



# Home Office

## REVIEW OF THE FORENSIC ARCHIVE LIMITED (FAL)

# CONTENTS

---

EXECUTIVE SUMMARY .....	4
INTRODUCTION.....	7
ABOUT FAL.....	8
FAL'S FUNCTIONS.....	10
A. What does FAL do? .....	10
B. Are these functions still needed? .....	12
C. Are there any gaps in FAL'S functions? .....	18
ALTERNATIVES TO FAL .....	21
A. Forensic Service Providers (FSPs) .....	21
B. Police forces.....	22
C. Other commercial providers.....	24
D. A national archive .....	25
E. Other public sector providers .....	26
F. Models in other jurisdictions .....	28
PERFORMANCE AND CAPACITY TO DELIVER MORE EFFICIENTLY .....	30
A. Cataloguing .....	30
B. Destruction .....	31
C. Staffing.....	31
D. FSS residual functions .....	32
E. Funding arrangements & charging .....	33
F. Performance .....	35
STRUCTURE & GOVERNANCE .....	37
A. Home Office sponsorship .....	37
B. The FAL Board.....	38
C. External communication.....	39

ANNEX A – REVIEW TERMS OF REFERENCE.....	40
ANNEX B – MEMBERSHIP OF REFERENCE GROUP.....	43
ANNEX C – FAL ORGANISATION CHART.....	44
ANNEX D – COLLECTION OF EVIDENCE.....	45
ANNEX E – QUESTIONNAIRE ANALYSIS.....	46
ANNEX F – QUESTIONNAIRE .....	54

## EXECUTIVE SUMMARY

---

This is the first review of the Forensic Archive Limited (FAL) which was announced on 10 November 2015 in a Written Ministerial Statement (WMS) in the Houses of Parliament. Public body reviews are part of the Government's reform agenda for its arm's length bodies and are intended to provide a robust challenge to the continuing need for their functions and the way in which they carry out those functions. The Review was carried out by a Home Office senior civil servant, Cecilia French, with oversight from a Reference group (details at Annex B) and the assistance of Marcus Starling, Warren Hallett and Andy Derwent from the Home Office's Crime, Policing & Fire Group (CPFG).

FAL was established in 2012, as a Government-owned company, to manage and provide access to more than four million items generated by the investigation work previously undertaken by the Forensic Science Service (FSS), which on the direction of the Government ceased to provide operational casework services in March 2012. FAL also manages the continuing residual wind-down activities of the FSS such as the sale of its estates, both leasehold and freehold, continues to be the employer for the FSS pension scheme and maintains a number of remaining intellectual property rights and trademarks from the FSS.

This review was conducted at a time when the Government was considering its approach to the delivery of forensic science services in England and Wales, following a number of changes to the forensic landscape over the last decade. In addition to the closure of the FSS in 2012, these changes have included the creation of the Forensic Science Regulator (FSR) to introduce independent oversight of the quality of forensic science and the introduction of a National Forensic Framework under which police forces can procure services from a number of commercial forensic service providers. The Forensic Science Strategy was published on 11 March 2016 and sets out a vision for creating a national approach to forensic science delivery, designed and run by policing, with a clear system of governance and high quality standards. The Strategy points to this Review of FAL to set out the options for maintaining archived forensic materials both historic and in the future.

The review has been conducted in accordance with the Cabinet Office guidance on public body reviews. It considers FAL's functions in order to answer the question of whether these are still needed and has also looked at whether there are any gaps in the functions and service currently provided. It reviews a range of alternative delivery models for the provision of these services, including commercial and other public sector providers. The review then assesses FAL's performance and its capacity for delivering its functions more efficiently, considering how and where efficiencies could be made, taking into account those already achieved. Finally, the Review considers the structures and governance arrangements underpinning FAL and how these measure up against principles of good governance.

The work of the Review team has benefitted from the oversight of a reference group of experienced stakeholders in the area of forensic science. We sought evidence via a questionnaire disseminated to a wide range of users of FAL's services, to private providers of forensic science services and to a number of informed stakeholders. The Review team also interviewed a number of key individuals whose views and experience of FAL and archiving were considered to be particularly relevant. A range of documentary evidence was also collated and reviewed to inform the Review's findings.

## Recommendations

The overwhelming view of all stakeholders involved in the Review was that there was a continuing need to maintain an archive of historic FSS material and to provide access to that archive. A majority felt that FAL should be the body that continues providing those functions for the time being. The Review supports this view but recognises that there will be a point in the future where limits on retention periods are reached for a large proportion of the material that FAL holds. At this point, the costs of maintaining and running FAL will no longer represent value for money. The Review suggests that this point may be reached in 2021 by which time all of the material FAL holds with retention periods of 3 and 7 years would have been destroyed. This would be an opportune date at which to consider an alternative provider to archive and provide access to the remaining case files and material with 30 year retention periods. The Review suggests that consideration should be given to hosting the remaining archive within the Home Office, as well as to options within the private sector and elsewhere.

The Review considers that FAL has already achieved significant efficiencies following the completion of its cataloguing project and first destruction review. It suggests areas where further efficiencies and improvements in service provision could be achieved over the next four year period. The Review recommends that FAL's users should not be charged for its services at the point of use, primarily to avoid additional bureaucracy within the funding arrangements. And finally, it considers that, whilst FAL's Board arrangements generally function well in support of an organisation of this size, improvements could be made in others aspects of its governance. The Review suggests that there should be better links between FAL and its sponsorship unit in the Home Office and between FAL and its network of users.

### The Review recommends that:

- 1. There should continue to be an archive of FSS legacy forensic materials and case files to which access should be provided to police forces, other investigating bodies, the Criminal Cases Review Commission (CCRC), the Crown Prosecution Service (CPS) and other current authorised users.**
- 2. FAL should remain the public body which delivers these functions for a further four years until 2020 at which a point a further review should be conducted to include an assessment of whether the volume of FAL's archive, and the frequency of access requests, justify the costs of running it.**
- 3. A common protocol for the storage, retention and destruction of forensic records and materials should be produced by December 2016. This should list the type of case files and materials that should be retained, including those which are both recovered and generated by a case. It should include information about storage conditions, standards, retention periods and destruction protocols. This could be jointly issued by the Forensic Science Regulator (FSR), the National Police Chiefs Council (NPCC) and the CPS and would replace any previous documents on this subject, including that issued in 2003 by the Association of Chief Police Officers (ACPO)<sup>1</sup> and 2012 by the**

---

<sup>1</sup> The Forensic Science Service retention of case material: A memorandum of understanding between ACPO and FSS – October 2003

**National Policing Improvement Agency (NPIA)<sup>2</sup>. It should be directed at public and private forensic service providers, any part of a police force providing such services, the National Ballistics Intelligence Service (NaBIS) and FAL. The FSR should also advise on an approach to monitoring compliance with the requirements by December 2016.**

- 4. At the time of the next review of FAL in 2020, alongside other commercial options, consideration should be given to winding down FAL and transferring its remaining archive to the Home Office along with any residual FSS estate and intellectual property rights.**
- 5. FAL should examine the option of sharing their data more widely with customers by linking their catalogue to a secure external source.**
- 6. FAL should carry out annual destruction reviews, with a second destruction review undertaken this calendar year.**
- 7. FAL should continue to be funded by the Home Office. There is a recognised principle that the primary users of a service could be expected to pay for the service they receive. Therefore, in any future discussion on police funding reallocations, consideration should be given to funding a proportion of FAL's costs through this to reflect that police forces are the principal users of FAL.**
- 8. FAL's sponsor, the Police Science & Technology Unit (PSTU) in the Home Office should review the Service Level Agreement (SLA) with FAL and extend it for the next five years until 2021.**
- 9. PSTU should develop better links with FAL. Suggestions include (i) bimonthly meetings held with the FAL Executive Director and the head of the sponsor team and (ii) the FAL Executive Director being offered a place on the Forensic Policy Group.**
- 10. PSTU should re-establish the Archive Working Group. The Chair of the Working Group should have regular engagement with the FAL Executive Director.**

---

<sup>2</sup> NPIA Forensics 21: Exhibit Retention Guidance - 2012

## INTRODUCTION

---

1. As set out in Cabinet Office guidance<sup>3</sup>, all Arms Length Bodies (ALBs) should be reviewed regularly. FAL was established in October 2012 and this will be its first review, following the wind down of the FSS. This document sets out the findings and recommendations of the review of FAL. It has been carried out in line with the Government's public bodies reform agenda. The Terms of Reference were published via a Written Ministerial Statement and are attached at Annex A.

### Aims of the Review

2. The review had the following principal aims:
  - to provide a robust challenge to the continuing need for FAL – both its functions and its current form;
  - to consider opportunities for further efficiencies in delivering the functions; and
  - to review the control and governance arrangements in place to ensure that FAL is complying with recognised principles of good corporate governance.

### Methodology

3. The evidence to support this review has been gathered from a variety of sources:
  - an online questionnaire issued to a number of key stakeholders from across the criminal justice system (CJS) which attracted 50 responses;
  - structured interviews with 16 key stakeholders (listed at Annex D);
  - visits to two forensic science departments covering four police forces;
  - a visit to FAL; and
  - the review of a number of documentary reports and material.
4. The Review is grateful to the members of the Reference Group (at Annex B) for the advice and time they provided in helping to ensure the Review was focusing on the correct lines of inquiry and in commenting on the Reviews findings, to the many stakeholders and experts who provided useful input to the Review, and particularly to the Executive Director of FAL, Alison Fendley. She not only gave the Review the benefit of her experience in running FAL, providing helpful insights drawn from her experience of being a forensic scientist for many years prior to this but also responded positively and flexibly to the Review's numerous requests for further information.

---

<sup>3</sup> <https://www.gov.uk/government/publications/tailored-reviews-of-public-bodies-guidance>

