	Michael Cohen Nicola Cohen Nigel Young		The Academy of Experts
41	Sean Doyle	Principal Scientist	The Forensic Explosives Laboratory
42	Allan Jamieson	Director	The Forensic Institute
43	Edward Braxton Reynolds		Tickle & Reynolds
44	Chris Pamplin	Editor	UK Register of Expert Witnesses
45	Adam Nolan	Detective Superintendent	West Yorkshire Police
46	David Bellamy FSS(Dip)	CSI Training Manager Kent Police	Kent Police
47	John Olsson	Independent forensic linguistics expert	
48	Judith A Webb PhD	Forensic Palynologist, Ecologist, Botanist	
49	Patricia Wiltshire	Forensic Ecologist, Botanist, Palynologist	
50	Professor David L. Hawksworth	Scientific specialist - forensic mycology	
51	Professor Wesley Vernon PhD		
52	Stuart Andrews	Retired expert witness and legal worker.	
53	W. Folkard	Reporting Officer	