

Newsletter

Message from the Regulator

On July 17th, the Minister announced the appointment of Dr Gillian Tully as the next Forensic Science Regulator.

<https://www.gov.uk/government/speeches/forensic-science-regulator--2>

I warmly welcome the decision, Dr Tully brings a vast technical knowledge to the role, a great deal of experience of forensic science and has worked on a number of pieces of work with me in my role as Regulator as well as contributing to my Codes of Practice and Conduct.

Dr Tully has been involved in forensic science since 1989, her career has spanned research & development, validation and implementation, casework, quality, senior leadership and commercial aspects of forensic science, as well as training and consultancy.

She said "I am looking forward to the challenge of becoming the Forensic Science Regulator in November. It is crucial work, and I am sure I will be able to rely on the support of everyone involved with forensic science as we build on the foundations laid by Andrew Rennison and his team."

Dr Tully will be taking up her new role on 17th November 2014, and as my term of office ends on 31st August 2014 there will be a short intervening period where Dr Simon Bramble, a senior official at the Home Office, will act as the interim Regulator.

As this is my last newsletter, I would like to thank you all again for the support you have given me in the development of an improved quality focus across the supply chain. It has been a long and productive journey, we have covered a lot of ground together and the standards landscape is remarkably different to the one I inherited.

To assist the transition, I ask that any official business messages to the Regulator are copied to the FSREnquiries@homeoffice.gsi.gov.uk mail box.

Andrew Rennison

Accreditation to include Forensic Science Regulator's Codes of Practice and Conduct (the Codes)

The Codes were written with the intention of adding the jurisdictional context to ISO/IEC 17025 for the provision of forensic sciences to the Criminal Justice System in England and Wales, as well as to the rest of the UK. They were written with the explicit intention that providers of forensic science services would gain accreditation that includes the requirements of the Forensic Science Regulator as detailed in the Codes. A pilot programme last year led to the first providers achieving extensions to their scope of accreditation to include these requirements.

In the forthcoming 2014 edition of Codes of Practice and Conduct, the Regulator is setting out the target dates for the scopes of accreditation to include the Codes. Compliance was already required for many disciplines concurrent with the accreditation requirement, the change is to also demonstrate this compliance to the accreditation body. Although the compliance requirement was already in place, it is accepted that being broadly compliant and being able to demonstrate it to the accreditation body are not always entirely aligned. With this in mind, the Regulator has included a generous lead time into the commencement targets.

The facing table is a summary of the main accreditation requirements which have been added to or altered to include the requirement for the scope of the accreditation to include the Codes themselves.

Summary of standards / requirements for forensic science activity ¹	Accreditation to BS EN ISO/IEC 17025/ 17020	Accreditation scope to include Codes
Crime scene examination (ISO 17020) ²	Oct 2020	Oct 2020
Visual screening, examination and/or sampling for biological material ³	Oct 2013	Oct 2017
Processing recovered biological samples/material to obtain a DNA profile	April 2012	Oct 2017
Enhancement, development, imaging, recording and recovery of visible/latent finger marks	Oct 2015	Oct 2017
Digital forensics ⁴	Oct 2017	Oct 2017
Firearms e.g. classification, Firearm Discharge Residue, firing marks, ballistics	April 2012	Oct 2017
Fingerprint comparison	Oct 2018	Oct 2018
<p>¹This is a summary table from the forthcoming 2014 edition of the Codes. The full version covering more disciplines will be published at https://www.gov.uk/government/organisations/forensic-science-regulator in August 2014.</p> <p>²Covers all aspects of crime scene investigations, including fire scene and collision investigations.</p> <p>³It is assessed that screening of items to the standards expected in the CJS includes competence in low power microscopy and a presumptive blood test as a minimum.</p> <p>⁴The Regulator expects any method used for imaging 'conventional' hard drives to be validated as required in the Codes by October 2015 and an accreditation plan to be submitted by October 2017 detailing the steps to achieve accreditation. The intended scope is all digital forensic science (e.g. phones, computers, tablets, sat navigation systems, cell site analysis).</p>		

Visual screening, examination and/or sampling for biological material

Ensuring equivalent standards apply irrespective of the provider is at the heart of the Regulator's standards framework. The consequences of missing evidence when examining an item can be devastating to the case, victims and justice. Therefore the Regulator agreed last year that there had to be a minimum technical input in the examination of items. Although one cannot regulate against errors, to allow examination purely by eye is not seen as providing the Criminal Justice System with an appropriate service. Therefore providers must include the capability to undertake examination using Low Power Microscopy and Presumptive Testing under their accredited scope.

Criminal Procedure Rules 2014

The Criminal Procedure Rules which come into effect in October 2014 have now been published.

<http://www.legislation.gov.uk/ukxi/2014/1610/contents/made>

There are two changes which will have an impact on forensic science.

There will be a requirement [see section 33.3(3)(c)] for each party to disclose any information which could significantly detract from the credibility of an expert witness it proposes to rely on.

There will be a requirement [see section 33.4.h] that the expert's statement provides information to assist the court in determining whether the evidence should be

admissible. This requirement will be supported by the provisions of the Criminal Practice Directions.

<http://www.judiciary.gov.uk/publications/criminal-practice-directions-amendment-no-2/>

The Criminal Practice Directions suggests criteria that the court may wish to take into account when assessing admissibility. Our interpretation is that providers with validated methods and accreditation should be able to demonstrate these requirements without too much extra effort. It is of course for the courts to decide how they will apply the Criminal Practice Directions.

The Regulator's guidance on legal obligations is being updated to reflect these changes and will be re-published in the near future.

Editorial Notes

Comments, feedback and suggestions for topics are welcomed and should be sent to:

FSREnquiries@homeoffice.gsi.gov.uk

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