## ABOUT FAL

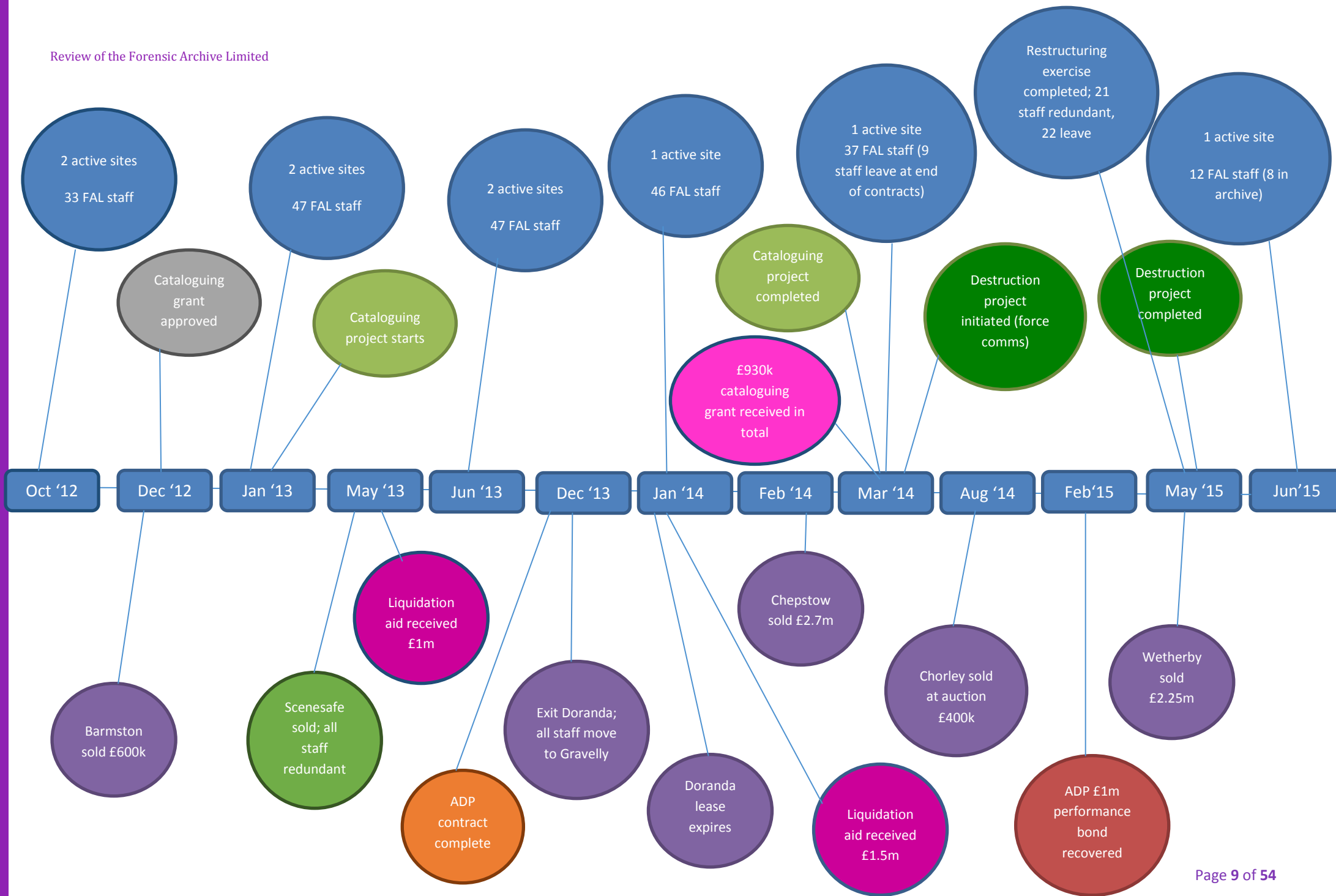
---

5. FAL was established in 2012, as a Government-owned company, to look after more than four million items generated by the investigation work previously undertaken by the FSS, which, on the direction of the Government, ceased to provide operational casework services in March 2012. FAL also manages the continuing residual wind-down activities of the FSS such as the sale of its estates (both leasehold and freehold) is the employer for the FSS pension scheme and maintains five remaining intellectual properties and trademarks from the FSS.
6. FAL is technically the same company as FSS Ltd, with the same company number registered at Companies House. The name was changed in October 2012 to reflect the business' revised focus. The governance and structure of the company changed too with a new, smaller Board appointed consisting of one executive director and two non-executive directors, one of whom is the Chairman.
7. FAL's mission, as stated on its website<sup>4</sup>, is to securely store and provide timely retrieval of casework and supporting material created by the former FSS in support of the wider CJS, whilst achieving best value for money for the Home Office.
8. The Archive was originally housed on two sites but a cataloguing project was completed in March 2014 enabling the material held to be streamlined. This, together with the sale of FAL's subsidiary company, Scenesafe Ltd, in May 2013, freed up space and facilitated the consolidation of all archived material onto the one remaining site in the West Midlands. The other site was vacated and handed back to the landlord at the end of the lease.
9. Whilst FAL maintains historic (pre 2012) material, forensic material generated since the closure of the FSS is stored and archived in a variety of locations reflecting the fact that current forensic provision is made up of a variety of forensic delivery models including forensic teams in forces, regional collaborative structures and some wider partnership approaches. All models include services delivered by a combination of police forces and external Forensic Service Providers (FSPs). Therefore some forensic material is held by forces, who in turn may store material on police premises or contract out storage to commercial providers, and some is held by FSPs.
10. The Government published its Forensic Science Strategy on 11 March 2016 and will shortly publish its Biometrics Strategy 2016-2020. The former sets out a national approach to forensic science delivery designed and delivered by police forces which would aim to ensure greater consistency of service quality, resilient capability and economies of scale. This aims to move away from the current fragmented provision of forensic science services to ensure that those forensic and biometric capabilities currently delivered in-house are organised effectively and shared across policing, where appropriate. Underpinning this arrangement is the FSR, established in 2007 to advise Government and the CJS on quality standards in the provision of forensic science.

---

<sup>4</sup> [www.forensicarchive.com](http://www.forensicarchive.com)





## FAL'S FUNCTIONS

### A. WHAT DOES FAL DO?

#### Archive inventory

11. FAL's principal function is to maintain and provide access to the FSS's legacy material. The archive consists of approximately 4.4 million items including:
- case-files;
  - dry retained items such as tape lifts, microscope slides, recovered debris, fibre tapings and recovered hairs;
  - frozen items such as DNA extracts and swabs; and
  - supporting material such as quality, validation and management records relating to FSS scientific methods and techniques.
12. These items are held at the Archive's main site in the West Midlands in a large warehouse space with floor to ceiling racking and -22°C freezer storage space. A breakdown of items is listed below.

**Table 1: Breakdown of current material held by FAL**

	3 year	7 year	30 year
Casefiles	18,760	344,043	700,144 casefiles
Casefiles destroyed on APEX and waiting to be physically destroyed			55,000 casefiles
Casefiles separated for trouble-shooting/CMIS on racks. Files need to be reviewed and demographics added before being destroyed or re-boxed			12,000 casefiles
<b>TOTAL</b>			<b>1,129,947 casefiles</b>
	3 year	7 year	30 year
Dry retained	2,588 packets	72,289 packets	137,451 packets
<b>TOTAL</b>			<b>212, 328 packets</b>
Sheffield Neuro Blocks			75,600 blocks
Slides (non-catalogued)			775,000 slides
Microfiche (100 files per cassette)			2665 cassettes
Ledgers/crime books			200 books
FSS Quality Records			478 boxes
FSS Business Records			434 boxes
FSS Validation/R&D records			195 boxes
FSS HO/Chief Scientist			87 boxes
FSS Casework Support			11,614 boxes
FSS Transfer Paperwork			400 boxes
FSS Paperwork Boxes (Holabs etc)			147 boxes
DNA extracts			2,212,718 extracts
Frozen Material			192,918 packets
DNA Plates			4,894 plates
<b>TOTAL</b>			<b>3,277,350 items</b>
<b>GRAND TOTAL</b>			<b>4,407,297 items</b>

## FAL's services

13. FAL maintains the archive of forensic material built up by the FSS and provides a service to the UK CJS by providing appropriate access to the Archive. Its services are set out in a Service Level Agreement (SLA) between the company and its Home Office sponsor. The SLA was due to run out in March 2015 but has been extended to September 2016 to allow for the conclusions of this Review to be implemented.
14. FAL is also responsible for the FSS wind-down activities which principally includes the disposal of mothballed estates. It is also currently the sponsoring employer for the FSS pension scheme which has around 2,000 members and is administered separately to the civil service pension scheme by a set of trustees.
15. FAL's primary objectives are to securely retain and manage the forensic casefiles and case material listed above and to respond to requests from authorised users according to the following service standards, which are set out in the SLA:

**Table 2: FAL Service Standards**

Priority	Working days	Service
1	3	DNA card and sample requests; responses to Data Protection Act requests.
2	5	Additional work by new FSP, defence examination for courts with prior warning.
3	28	Section 17 requests <sup>5</sup> from the CCRC.
4	30	Retrieval of files/materials for cold case reviews, destruction requests.
5	To be agreed on request	Bespoke requests including those where large numbers of casefiles are involved and/or where insufficient data is available to enable easy identification and retrieval of archive material.

16. FAL makes clear that the Archive cannot provide lists of all material held in relation to a case or make recommendations on avenues of additional scientific work. This places the onus on the user to identify each individual item required as part of its reviews and list these in the retrieval request form which users are required to fill in when requesting access to material.
17. However, Archive staff will often provide continuity statements to assist prosecutions in demonstrating that there is a complete record for the continuity of the chain of evidence. Sometimes this has extended to providing evidence in court.

<sup>5</sup> Requests for documents held by a public body which the CCRC requires in order to discharge its functions and made under section 17 of the Criminal Appeal Act 1995.

## FAL's users

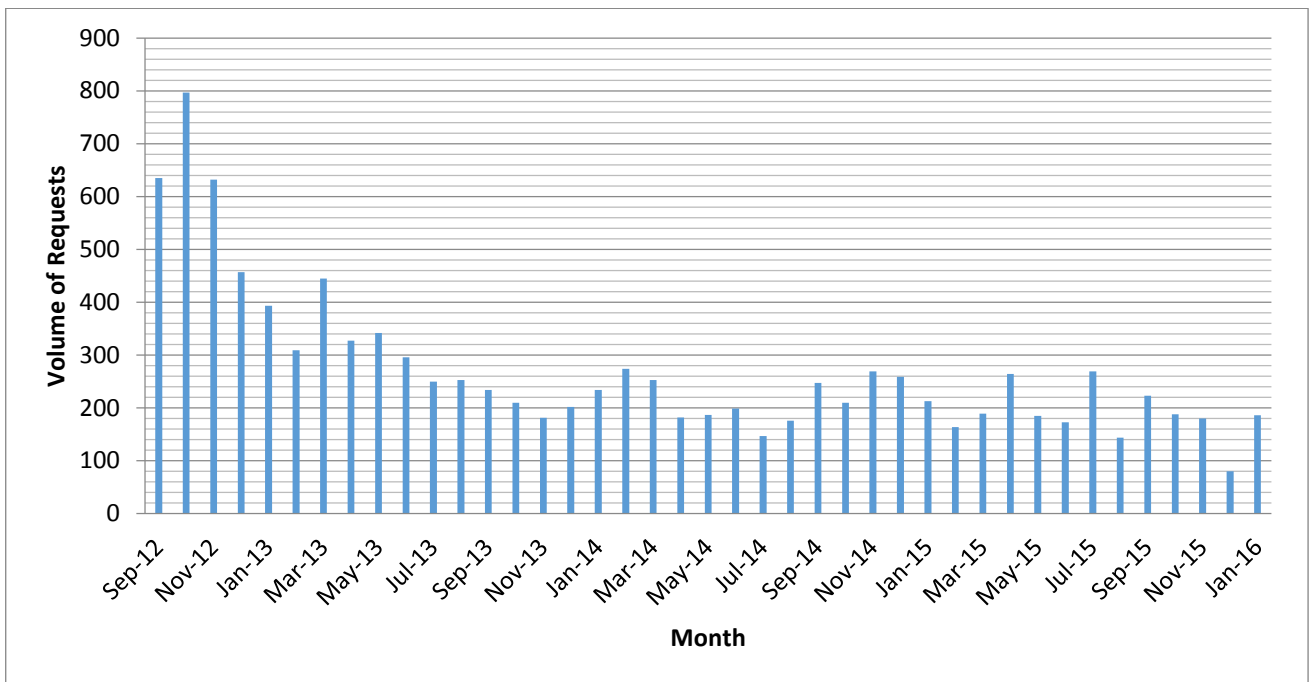
18. The SLA sets out that FAL will only accept and process requests from authorised users. FAL's services are provided to the following defined authorised users:
- police forces in relation to archived material originating from work they may have previously commissioned from the FSS;
  - investigating bodies in relation to archived material originating from work they may have previously commissioned from the FSS including Her Majesty's Revenue & Customs (HMRC), National Crime Agency (NCA) (formerly the Serious Organised Crime Agency) and the Independent Police Complaints Commission (IPCC);
  - the CPS in relation to all archived materials;
  - the CCRC in relation to all archived materials;
  - the National DNA Database (NDNAD) Delivery Unit (NDU) in relation to all archived materials; and
  - coroners in relation to archived material which relates to cases under their jurisdiction.
19. Currently, private individuals, appellants and defence solicitors cannot access the Archive directly and FAL recommend that they approach the original investigating police force should they wish to route any requests through them.

## B. ARE THESE FUNCTIONS STILL NEEDED?

### Requests

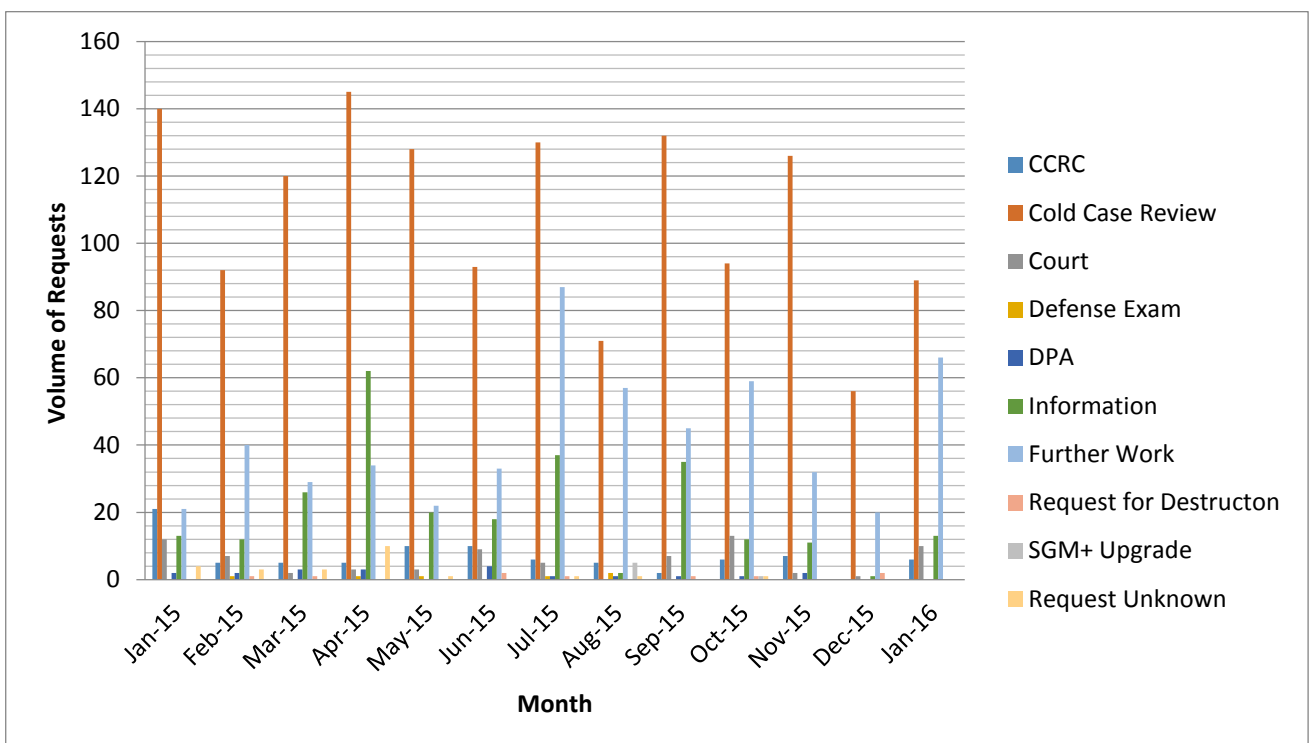
20. The Archive receives an average of 50-60 requests for material per week and, apart from larger numbers of requests in the early months of FAL, this has been consistently the case over the last three and half years of FAL's existence. Each request requires retrieval, packaging and dispatch of anything from one to 200 items. The figures below show the number of requests received by FAL since September 2012.

**Figure 1: Customer Requests Received (September 2012 – January 2016)**



21. The majority of requests are from police forces and relate to cold case reviews or investigations. These account for 80% of all requests, with the CCRC the other core user of FAL’s services. The CCRC receive approximately 1,500 applications per annum of which 45% are reviewed. Around half of those reviewed are likely to require substantive investigation generating approximately 30 s.17 requests to FAL per annum. Very few requests are received from the CPS directly. The figures below show customer requests received by request type in the last calendar year.

**Figure 2: Customer Requests Received by Type (January 2015 – January 2016)**



22. Therefore, on the basis of demand, it is clear there is still a need to retain and access FSS archive material. Cold case reviews continue to be a feature of forces' work and there are numerous serious crimes which remain unsolved and for which FAL's material could hold the key. Stakeholders who inputted into this Review universally agreed that access to forensic material which pre-dates 2012 is still necessary to support the CJS. For example, 100% of respondents to the questionnaire thought that FAL remained necessary to provide retrieval of files and materials for cold case materials and 98% thought it was necessary to provide access to the archive to the CJS including the police and the courts.
23. The CPS commented that cold cases and appeals are of significant importance in ensuring public confidence in the CJS. There are no time limits for prosecutions in England and Wales (other than for summary offences in the magistrates' courts). Therefore, no matter how much time has elapsed, a prosecution can still be instituted in serious cases. Unused material is very important to a fair prosecution. Over recent years, prosecution of historic offences, particularly sexual offences, has increased, and in that context, the preservation of archived material is increasingly important.
24. Apart from current demand, the state also has an obligation to ensure that material within the statutory retention periods set out in the Criminal Procedures and Investigations Act 1996 (CPIA) Code of Practice<sup>6</sup> is retained and made available to the police, the CPS and defence lawyers.

### CPIA requirements

25. Police forces and their agencies are required to comply with the CPIA and its Code of Practice on the retention of evidential materials and exhibits<sup>7</sup>. Guidance has been produced under the Act which sets out retention periods for case materials. This obligation to retain materials is mirrored in the contractual obligations made by police forces with FSPs.
26. Specified retention periods have been established for certain categories of offence. Case material in 'serious' case categories must be retained for 30 years. These categories include:

---

<sup>6</sup> Issued under section 23(1) of the Criminal Procedures and Investigations Act 1996.

<sup>7</sup> The Code of Practice, made under part 2 of the Act, requires all material which may be relevant to an investigation to be retained until a decision is made on whether to institute proceedings against a person for an offence. If such proceedings are instituted, all material that may be relevant must be retained at least until the accused is convicted or acquitted or the prosecutor decides not to proceed with the case. Where the accused is sentenced to custody, all relevant material must be retained at least until the accused person is released from custody. In all other cases, relevant materials must be retained for at least six months from the date of conviction. If an appeal against conviction is in progress, all material must be retained until the appeal is determined. If the CCRC is considering an application, all relevant material must be retained until either the CCRC decides not to refer the case to the Court of Appeal or, where it does refer, until the Court determines the Appeal.

- murder and attempted murder;
  - section 18 assaults;
  - other suspicious death;
  - terrorism;
  - explosives;
  - rape;
  - kidnapping;
  - abduction;
  - blackmail;
  - robbery; and
  - aggravated burglary.
27. All other retained material, unless specially exempted, will be retained, in the first instance, for a minimum period of seven years, except for the following material which only need be retained for three years:
- simple possession of drugs;
  - driving after consuming alcohol;
  - driving after consuming drugs; and
  - alcohol technical defence.
28. Case material can be retained for longer than the minimum retention periods at the formal request of a police force or other authorised body such as the IPCC, CCRC, prosecuting authority, defendants and their lawyers. Reasons for requesting an extension might include an unsolved case, a possible miscarriage of justice, public interest or notoriety of an offender or a custodial sentence which is still running. Where the retention period for the case was three or seven years, this can initially be extended to 30 years. Where it was 30 years, the case can be marked for indefinite retention.
29. Retained material will be destroyed at the end of its retention period or following each subsequent destruction review of material which has reached the end of its retention period. The police are not required to be notified when material is due for destruction at the end of the retention period, nor do they need to be present when that material is finally destroyed. FAL, being a third party, does not have a duty to retain material under CPIA, but it holds material belonging to police forces which do and therefore it is, in effect, assisting investigators in complying with the Act.
30. There is a statutory requirement to hold and retain forensic material for the length of its retention period. Whilst the majority of material with three-year retention periods held by FAL has been reached, those with seven and 30 year periods have not and access is still required to this material by CJS users.

**Recommendation 1: There should continue to be an archive of FSS legacy forensic materials and case files to which access should be provided to police forces, other investigating bodies, the**

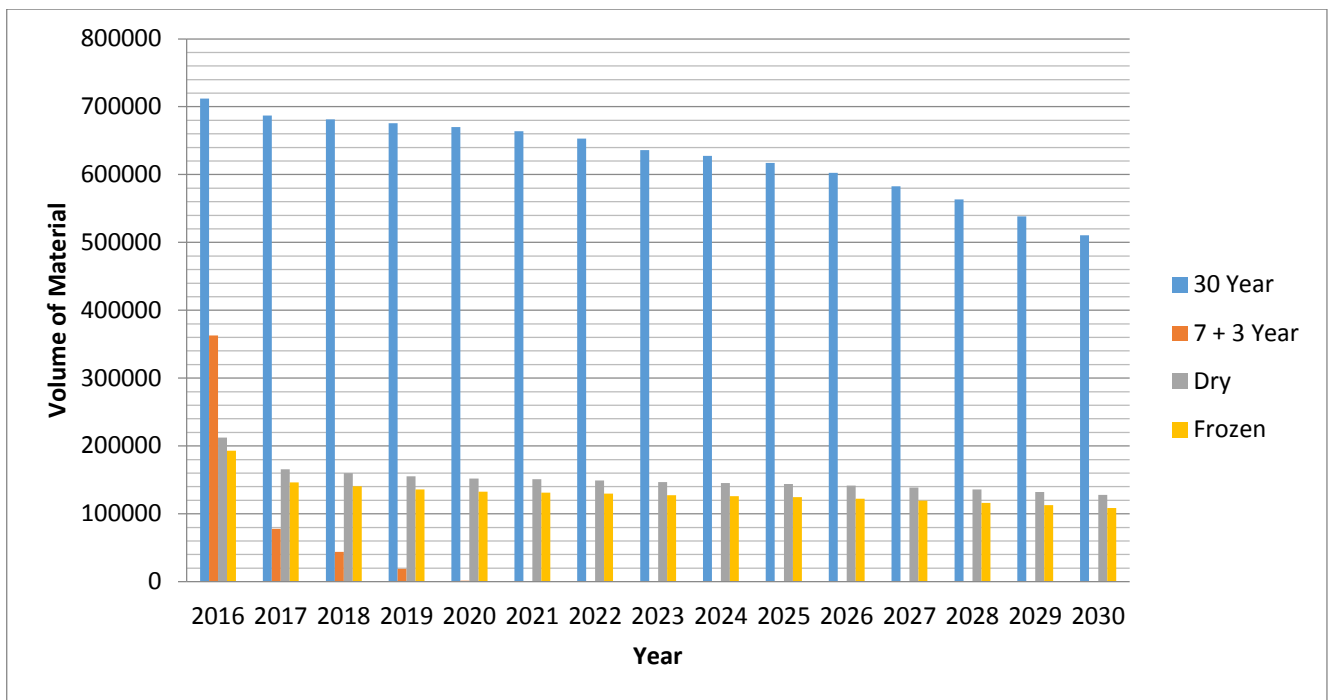
**Criminal Cases Review Commission (CCRC), the Crown Prosecution Service (CPS) and other current authorised users.**

### **The tipping point**

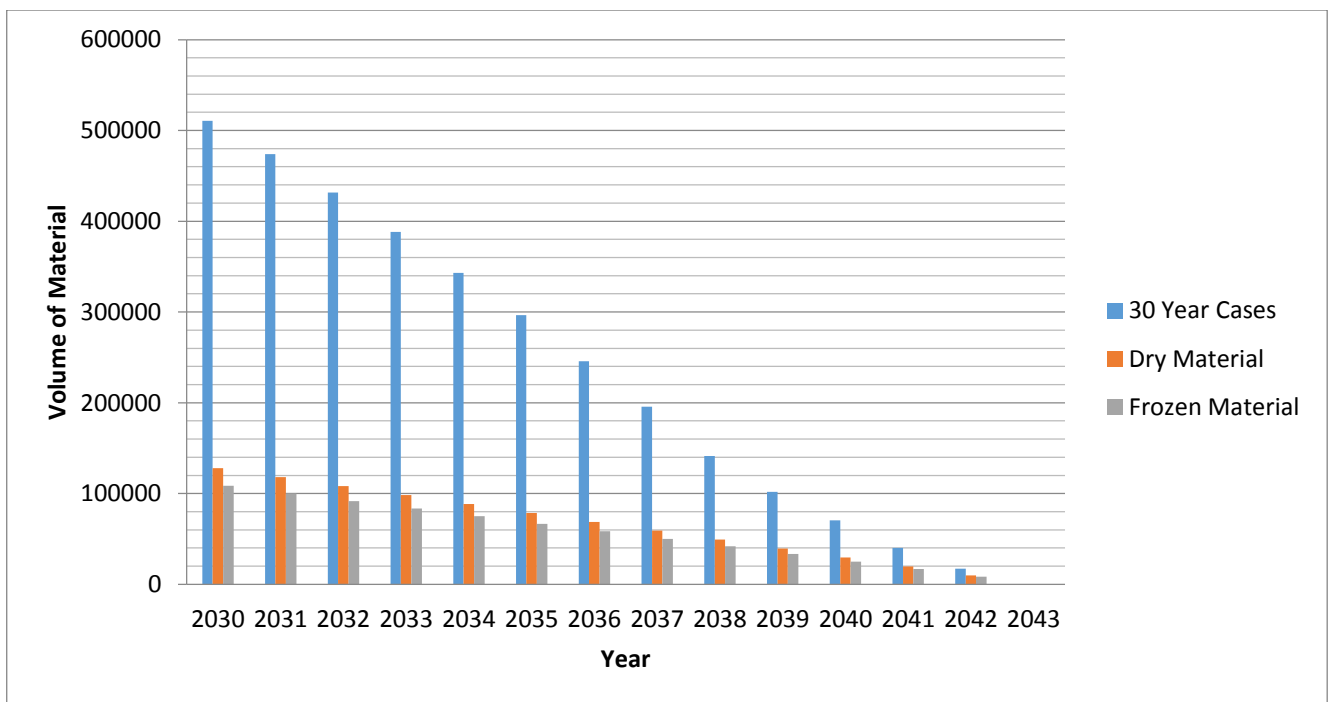
31. FAL runs the archive efficiently. It has limited overheads and flexible staffing arrangements. During May 2015, FAL was reorganised and the remaining seven archivist roles were filled by staff on permanent contracts. However, there will come a point when on the basis of its current role, FAL will become redundant as retention periods for the majority of its material are reached. This will be before the 30 year retention period for the most recently created forensic material is reached in 2042. At some point before this, a cost-benefit analysis is likely to show that volume levels have diminished to such an extent, that it is no longer worth the expenditure involved in keeping the Archive open.
32. The figures below show the estimated size of FAL's archive inventory by year through to 2042. Key points to note are:
  - by 2020, FAL should no longer hold any material with three and seven year retention periods leaving just the case files and associated dry and frozen material for serious crimes with 30-year retention periods;
  - by 2021, FAL is estimated to be holding approximately 660,000 case files and 280,000 dry and frozen items;
  - this represents a reduction of around 77% in the volume of the archive taken on by FAL in 2012, and a 30% reduction in its current volume.



**Figure 3: Forensic Inventory (2016 - 2030)**



**Figure 4: Forensic Inventory (2030 - 2043)**



33. It would therefore be sensible to conduct a further review of FAL’s functions including an analysis of both current usage and request levels (including whether there have been any appeals in the cases held by FAL) and a cost-benefit analysis in four years. By this date, the majority of FSS residual functions will have been closed down (see paragraphs 88-89), leaving just the FSS pensions to be maintained. 2021 is the year that the lease on FAL’s current premises in Birmingham expires. This

year, the NPCC will make a decision on the case for a Joint Forensic & Biometric Service (JFBS) as advocated by the Forensic Science Strategy. Should this work progress and by the time of the next review, the JFBS should be consulted on how archiving requirements could be delivered in a holistic manner, and what part FAL should play in those.

**Recommendation 2: FAL should remain the public body which delivers these functions for a further four years until 2020 at which a point a further review should be conducted to include an assessment of whether the volume of FAL's archive, and the frequency of access requests, justify the costs of running it.**

## C. ARE THERE ANY GAPS IN FAL'S FUNCTIONS?

### Provision of scientific advice

34. The Archive does not provide any scientific advice or support and makes clear that if any additional statements regarding scientific techniques previously used by the FSS are required, it is the responsibility of the prosecution or defence team to arrange this with an appropriate scientist. In practice, police forces, when making requests from FAL, will therefore commission the services of a private FSP who will both review the files received from FAL and advise the police force on follow up requests. Sometimes, those FSPs will fill in the FAL retrieval request form on behalf of the force.
35. The Commons Science & Technology Committee in its 2013 report on the future of FAL took evidence on this point, noting that both the CCRC and ACPO (as it then was) both said that they would find it useful if FAL were to bring in some scientific expertise to help provide ancillary advice on the files being requested. The Committee made a recommendation which said that "*...the Government must recognize the additional costs being incurred by public bodies in obtaining external scientific advice to support requests for archived material. There would be merit in FAL employing scientific experts to provide that service if overall public savings could be made and the CJS better served.*"
36. However, over the past three years, the forensic market place has matured, and police forces have had to commission in outside expertise. Progressively the expectations of forces have also changed and, whilst they may have needed additional assistance in 2012, they are now able to function more effectively on their own, or with the assistance of FSPs. When asked in the questionnaire whether there were any other additional functions FAL should have, no respondents suggested scientific advice as an additional function, although some did suggest that additional guidance to police forces on the general nature of FAL's case files would be helpful. In these circumstances, it would not seem appropriate to alter the status quo and enable FAL to provide scientific support alongside requests for retrieval. This would require the recruitment of specialist staff which, when considered alongside recommendation 2, would not be appropriate.

## Pathology records

37. The Hutton Review of forensic pathology in England and Wales<sup>8</sup>, published last year, flagged up a significant issue. During the course of a forensic autopsy, the pathologist will assemble material such as notes, photographs, copy statements etc. This material is potentially ‘unused material’ as defined by the CPIA. It is the practice of some pathologists to retain this material insecurely in some cases at a home address. Peter Hutton described this practice as ‘unacceptable’, a view endorsed by many of the interviewees during the FAL Review. He said that the sensitive nature of this material, particularly post mortem photographs, demand that it is kept in a secure location. He recognised that a national storage option would be expensive but, in the long-term, Home Office Registered Forensic Pathologists working as part of a National Autopsy Service (if this recommendation is implemented), would have suitable and secure storage facilities within their workplace. In the meantime, he recommended that all unused material should be stored with the police file as is normally the case with all other material for which there is no further immediate use.
38. An alternative option which has been suggested to this Review would be to store this material (which can also be defined as forensic material) with FAL. This was one of the areas suggested by those respondents to the questionnaire who believed that FAL should take on additional functions. The requirement would mainly be for the storage of material belonging to recently retired pathologists (on average one per year). It is estimated that this would amount to approximately 25 storage boxes per year with a retention period of 30 years.
39. Whilst there is clearly a requirement to find alternative storage arrangements for forensic pathologists who end up storing their material in inappropriate and insecure environments in their own home, the Review does not recommend that this material be sent to FAL. To do so would change FAL’s operating model from a static and diminishing archive, to that of a growing and living one, albeit it with only very few additional records added each year. If recommendations 1 and 2 are accepted, and FAL continues as presently constituted, then it should not be accepting new records. The Review would recommend instead, that in line with current archiving practice for all other forensic material, material belonging to forensic pathologists should be returned to the commissioning police force for storage.

## FSPs exiting the market

40. FSPs are responsible for their own archived materials but there is no mechanism to ensure that this material is retained should a provider exit the market. However, the preservation of relevant material from providers is critical to the continuity and legitimacy of evidence. Some of these, like Contract Traces, have had to cease trading because of difficulties in sustaining their specialism in a crowded marketplace. The question then arises of what should happen to the records they hold which have been commissioned by police forces. In the case of Contact Traces, FAL was approached

---

<sup>8</sup> A Review of forensic pathology in England and Wales by Peter Hutton – March 2015

in 2015 by the Home Office and the FSR enquiring into the possibility of accommodating some of Contract Traces' non-casework records such as quality and validation records. In the end, and with difficulty, its case material and records were obtained by Cellmark.

41. The Review has looked at the fragilities in the current market and at whether FAL should have a role in plugging this gap as suggested by several respondents to the Review. However, if the premise is accepted that FAL should remain as presently constituted, a better solution would be for police forces to engage in contractual renegotiations with all suppliers. This is in line with the Forensic Science Strategy's goal for police forces to have ongoing oversight of the health of the supply chain, including developing contingency plans to cope with disruptions to the market. These suppliers are currently on the National Forensic Framework, but from Summer 2016, procurement will be devolved to individual forces to carry out in the way they see fit. Contract renegotiations could ensure that in the event of the closure of an FSP, all relevant casefiles and materials should be immediately returned to the commissioning force. A definition should be included in the contract of what is meant by relevant material constituting a forensic archive and could include case files, technical samples and any relevant continuity records.
42. However a storage solution would still need to be found for the exiting FSP's quality, validation and accreditation records and standard operating procedures and the Company's business records as most of these will not be case specific and therefore would not form part of any contract stipulating that they should be returned to police forces. Further discussions should take place between the Home Office Police Science & Technology Unit (PSTU) and the FSR on how to deal with these records.
43. For those suppliers which are not part of the National Framework Contract, like Contract Traces, forces should ensure that, when procuring services, their contracts should be watertight on the question of the return of casefiles and exhibits, as well as access to relevant wider business records such as training records and equipment maintenance and validation records, in the event of that supplier going out of business. Similarly, if forces change suppliers, contractual arrangements should specify that that the incoming provider is provided with access to the forensic material. The Metropolitan Police Service Directorate of Forensic Services, which has developed bespoke contracts with FSPs rather than relying on the Framework Contract administered by the Home Office, already includes similar provisions in their contracts with forensic suppliers.

## ALTERNATIVES TO FAL

---

### A. FSPs

44. Forensic work has been contracted out to commercial suppliers since the mid 1990s. Until its closure in 2012, the government-owned FSS provided services to the police and other agencies. Subsequently, the Home Office established the National Forensic Framework Next Generation (NFFNG) to foster a competitive marketplace in order to reduce the cost of services and drive improvements in case turnaround times, whilst ensuring services were delivered in accordance with robust quality standards.
45. Framework suppliers may be accredited to international quality standards and the Codes of Practice set by the FSR. The creation of the FSR in 2007 was designed to introduce independent oversight of the quality of forensic science and to ensure that forensic science services across the CJS in England and Wales are provided within an appropriate regime of quality standards.<sup>9</sup> Police forces purchase the majority of forensic services (with the exception of digital services) through the NFFNG<sup>10</sup> and can order specific tests or procedures from an external FSP. Whilst this approach enables forces to exercise greater control over the investigation strategy and their expenditure on forensic services, it can also lead to a fragmentation of casework.
46. The NFFNG provides access to laboratory services across 13 areas and nine commercial suppliers covering the full range of forensic services, other than suppliers of digital forensics. The Framework is not mandatory and forces are not precluded from accessing the services of companies that are off-Framework but if they do, then they must negotiate costs themselves.
47. Since the creation of a forensic market, FSPs have, to a greater or lesser extent, been acting as archiving facilities for the cases they are commissioned to work on by police forces or the CCRC. Archiving of new case materials should be included in the service provision to be provided by FSPs and is supposed to be incorporated into the price structure set out in the contracts, although some of the FSPs we interviewed for the Review felt that this was not the case and that they were, in effect, providing a 'free' archiving service to police forces. Although FSPs return most material to forces following their examination, they tend to retain dried and frozen material and some casefiles. Some FSPs even go so far as to contract out archiving to a commercial storage company with instructions for how long materials should be retained. It is not clear how many forces are using FSPs to store their material and there should be standardisation of what is retained by FSPs and what is sent back to forces.

---

<sup>9</sup> The FSR has published the Codes of Practice and Conduct which provide additional guidance, context and interpretation of the standards for the UK. Accreditation of forensic science is carried out by the UK Accreditation Service (UKAS). All FSPs delivering services under the NFFNG are required to be accredited to ISO17025 standards for each of the services they provide. This requirement for accreditation does not apply to services purchased outside the framework.

<sup>10</sup> An exception is the MPS which has set up its own contracts and the North East Region.

48. It has been suggested that, in addition to current arrangements, and in the event of FAL's closure, FSPs could take on the task of storing what would remain of the FAL Archive. Apart from the challenge of determining quite how this would work, and what material would be sent to which FSP, there are a number of risks with this approach, namely:
- Fragmentation of case materials: Materials for one forces' cases may be spread among several providers.
  - Information management: it would be difficult to control the management of case materials and FSPs may have different ways of storing and indexing.
  - Continuity of supply: As flagged previously, there is a risk that the provider may withdraw from the marketplace or end a contract with a particular force or group of forces. As in the case of Contract Traces, this would create uncertainty around access to the retained materials and who would take custody of them.
  - The CCRC's access powers under s.17 of the Criminal Appeal Act 1995 currently only apply to public sector organisations and it can be difficult for them to access material from private sector providers. This is the subject of a private members bill going through Parliament which may change the situation.
49. Some of these issues are surmountable. For example, it may be possible to select one or two leading FSPs and incorporate archiving into their contracted service; however, this would likely to be at a significant cost. And there is a more general point of principle underlying this concerning the stability of the forensic marketplace set against a landscape of declining volume crime and whether it would be sensible to place an additional requirement on the marketplace. This proposition was also not welcomed by the majority of respondents to the Review; only 20% of questionnaire responses supported the proposal of a private sector provider taking on the running of FAL's archive, with 56% opposed.

## B. POLICE FORCES

50. Police forces undertake a number of forensic services themselves; for example, crime scene investigation, search and recovery, fingerprints, image processing and the control of submissions for analysis to FSPs. They also commission specialist services, such as DNA profiling, toxicology and drug analysis, through FSPs.
51. The majority of the material held at FAL belongs to the original commissioning police forces. Since the closure of the FSS in 2012, and because FAL was set up as a 'static' archive, police forces have had to make alternative arrangements to store forensic material emanating from their cases. This depends on the capacity of the force and can include: storage by the force itself (for example, West Mercia which has recently commissioned purpose-built storage facilities) or pooling of facilities, storage by one of the FSPs they have commissioned to work on the case or by a commercial storage provider (for example, in the case of Bedfordshire and Hertfordshire). In the latter two cases, forces must pay for the cost of storage.

52. The argument has been advanced that if FAL were to be shut down, and because police forces already hold exhibits and criminal case materials in their archives since 2012, there may be scope to return FAL's material to the originating forces to incorporate into whatever archiving arrangements they have in place.
53. There are two main issues with this option:
- The quality of the material - those forces that store material in-house do so in the absence of any regulations or standards setting out the nature of the facilities that should be available to store forensic exhibits. This can lead to two problems: lack of clarity on what exactly should be retained, with some forces potentially deciding to retain different categories of exhibits, for different retention periods and lack of adequate recording which may break the chain of evidence and contamination or deterioration of exhibits may mean that they are unable to be utilised in any future investigations.
  - The accessibility of the material - Responses to this review have suggested that certain forces often have difficulty locating their archived materials. The potential for losing material can have serious implications for the CJS.
54. Overall, it would seem that forces' current archiving systems are unlikely to be good enough to absorb FAL material being returned to them. If any decision was made to do so, it would have to be in a phased manner over a lengthy period of time; potentially up to two years. Some interviewees questioned whether it would be worth the effort involved in 'deconstructing' the archive and separating out the material by force. A single guidance document on the retention of forensic materials would be a critical precursor to returning any materials to police forces.
55. In 2003, ACPO and the FSS agreed a memorandum of understanding setting out retention periods and retention policy which went some way to addressing this gap. A further version was added to and published by the NPIA in 2012. However, both of these are now out of date and would benefit from updates and additions. The FSR, in partnership with the NPCC and CPS, could take responsibility for this task, particularly as the Forensic Science Strategy sets out that the FSR is to be placed on a statutory footing.

**Recommendation 3: A common protocol for the storage, retention and destruction of forensic records and materials should be produced by December 2016. This should list the type of case files and materials that should be retained, including those which are both recovered and generated by a case. It should include information about storage conditions, standards, retention periods and destruction protocols. This could be jointly issued by the Forensic Science Regulator (FSR), the National Police Chiefs Council (NPCC) and the CPS and would replace any previous documents on this subject, including that issued in 2003 by the Association of Chief Police Officers (ACPO) and 2012 by the National Policing Improvement Agency (NPIA). It should be directed at public and private forensic service providers, any part of a police force providing such services, the National Ballistics Intelligence Service (NaBIS) and FAL. The FSR should also advise on an approach to monitoring compliance with the requirements by December 2016.**

## C. OTHER COMMERCIAL PROVIDERS

56. Long-term storage of forensic material could be contracted out to commercial storage providers, following a procurement process. The Review approached three<sup>11</sup> in order to gauge the general feasibility of such a proposition. The review asked about capacity, cost and the ability to incorporate special requirements, such as freezer space. All three said they would have the capacity, experience, security requirements and quality standards to store forensic material. However:

- capacity across the three varied; one has 73 secure storage sites across the UK, but all confirmed they had the capacity to store the size of the FAL Archive;
- although not all have direct experience of storing forensic case materials, one already manages and stores forensic case files and materials for some police forces and another has a contract with United Kingdom Visas and Immigration. They claimed they would be able to store records of any size and adapt their storage needs to match those of their clients;
- it is not clear whether they have the appropriate temperature/humidity controlled environments which would be required for a part of FAL's current inventory;
- all three pointed to specific security measures to control access and vet their staff. Although all indicated they had sufficient security measures in place to store sensitive materials of the type stored by FAL, they generally appear to specialize in paper and electronic records.
- a number of International Organization for Standardization (ISO) quality standards were cited by each supplier but any procurement exercise would need to incorporate a requirement for quality assurance and incorporate a robust testing regime (for example to undertake penetration testing); and
- only two out of the three were prepared to provide a pricing model which included storage, collection and delivery charges and details of what a service level agreement to determine timings for delivery would look like.

57. The information was provided as part of a fact-finding and not a procurement exercise so none of the prices indicated were definite and the data was not provided on a comparable basis between each supplier. Nevertheless, the Review has undertaken a high level cost comparison with the cost of running FAL in order to ascertain, at a general level, whether commercial providers present an attractive solution. It would appear that alternative providers may provide a cheaper storage solution to FAL and the next review of FAL should explore in more detail the possibility of contracting out services to such suppliers, obtaining more detailed and comparable data in order to carry out a more robust comparison of storage options.

58. Furthermore, there appears to be capability within the commercial sector and many departments already use commercial providers to manage their current (predominantly paper) records prior to selection for transfer to The National Archives (TNA). The private sector also makes use of

---

<sup>11</sup> Clarks of Amersham, Deepstore (also known as the 'Salt Mine'), Iron Mountain.



commercial providers for storage, retrieval and disposal and TNA publishes guidance on the requirements for offsite storage.<sup>12</sup>

59. An alternative to using commercial storage providers to store the contents of the current FAL archive would be to use them to store only very old cases which require infrequent access. As a consequence of its previous national role in fingerprint identification, the MPS has a forensic archive that holds case files and information from forensic examinations whilst criminal proceedings are still ongoing. Once concluded, the material is sent to a deep storage facility provided by a commercial supplier. The CCRC does something similar and uses two different commercial providers; one for the majority of their storage requirements which require infrequent access (and which therefore can be off-site) and another for storage of their classified material. Both charge an annual storage fee based on the number of boxes stored and an annual fee for their collection and delivery service.

## D. A NATIONAL ARCHIVE

60. In its 2013 report, the Commons Science & Technology Committee argued that the current arrangements for the storage of forensic materials could lead to fragmentation, with FAL only storing historic FSS material, and any new forensic material generated since 2012 being archived in a disjointed fashion between various FSPs and police forces. This would make it difficult to trace specific casefiles and samples which would be held under different indexing systems in different locations across the country. The S&T Committee suggested two options to prevent this fragmentation posing a risk to the CJS.
61. The first was a physical consolidation of forensic archives in one place in order to create a National Forensic Archive. One potential solution for achieving this would be to expand FAL to incorporate materials from all closed cases so that it became a 'living' and no longer a 'static' archive. FSPs would retain material at their sites until a case reaches closure, at which point any material to be archived would transfer to FAL for long-term storage. In addition, all police forces would transfer their archived forensic material to FAL.
62. Many participants to the Review could see the attraction of a physical consolidation of all forensic material (both pre and post 2012) in one place, principally because of ease of access, but also because of the necessity for specialist equipment to store frozen material which is more cost effective to have in one place and because of the benefits of having a standardised archiving practice. They were attracted to the idea of having all FSS material managed by one organization as part of a single archive. However, almost all of them questioned whether the benefits would be proportionate to the costs of setting this up and running it. They suggested that there would only really be value in this if current archiving arrangements were deemed to be failing or insufficient.

---

<sup>12</sup> <http://www.nationalarchives.gov.uk/documents/information-management/considerations-for-developing-an-offsite-store.pdf>

63. FAL's current storage capacity would not be sufficient to cater for this and FSS legacy material wouldn't diminish quickly enough (through destruction reviews) to create space for the new volumes of material. Such a proposition is estimated to require at least a doubling in size (and therefore costs) of FAL's current capacity but before consideration was given to this, an audit of forensic material across all forces and FSPs would need to be conducted. Furthermore, the desirability of such a proposal would need to be properly examined, including of the requirement to triage force material and decide which would move across to a national archive. For example, forces have always maintained fingerprint bureaux and it would be a significant exercise to transfer this across to FAL and some forces may not want to.
64. The second option advocated by the S&T Committee for the creation of a 'national' archive was a virtual consolidation whereby all archived materials would be accessible through a common indexing system, with common arrangements, regardless of their physical location. FAL has looked into the possibility of digitising its catalogue but this would require a significant investment (of £10m+) which would not represent value for money when set against the benefits it would achieve. An alternative would be to digitize a proportion of the serious and high profile cases but, given the ease with which they can be accessed at FAL, the benefits of this are also questionable. Another option would be to link FAL's catalogue to the Police National Computer (PNC). The current information technology infrastructure would not allow this, however FAL may wish to investigate with Home Office IT the practical and technical steps required to achieve this as well as the costs of doing so. Ultimately, as forces begin introducing electronic case management systems which can be linked up to a common platform, a virtual archive may be created by default.

## E. OTHER PUBLIC SECTOR PROVIDERS

### The National Archives (TNA)

65. TNA hold records which are defined under Schedule 1 of the Public Records Act 1958 as 'public records'. As FAL is not a public body its records do not come under the Act, and are therefore outside the statutory remit of TNA and the national Place of Deposit Network<sup>13</sup>. The scope for, and feasibility of, placing FAL's records with another public sector organisation (such as a local authority or higher education establishment) with the purpose of managing it as an archive would therefore be limited.
66. The Review nevertheless sought TNA's views on the potential for storing FAL's archive. Their view is that FAL's collection is unique and does not appear to fit with any other archive's objectives or remit for collection. The records and information contained in FAL are preserved and managed to support

---

<sup>13</sup> The majority of public records selected for permanent preservation are transferred to The National Archives; however for certain categories of record other repositories, known as 'places of deposit', may be more suitable. The majority of these are local authority archives although certain specialist records may be held by organisations with particular expertise, such as a national museum.

effective investigations in the criminal justice system, including cold case reviews and miscarriages of justice. Forensic material poses challenges to public archives in terms of ethics, access and data privacy. The potential for the use of FAL's records by the creating organisation has not ceased and the records are not seen as having intrinsic historical value worthy of permanent preservation outside the CJS. Access to FAL's records is restricted to authorised users only and it is not clear whether records retrieved by the creating body are returned. This is contrary to the Public Records Act, which places a duty on the Keeper of Public Records to preserve selected records and to provide reasonable facilities for public access to records which fall to be disclosed in accordance with FOI legislation.

67. Notwithstanding the fact that FAL's records fall outside the statutory remit of TNA, the Review agrees that the specialist storage, handling and preservation of forensic material is not a feature of conventional public archives and it would currently not be feasible for TNA to handle biological material. FAL is a specialist storage and retrieval service for managing forensic records on behalf of stakeholders in the criminal justice system, as opposed to a typical archive for permanently preserving public records.

### **The British Library**

68. The British Library, which is funded by the Department Culture, Media & Sport, is developing its site in Boston Spa, West Yorkshire, as an extended, shared storage facility primarily aimed at other UK museums and galleries, but also potentially available to other Government Departments. It is constructing a 250km high density automated storage facility in order to deliver a significant increase in storage capability. The storage void will be a secure, environmentally controlled area which delivers requested content, via robotic cranes, to retrieval staff working in a separate area. Items can be secured at any level and content can be made accessible only to requests from named organisations.
69. The Review contacted the Head of Programmes to ascertain some of the technical specifications and storage and destruction costs. Storage costs vary according to utilisation levels so reduce significantly when utilisation is up to 90%, and there is an additional cost per item retrieved. When compared against the costs for the commercial providers listed above, and against FAL's costs, this solution could be seen to be an attractive one, but as the project is in development, it is not clear whether the facilities would be a suitable match for FAL's inventory. Nevertheless, this option is worth examining in greater detail at the next Review point in 2020.

### **The Home Office**

70. If a further Review of FAL is undertaken in 2020, that Review could also consider the possibility of winding FAL up as a company and transferring its remaining archive holdings (then estimated to be under one million) to an appropriate unit or arms length body within the Home Office to coincide with the expiry of the lease on its current premises outside Birmingham.

71. One option is the NDU. The NDNAD stores a collection of DNA profiles for nearly 6m people along with nearly 500,000 crime scene profiles from crime scenes. It is the largest DNA Database in Europe. The NDNAD is run by NDU within the Home Office. NDU already hold all the electronic DNA results which were transferred from the FSS at its closure and, because FAL hold the actual DNA samples used to produce the profiles, there is a natural link between the two organisations. In addition, the Unit has taken on responsibility for elements that are not DNA related, such as footwear reference collections.
72. If storage capacity at NDU is insufficient, consideration could be given to housing the remaining Archive at Priory House in Birmingham (which is already leased by FAL until 2027) by which time it should have reduced in size to just over 800,000 items. Such a transfer could also involve the Home Office taking on the management of any remaining FSS estates, so that the NDU could concentrate on the management of the Archive. Any Archive staff considered necessary to resource it could be transferred to the NDU in the Home Office<sup>14</sup>. Any future solution should ensure that it is aligned with the approach and timescales for provision of forensic services set out in the work to create a Joint Forensic & Biometric Service (JFBS). As highlighted in paragraph 33, pending decisions from the NPCC, JFBS could potentially suggest other innovative options based on their requirements, and should be consulted during the next review.
73. Consideration would have to be given to what to do with the FSS pension scheme. One potential solution would be for the Home Office to take over from FAL as the sponsoring employer as the Home Office already guarantees the scheme. The Review understands that it would be not be possible to transfer into the Principle Civil Service Pension Scheme (PCSPS), due to differing terms and conditions, although it may, eventually, be possible for PCSPS to buy-out the existing scheme.
74. The remaining intellectual property patents (on DNA interpretation and probabilistic fingerprint software) could be transferred to the Home Office in order to enable wider exploitation of the methods within the CJS. As these forensic methods are currently subject to non-disclosure agreements, this would have the added advantage of allowing access to others.

**Recommendation 4: At the time of the next review of FAL in 2020, alongside other commercial options, consideration should be given to winding down FAL and transferring its remaining archive to the Home Office along with any residual FSS estate and intellectual property rights.**

## F. MODELS IN OTHER JURISDICTIONS

75. The review has contacted Northern Ireland, the Netherlands and Scotland to ascertain what arrangements they have for archiving forensic material and whether any useful lessons could be learned from the archiving models in place there. However, the position in each jurisdiction differs sufficiently from that in England and Wales so as to make it difficult to draw any comparisons.

---

<sup>14</sup> Under the Transfer of Undertakings (Protection of Employment) Regulations 1981 (TUPE)

76. There is no central storage facility for forensic material in the Netherlands. Police forces, and a soon to be created National Police Force, are responsible for storing and managing their own material. The principal provider of forensic services is the Netherlands Forensic Institute (NFI). They return all exhibits to the prosecution and/or the police on completion, retaining only the casefile which they produce and reports of the scientific investigations undertaken. In addition, the NFI stores all DNA extracts (but not the exhibits or trace material) indefinitely because of the repeal of the statute of limitation for serious crime which means a case in this category can be reopened at any time. For these purposes, the NFI has developed a state-of-the-art fully automated storage archive.
77. Forensic Science Northern Ireland (FSNI) is an executive agency of the Northern Ireland Department of Justice and the provider of first choice to the Police Service of Northern Ireland (PSNI). FSNI retains case files going back many decades, with the old files held in a secure off-site storage facility. Primary exhibits are returned to the PSNI for storage once examinations are finished and, as with England and Wales, are treated as PSNI's property, with destruction a matter for them.
78. The position in Scotland is not dissimilar. There is no central archive and archived records are held across four laboratory sites run by the Scottish Police Authority Forensic Services (SPAFS) and local off-site storage facilities owned by Police Scotland. Costs for archiving records are shared between SPAFS and Police Scotland.

## PERFORMANCE AND CAPACITY TO DELIVER MORE EFFICIENTLY

---

### A. CATALOGUING

79. The FSS's archive had been built up over many decades with some materials dating back to the 1920s. Over the years, as further items and casefiles were added, a variety of cataloguing systems were used and, at the closure of the FSS, a large quantity of items were added to the archive in one large transfer. It was therefore difficult for FAL to be certain about what was and wasn't in the Archive which led to the Executive Director's decision to catalogue it.
80. During the cataloguing project, which took place from January 2013 to March 2014, all items were barcoded and their location recorded in a bespoke database commissioned by FAL to create a complete inventory stored in their Apex system. This enabled information on a number of particularly old cases (predating 1969), for which no electronic records had been held, to be located.
81. The cataloguing project enabled FAL to consolidate its archived material onto one site which also had the effect of making document and item retrieval more efficient. Moving all operational activity to a single site, reducing staff numbers following the completion of cataloguing and vacating the Doranda Way site rather than renewing the lease, generated a saving of £379k. The cataloguing project also significantly improved efficiency. Prior to cataloguing, turn-around-times were being met 95% of the time. After cataloguing, all targets were being exceeded and turn-around-times had, on average, been halved. This paved the way for the destruction exercise.
82. FAL has also considered whether there would be any value digitising a small set of cases, for example, if it was known that a high profile case was due for appeal, and therefore likely to generate a number of retrieval requests, in order to speed up the service and make it more efficient. However, many of FAL's high profile cases are large in volume so making them available digitally would be time consuming and would not necessarily generate significant improvements in service, given that same day delivery of files is now possible. In addition, FAL's current IT set up prevents easy access to their systems. However, now that an electronic and searchable catalogue is available, it would be worth examining whether it is possible to make this available externally for users to search. One interviewee suggested that it would be worth looking at whether it is possible to link FAL's Apex catalogue to the Police National Network. As highlighted earlier in paragraph 64, the Review considers that this possibility should be explored as a means of making FAL's inventory more accessible.

**Recommendation 5: That FAL should examine the option of sharing their data more widely with customers by linking their catalogue to a secure external source.**

## B. DESTRUCTION

83. As part of the cataloguing project, large quantities of material were identified which could potentially be destroyed, having been kept longer than the specified retention time of 30, seven or three years. The majority of these were in the high volume crime category such as drugs possession or low value theft. FAL worked through this material in conjunction with police forces and identified 1.5 million items for destruction. The secure destruction of these items, with appropriate audit trails and records, has nearly been completed. The cataloguing and destruction of items has enabled the streamlining of the Archive, freeing up storage space, which has enabled it to consolidate its material onto one site outside Birmingham, thereby reducing running costs.
84. FAL provided each police force with a list of case files which had passed their retention date, broken down by case reference and offence category. Forces were then given a deadline of three months to review the cases and return the lists to FAL, noting materials which should be retained and those which were no longer required. During this period, FAL also ran an educational exercise to inform forces of what they were doing. Forces checked for any linked cases or flags from the CCRC which may require materials to be retained for longer. Once the lists were returned to FAL, the Archive then conducted further internal cross checking on cases cleared for destruction, including a physical inspection of all case files and materials. FAL adopted a cautious approach, recategorising material to the more serious 30 year cases when unsure of whether to proceed with destruction. Final disposal was undertaken by shredding case files, under contract to a specialist company, with a witness present or sending biological material for incineration.
85. FAL intend to build regular destruction reviews into their business-as-usual processes and plan to undertake these annually. This will be important to ensure that the volume of the archive is progressively reduced and FAL continues to function efficiently. FAL are not legally required to inform customers of items for destruction and forces are aware that the onus is on them to inform FAL if they do not want material to be destroyed. However, until the destruction process is fully embedded, it would be sensible to check with forces before material is destroyed.

**Recommendation 6: FAL should carry out annual destruction reviews with a second destruction review undertaken this calendar year.**

## C. STAFFING

86. Following the completion of the cataloguing and destruction projects, FAL has been able to operate in a more efficient and streamlined way compared to when it was originally set up in 2012. When the Archive was first set up in October 2012, it was spread across two sites and had 29 staff. The cataloguing project led to a temporary spike in staffing levels to 45 to deliver the project but, following the efficiencies created by the completion of both the cataloguing and destruction projects, the headcount was reduced. A restructuring exercise was therefore undertaken and 21 staff were made redundant (with one additional member of staff leaving at the end of their contract). They left FAL at the end of May 2015, leaving a core of eight staff to maintain and run the



Archive, an Administrative Assistant, the Executive Director and an Estates Manager on a fixed term contract.

87. Those staff that remain are currently fully occupied with responding to approximately 200 requests per month. However, as the archive reduces over the next four years following each annual destruction review, and if numbers of requests reduce commensurately, the Executive Director could look for opportunities to reduce staff numbers, although the archive does need to maintain a critical minimum number in order to continue delivering a high quality service.

## D. FSS RESIDUAL FUNCTIONS

88. The largest ongoing FSS legacy activity has been the disposal, liquidation and management of old FSS estates and assets. Key activities since 2012 have included:

- selling the Chepstow site in Monmouthshire;
- selling the Chorley site in Lancashire;
- selling the Wetherby laboratory site in West Yorkshire;
- vacating Doranda Way in December 2013;
- concluding the outstanding FSS contract with Abu Dhabi Police in December 2013 with all outstanding technical papers issued, and monies recovered, by February 2015; and
- selling the Scenesafe Ltd subsidiary company in May 2013: This was the part of FAL dealing with the residual FSS wind down issues.

89. This leaves the following assets to dispose of:

- Huntingdon laboratory – completion of sale estimated to take place in September 2016 although this is dependent on securing planning permission as a condition of the sale;
- three Trident Court leases consisting of 3 buildings in the Birmingham Business Park. One lease was reassigned in 2015 which leaves two to deal with. Discussions are underway with the landlord for an early exit to the leases this year;
- Priory House lease, which runs until 2027 and consists of office space and some redundant laboratories. Early termination of the lease has been considered but the cost is prohibitive and the property is therefore being marketed to have the lease reassigned; and
- the lease of its current premises outside Birmingham which houses the Archive and which runs until 2021.

90. The company's ongoing largest expense, following the reduction of staffing numbers, is the maintenance (including rates and rent) of these legacy FSS mothballed properties. In Summer 2015, including rent, rates, utilities and facilities management, this totalled c. £470k per month (excluding the cost of the Archive itself outside Birmingham).

91. As part of FSS wind-down activities, the Home Office agreed to protect the accrued pension benefits of current and former FSS employees by providing a guarantee to the Trustees. In addition to an



annual contribution to the pension scheme, the Home Office guarantees that all members will receive their full benefits paid out.

92. None of the residual FSS activity or staffing is covered by the FAL's core funding agreed in the SLA. Instead, FAL covers the cost by using receipts from property sales or by requesting liquidation aid from the Home Office. The Home Office must provide assurances, on an annual basis, to the board of directors, that it will provide sufficient liquidation aid to meet the company's long term liabilities, including the full wind down costs generated by the disposal of FSS assets. Funding is provided in tranches as and when required. £1m was provided in December 2015 to enable FAL to maintain mothballed buildings and pay dilapidation costs for the Trident Court leases.

## E. FUNDING ARRANGEMENTS & CHARGING

93. The annual costs for running the Archive, and maintaining its infrastructure, are funded by the Home Office under the terms of a Service Level Agreement (SLA). FAL does not charge customers or end users for access to the Archive. In total, FAL receives the following funding:

- £1.012m (in 15/16) for the ongoing operation of its archive services classed as 'operating cash flow'<sup>15</sup>;
- £1.5m per annum funding of its pension fund; and
- liquidation aid funding to cover 'exceptional cash flow' required to wind down FSS activities.

### Efficiency

94. The costs of running the archive have been reduced by approximately 50% between 2012/13 when FAL first took on the Archive and it received a budget of £1.95m from the Home office and in 2015/16, where its annual budget stood at £1.02m. This equates to a cost per retrieval of £121.97<sup>16</sup> and a monthly storage cost of £9.01 which the Review believes provides good value for money. Nevertheless, the Review obtained high level costs from four other storage providers in response to a fact-finding inquiry. Whilst it is not possible to make an accurate comparison between service providers on the basis of the data received, based on the alternative information provided, it is possible that alternative providers could deliver a similar service for less.
95. The next Review should make more substantive enquiries, potentially as part of a procurement exercise. This would need to include obtaining the cost of storing 'wet' material requiring freezer storage and the provision of 'front-end' services such as finding out the case-file numbers for forces that have too little information to fill out a request form.

---

<sup>15</sup> In 2016/17 estimated costs of maintaining the Archive are £894k.

<sup>16</sup> Based on a standard size archive box with a volume of 0.0378m<sup>3</sup>

96. In the interim, as the volume of Archive material decreases, and if transaction volumes do too, it may be possible to secure further efficiencies through the departure of further archivists or the estate manager once the majority of FSS residual estate issues have been dealt with.

### Possible charging arrangements

97. The Review has looked at the question of whether FAL should be charging for its services if it were to remain as presently constituted. This was a question that was asked both of respondents to the questionnaire and those who were interviewed by the Review team. Whilst the majority (64%) of questionnaire respondents were against charging, largely because of the potential effect they said it would have in dissuading users (primarily the police) of using its services, others were less equivocal.

98. Some flagged, for example, that the police should be paying for the service provided. And when compared to other police-related ALBs, such as Her Majesty's Inspectorate of Constabulary (HMIC) and the Independent Police Complaints Commission (IPCC), to which the police do make contributions through a contribution from the Home Office police grant, it seems odd that FAL should be excluded from similar arrangements. The reason for this is because the Home Office took the decision to close the FSS, which had not hitherto charged users for its storage and archiving facilities, or the provision of scientific advice pertaining to it<sup>17</sup>.

99. There could be several options for charging users for FAL's services. The Home Office could institute a hard charging mechanism, such as an annual fee charged to forces for the storage and maintenance of material (proportionate to the quantity stored), plus an additional fee for each retrieval request. However, this would mean introducing new payment and administrative arrangements at FAL to set up such a scheme which in itself would be time-consuming and costly. In addition, the CCRC raised a potential issue with s.17 of the Criminal Appeal Act which places a statutory obligation on public bodies, including FAL, to respond, and might be at odds with any charging mechanism. An alternative option would be to 'piggy back' on the new charging mechanism established by NDU (which has moved to a hard charging model based on the funding formula calculations) and 'roll' FAL costs into this.

100. A third option would be to mirror the funding arrangements for the other police ALBs and reallocate a proportion of the police budget currently administered by CPFG. Ultimately, a decision on funding and charging mechanisms is linked to the question of whether FAL remains a diminishing archive, as presently constituted, in which case it is not worth the effort and cost to institute complicated new charging mechanisms, or whether it grows into a national archive, in which case it might be.

101. As the Review recommends that FAL should remain as presently constituted until 2020, then the Review also recommends that FAL should continue to remain free to users at the point of use, but that a contribution to its ongoing maintenance should be made through a reallocation of the police grant at the start of each financial year.

---

<sup>17</sup> Charges were made for other services provided by the FSS.

**Recommendation 7: FAL should continue to be funded by the Home Office. There is a recognised principle that the primary users of a service could be expected to pay for the service they receive. Therefore, in any future discussion on police funding reallocations, consideration should be given to funding a proportion of FAL's costs through this to reflect that police forces are the principal users of FAL.**

## F. PERFORMANCE

102. The SLA between the Home Office and FAL set out the service standards which the Archive is expected to deliver. FAL's Executive Director said these are consistently exceeded, which was corroborated by the feedback received from both respondents to this Review and that collated by FAL. FAL should therefore update its service standards to make them more challenging and to reflect the efficiencies made following the cataloguing project. Any review would need to take place in discussion with FAL's sponsoring unit in the Home Office and a balance struck between doing so without imposing additional resource requirements on the archivists. Initial discussions with FAL suggest that turnaround times for the lower priority requests might be reduced by as much as half.
103. Some interviewees reported that FAL could be inflexible in dealing with requests from users who need access to material that was not theirs; for example if a force is making a request on behalf of a number of others. Whilst it is perfectly legitimate for FAL to follow this approach, and they do so in order to ensure there are clear lines of accountability, it can lead to extra administration and be time-consuming. Consideration should be given to amending the SLA to allow one force to request material belonging to another, providing written authorisation has been pre-obtained. A general authorisation should suffice to cover any material or files relating to the particular case in question.
104. Suggestions were also made about making FAL more accessible to FSPs to avoid forces acting as the 'middle man' between FAL (who hold the material) and the FSPs undertaking the work. Forces are often not best placed to know what material or case files they need as most lack the technical capability to analyse them. It may be more productive if FAL were able to respond to questions from FSPs directly. This would necessitate a change to the SLA which currently sets out an authorised list of users from whom FAL will accept requests and specifically says that requests for archived materials made by others will be rejected. The list of authorised users in the SLA could be updated to allow forces to nominate the organisations they would like to grant permission for direct access to their files and material. A protocol could then be drawn up for each force to which FAL staff could refer to when handling requests.
105. Comments were also made that FAL's retrieval request form can be frustratingly detailed to fill in, although interviewees reported that FAL archivists have been helpful by searching for a victim or operational name. One interviewee suggested that FAL staff could also provide a better 'aftercare' service by ensuring that a named individual is able to receive and sign for the material sent by FAL.
106. However, the majority of feedback from respondents to the review was positive. 74% of those who responded to the questionnaire thought FAL was efficient at processing requests and there was evidence of high customer satisfaction amongst those who felt able to comment in more detail.

FAL's own form for capturing customer feedback also lists overwhelmingly positive feedback from customers. There is a general tendency in Reviews such as this to concentrate on what is not working well but, in reviewing FAL's performance over the last 3 years, it should be noted that there have been no breaks in service, no security breaches, no defence challenges and, when considering views provided to this Review, no lack of confidence from CJS users and the public. It can be said, therefore, that FAL has delivered the objectives set when it was established three years ago.

## STRUCTURE & GOVERNANCE

---

### A. HOME OFFICE SPONSORSHIP

107. FAL is a wholly Government-owned company with the Home Office as the shareholder. The Home Office's Permanent Secretary (as Accounting Officer) holds ultimate responsibility for the Home Office's shareholding in FAL. The Secretary of State for the Home Department controls the company and the Treasury Solicitor holds all of the issued share capital on behalf of the Home Office.
108. On a day-to-day basis, responsibility for FAL is discharged through the Police Science & Technology Unit (PSTU) in the Home Office overseen by Stephen Webb, Director of Law Enforcement Programmes in CPFPG. They are responsible for policy sponsorship of FAL including Board appointments, business plans and FAL's performance. The Arm Length Bodies Sponsorship Team in the CPFPG Finance Unit is responsible for the transactional side of Home Office sponsorship of FAL including issuing funding, liquidation aid and shareholder matters which may require attention.
109. The SLA signed in September 2012 between the Home Office and FAL sets out the expected performance levels for the service provided by the Archive as well as the parameters of the relationship between the two parties. Since it was drafted, and as evidenced in the preceding parts of this Review, FAL has instigated a number of projects aimed at increasing its efficiency. These efficiencies, together with the feedback on FAL's performance, suggests that the time is ripe for a review of the SLA which should be undertaken by FAL in conjunction with their sponsor Unit, PSTU, in the Home Office and agreed by the FAL Board.
110. Two areas of focus for the review of the SLA should be (i) to set out more challenging performance targets for meeting retrieval requests and (ii) to consider redefining the list of authorised users in order to give FSPs the opportunity to engage directly with FAL where a commissioning force pre-authorises it.

**Recommendation 8: FAL's sponsor, the Police Science & Technology Unit (PSTU) in the Home Office should review the Service Level Agreement (SLA) with FAL and extend it for the next five years until 2021.**

111. FAL has reported that it feels 'cut off' from developments in the Home Office and that meetings and contact with the Home Office are infrequent. The Review recommends that CPFPG, through PSTU, should do more to engage with FAL and think strategically about its long-term future and how it fits in with the recently published Forensic Science Strategy, for which they are responsible. This should have the effect of improving governance arrangements which currently exist only in name.
112. More generally, more could be done to link FAL into the wider forensic landscape, governance arrangements for which have grown organically over a number of years. For example, the past ten years have seen the introduction of independent oversight through the roles of the FSR and Biometrics Commissioner and the creation of new governance arrangements for forensic science through the Forensic Policy Group (FPG). The FPG is the overarching board where all stakeholders

meet to identify and provide oversight of forensic science provision in the CJS throughout England and Wales. The National DNA Database and Fingerprint Strategy Board is a statutory body<sup>18</sup> which provides oversight over the national DNA and fingerprint databases. At present, FAL remains isolated from all of these groups, operating in a silo which – given both the expertise of their chief executive – and the role they have as a significant stakeholder in forensic science, is not conducive to best practice.

**Recommendation 9: PSTU should develop better links with FAL. Suggestions include (i) bimonthly meetings with the FAL Executive Director and the head of the sponsor team and (ii) the FAL Executive Director being offered a place on the Forensic Policy Group.**

## B. THE FAL BOARD

113. The Board governance of FAL reflects the small size of the organisation and relatively modest turnover in comparison to other Home Office arm's length bodies. The Board consists of two non-executives, one of whom is the Chair, and the Executive Director. Meetings take place bi-monthly. The Board's role includes oversight of FAL performance and holding the Executive to account, advising on future plans, providing active support in brokering new funding requirements with the Home Office, and approving the annual accounts. The members of the FAL Board (as at February 2016) are:

- Dr Ziggy MacDonald: (Chair) non executive, part-time. Ziggy is Finance and Strategy Director in CPMG within the Home Office.
- Alan Pratt: (Member) non-executive, part-time. Alan is Director of Science, Engineering and Technology in the Home Office.
- Alison Fendley: (Member) Alison is Executive Director of FAL.

114. No criticisms of the current Board arrangements were voiced during the course of the Review. Two interviewees suggested there could be value in having an additional independent voice on, or critical friend to, the Board. In one case, this was about having a customer perspective, such as a manager or scientist in an FSP which is a regular recipient of Archive material. In the other case, the proposal was for someone outside of forensic science and archiving, such as a legal professional, who could bring a wider view of the CJS to bear on FAL strategy and activities.

115. Further views came from the Board themselves. Whilst the Board was content with the arrangements for its operation, it is timely for PSTU and the FAL Board to jointly review its governance documents. This review should also consider the current Board composition and whether, given organisational changes within the Home Office since FAL's creation, there should be any change to the way in which future non-executives are selected including whether the Chair of

---

<sup>18</sup> Although it had been in existence for some years previously, the Board was put on a statutory footing by section 63AB of the Police and Criminal Evidence Act 1984 as inserted by section 24 of the Protection of Freedoms Act 2012.

the Board should be the Director of Law Enforcement Programmes in CPFPG, who is FAL's ultimate policy sponsor, rather than the Finance & Strategy Director in CPFPG.

116. The suggestion of an independent member from outside of the Home Office could also be considered. One particular area of concern to the Board is resilience, in that so much of the critical knowledge and responsibility rests with one or two individuals, most notably the Executive Director, an inevitable consequence of the slim resourcing model and efficiencies achieved. PSTU may also, therefore, consider their approach to resilience and to succession planning for all of the Board members. Finally, in support of recommendation (9), the Review considered whether PSTU ought to routinely receive Board papers and, with the prior agreement of the Chair, to attend one or more Board meetings in an observer capacity. The Review encourages PSTU officials to discuss these suggestions with the FAL Board.

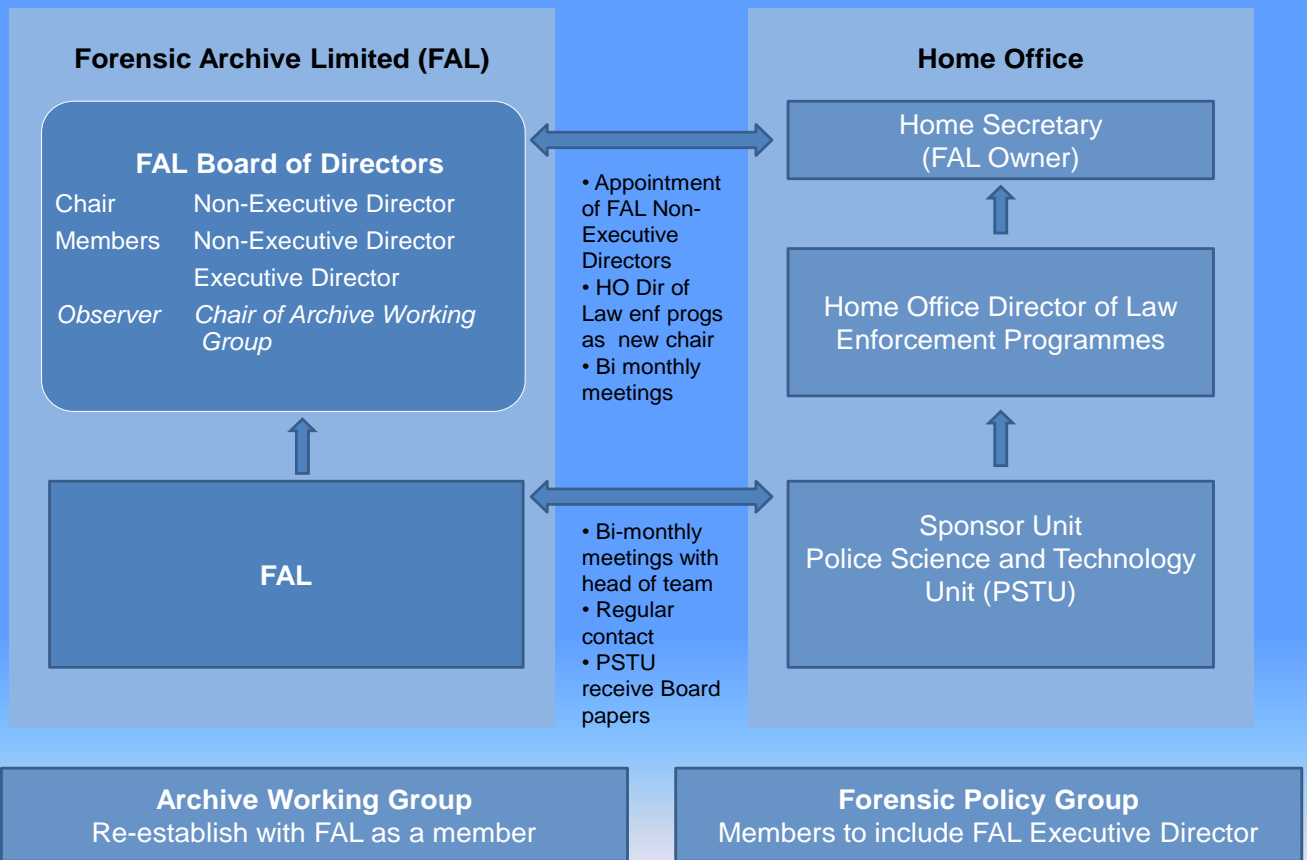
### C. EXTERNAL COMMUNICATION

117. An Archive Working Group used to exist to oversee wider issues relating to the Archive and its interaction with the CJS such as the Archive's performance, releasing research and development materials, and getting feedback from stakeholders. It was chaired by the Home Office and included representatives from, the Home Office, FAL, the National Policing Lead for Archiving, the MPS, the CCRC, the FSR, the CPS and NDU. However, the Group has not met since August 2013. A number of interviewees suggested that this Group should be revived and this would seem sensible, at the very least to enable FAL to better assess the quality of the service it is providing to its customers and improve its links with the wider forensic landscape.

118. As indicated in the previous section, two interviewees also suggested that the FAL Board would benefit from the input of an independent member. One option would be to have the chair of the Working Group (who might be appointed on a rotating basis) sit in on the occasional FAL Board meeting. This would enable them to better link the strategic direction of FAL with the operational; however, care would be needed to ensure that this did not interfere with any fiduciary or legal matters under consideration by the Board. However, if it is not possible to have an observer on the Board because of the liabilities this would create for the individual concerned, then there should be regular contact between the chair of the Archive Working Group and the FAL Executive Director.

**Recommendation 10: PSTU should re-establish the Archive Working Group. The Chair of the Working Group should have regular engagement with the FAL Executive Director.**

**Proposed governance model – Home Office and Forensic Archive Ltd**





## ANNEX A – REVIEW TERMS OF REFERENCE

---

### **Introduction**

Non Departmental Public Bodies (NDPBs) and other ALBs should be subject to regular reviews, the principles and process for which are set out in guidance published by the Cabinet Office.<sup>19</sup>

FAL is a Government-owned company formed to retain and manage case files and supporting material from all investigation work previously undertaken by the FSS. It was established in October 2012, upon the closure of the FSS. Additionally, the FSS owned a number of items of intellectual property (such as work into probabilistic fingerprint analysis and some DNA databasing and analytical software). FAL is currently funded through the CPFPG non-police budget at an annual cost of £1.012m (financial year 2015/16). This financial arrangement expires in October 2016.

This note sets out the timescales, scope and methodology for the Review which will commence in November 2015 and conclude by 29 April 2016.

### **Scope**

The review, which will have regard to the Government's Forensic Science Strategy currently being developed, will be in two parts:

#### **Part 1**

- a. Identify FAL's core and residual functions. Determine whether they are still required and, if so, whether they should be expanded, remain the same or reduced.
- b. Examine options for the optimum delivery of these functions including continuing the status quo, commercial forensic delivery models (including other forensic service providers), merger with other government funded bodies delivering similar archive functions, or a transition into an alternative structure, potentially including a virtual (non physical) consolidation of all forensic archived material, for example by means of a standardised cataloguing system.

#### **Part 2**

- a. Having considered the savings achieved through recent estate consolidations, cataloguing and destruction projects, determine whether further savings could be made. Include consideration of other funding mechanisms such as charging users for the service provided, whether through a reallocation of the police funding settlement or an alternative arrangement.
- b. Review FAL's governance, management and sponsorship arrangements and how these facilitate or hinder FAL's accountability and the delivery of its core functions.

### **Timescales**

---

<sup>19</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/332147/Triennial\\_Reviews\\_Guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/332147/Triennial_Reviews_Guidance.pdf)

- **Ministerial Agreement (by early November 2015):** Obtain ministerial agreement to the terms of reference for the review and announce via a Written Ministerial Statement (WMS).
- **Scoping (by end of November):** Identify stakeholders, scope of the questions to be asked, gather all relevant papers and sources of information.
- **Evidence gathering (by end of December):** Send out questionnaires (at beginning of December), carry out selected interviews, review all relevant information.
- **Assess evidence (by end of January 2016):** review and analyse responses to questionnaires and interviews, formulate structure of report.
- **Draft report (by end of February 2016):** Produce first draft of the review, including recommendations.
- **Consult on draft report (by end of March 2016):** Draft report sent to reference group and other key stakeholders for comment.
- **Finalise report and send to Ministers (by mid March 2016):** Report finalised and sent to Ministers for clearance.
- **Publication (by end of April 2016):** Report published via WMS.

### **Reference Group**

A reference group will be established to provide expert advice to the Review. It is intended that the group will meet twice: at the beginning of the review to assist with scoping and at the end to consider the draft report. Outside of these meetings, communication will be in writing. Members will include: Kirsty Faulkner (NDU) as the chair of the Group, Jeff Adams (Forensic Science Regulation Unit (FSRU)), John Armstrong (PSTU), a police representative nominated by Chris Sims (the former National Policing Lead for Forensics), a representative from the CPS, Sally Berlin from the CCRC, and a representative from the DNA Ethics Group.

### **Staffing**

In order to ensure the Review is independent of its sponsoring Unit (PSTU in CPGF), it will be led by a Senior Civil Servant – Pay Band 1 (Cecilia French, from the Policing Directorate in CPGF). It will be supported by Andy Derwent from PSTU and Marcus Starling from the Arm's Length Body Sponsorship Team, both in CPGF.

### **Stakeholders**

Stakeholders from whom the Review will gather evidence will include: all staff at FAL and its Board; the NPCC sponsor for FAL (David Shaw); direct users of the service including the CCRC, the CPS, key contacts in those police forces which are the most frequent users of FAL's services<sup>20</sup>; the FSR and civil servants in the Home Office responsible for the Government's wider forensic strategy.

---

<sup>20</sup> MPS, West Mercia, Warwickshire, Bedfordshire, Hertfordshire, Cambridgeshire, Thames Valley, Devon & Cornwall, Kent, GMP, West Yorkshire and West Midlands

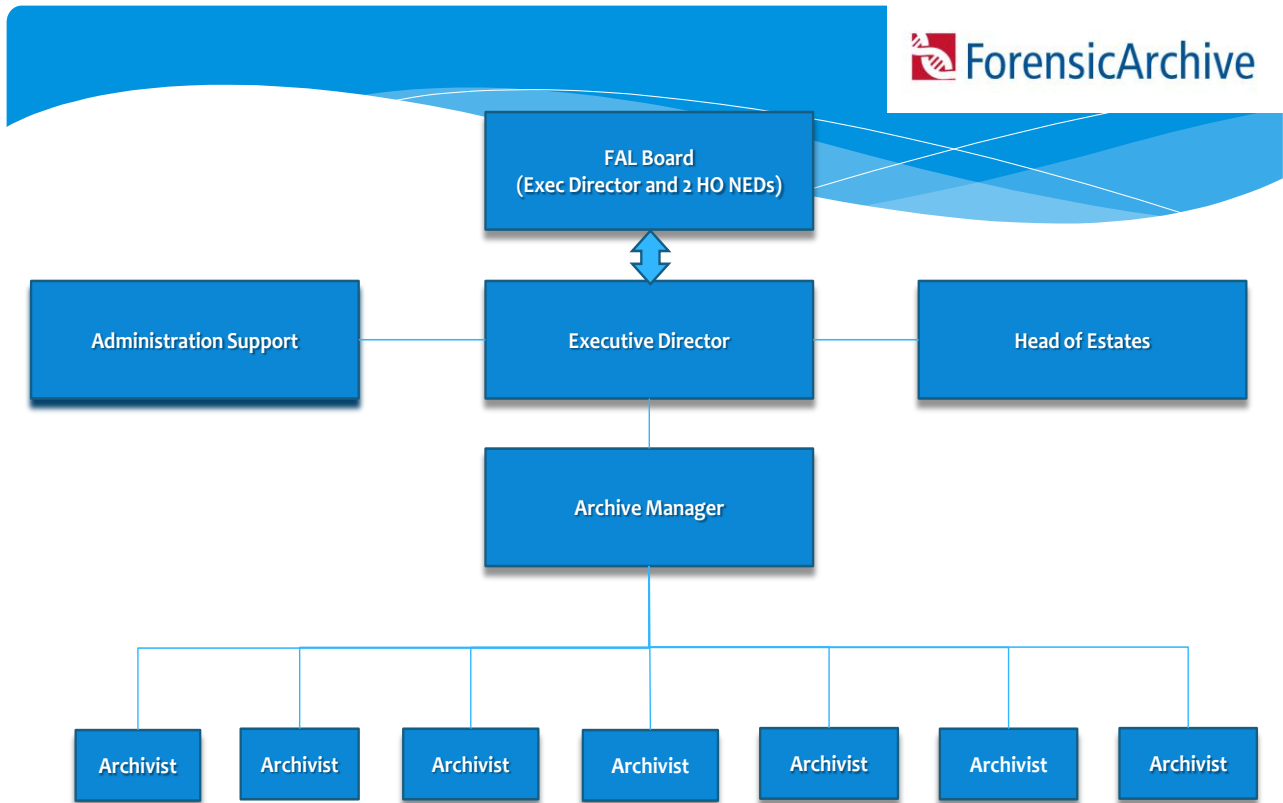
## ANNEX B - MEMBERSHIP OF REFERENCE GROUP

---

The review team are grateful to the following who generously gave their time and expertise to help the Review ensure it covered the right issues, answered pertinent questions, pursued relevant lines of inquiry, took time to speak to us individually and provided their input and comment on the Review's final report.

<b>Kirsty Faulkner (Chair)</b>	Head of the NDU, Home Office
<b>Jeff Adams</b>	FSRU, Home Office
<b>John Armstrong</b>	PSTU, Home Office
<b>David Shaw</b>	Chief Constable of West Mercia Police and National Lead for Fingerprints
<b>Mark Bishop</b>	Operational Policy Advisor, CPS
<b>Sally Berlin</b>	Director of Casework Operations, CCRC
<b>Danielle Bryden</b>	NDNAD Ethics Group
<b>Alison Fendley (observer)</b>	Executive Director of FAL

# ANNEX C – FAL ORGANISATION CHART



## ANNEX D – COLLECTION OF EVIDENCE

---

The review team collected evidence via the following methods:

- A questionnaire which received 50 responses;
- Structured interviews with the following 16 stakeholders:
  - Kirsty Faulkner: Head of NDU, Home Office
  - David Shaw: Chief Constable West Mercia Police & National Policing Lead for Fingerprints
  - Sally Berlin: Director of Casework Operations, CCRC
  - Mark Bishop: Operational Police Advisor, CPS
  - Jeff Adams: FSRU, Home Office
  - John Armstrong: PSTU, Home Office
  - Alison Fendley: Executive Director of FAL
  - Gary Pugh: Director of Forensic Services, MPS
  - Alan Pratt: Director of Science & Technology, Home Office
  - Ziggy McDonald: Director of Finance & Strategy, , Home Office
  - Gillian Tully: the Forensic Science Regulator
  - Daniele Bryden: NDNAD Ethics Group
  - Cathy Turner: LGC
  - Des Vanhinsbergh: Key Forensics
  - Anthony Heaton Armstrong: Barrister
  - Lisa Avenell: Forensic scientist & practice manager at Forensic Access
- Visits to two police forces:
  - MPS Directorate of Forensic Services
  - Hertfordshire, Bedfordshire and Cambridgeshire Forensic Science Services
- A visit to FAL;
- Discussions with, and information provided by, the National Archives, the British Library, Iron Mountain, DeepStore, Clarks of Amersham;
- A review of the following material:
  - The Home Office Forensics Science Strategy 2015-20
  - The Home Office Biometrics Strategy 2015-20
  - A Review of forensic pathology in England & Wales by Peter Hutton, March 2015
  - National Forensic Framework Next Generations: Framework Agreement
  - The Commons Science & Technology Select Committee Report on Forensic Science, November 2013
  - Miscellaneous minutes from the Forensic Archive Working Group Meetings
  - The Forensic Science Service Retention of Case Material: A memorandum of understanding between ACPO and the FSS, October 2003
  - NPIA Forensics 21 Exhibit Retention Guidance, February 2012
  - FAL Board papers from September 2014, February, September and November 2015
  - FAL Report and Financial Statements for the year ending March 2014 and March 2015
  - Service Level Agreement between FAL and the Home Office

## ANNEX E – QUESTIONNAIRE ANALYSIS

---

### Summary of findings

- Respondents overwhelmingly viewed the archive as necessary and valued the other functions provided by FAL.
- There is a broad consensus among the respondents that FAL is fulfilling its functions well and delivering high service quality and operational efficiency.
- Some respondents had suggestions for additional functions which FAL could carry out.
- There is strong opposition to the FAL introducing a charging system.
- A large proportion of respondents agreed that FAL should operate independently of the police, the courts and the private sector forensic providers. There was no clear view on whether FAL should operate independently of the Home Office.
- A strong endorsement for the creation of a centralised repository of forensic materials for all forensic providers and police forces – not only for material previously held by the FSS.

### Purpose of questionnaire

1. An online questionnaire was used to seek the views of pre-selected groups of stakeholders on FAL. The questionnaire was open from 30 November 2015 to 4 January 2016, and it was subsequently extended to 22 January 2016 to encourage further responses from private FSPs. The questionnaire asked a range of questions to obtain stakeholder opinions on aspects of the current functions and performance of the FAL, as well as the future of the organisation. A copy of the questionnaire is included at the end of this annex.

### Background

2. It was decided to issue a questionnaire as one strand of research to inform the Review, alongside a series of evidence-gathering interviews, field visits and a review of documents.
3. On 30 November 2015, the Review Team issued an online questionnaire to 86 potential respondents across the criminal justice system who had been identified as having a close interest in the work of FAL. The closing date was set for 4 January 2016, allowing five calendar weeks for responses. Several of those who received details of the questionnaire from the Review informed us that they would cascade it further to their contacts within the field.
4. By the closing date, the questionnaire had received 42 completed responses, including a number of police officers and staff, archivists and academics among others. It was, however, apparent that the response rate from private FSPs was low and that therefore, the data might not be representative of the views of this sector.
5. The questionnaire was re-issued with encouragement to private providers with contracts under the national framework with a new closing date of 22 January 2016. Subsequently, eight more forensic scientists working in the private sector completed the questionnaire.

## Respondents

6. The respondents are primarily those who work within the CJS and have an interest in forensic science and the archiving of forensic material. This includes FAL staff who were also invited to respond to the questionnaire.
7. The Review Team received a total of 50 completed responses to the online questionnaire. Whilst we do not know how many individuals ultimately were made aware of the questionnaire through the cascade of our invitation, this would equate to a response rate of 58% of our original 86 invitees.

Respondents		Response Total
1	Forensic scientist (public sector)	3
2	Forensic scientist (private sector)	10
3	Police officer or staff (excluding forensic scientists)	19
4	Working in the Criminal Justice System (e.g. courts, CPS)	1
5	Archivist	8
6	Other	9

8. Respondents were asked to identify themselves under one of the descriptions in the table above. Those identifying as 'other' included two academics, a forensic pathology manager and a former forensic scientist amongst others.

## Response bias

9. As each group has different interests in the outcomes of any review of a public body, it is important to bear in mind that response bias could occur in questionnaire results. The views of a service given by those delivering it may differ significantly from the views of service users. Either group may choose to be more or less positive in their responses than they actually feel, depending, for example, on the extent to which they perceive the questionnaire may influence future funding, delivery approach or customer service.

## Selection Bias

10. Selection bias occurs when responses are included that do not reflect a representative sample. Selection bias is a potential consideration in this survey. The questionnaire was sent to pre-selected groups of stakeholders to ensure that those with knowledge and interest in FAL might respond. Out

of the 86 potential respondents who were directly contacted by the review team, approximately 40% work within police organisations while others work closely with those organisations. This could lead to responses which over-emphasise views from within policing in contrast to those within the courts system, for example. The questionnaire is, however, only one source of evidence for the Review.

### Methodology

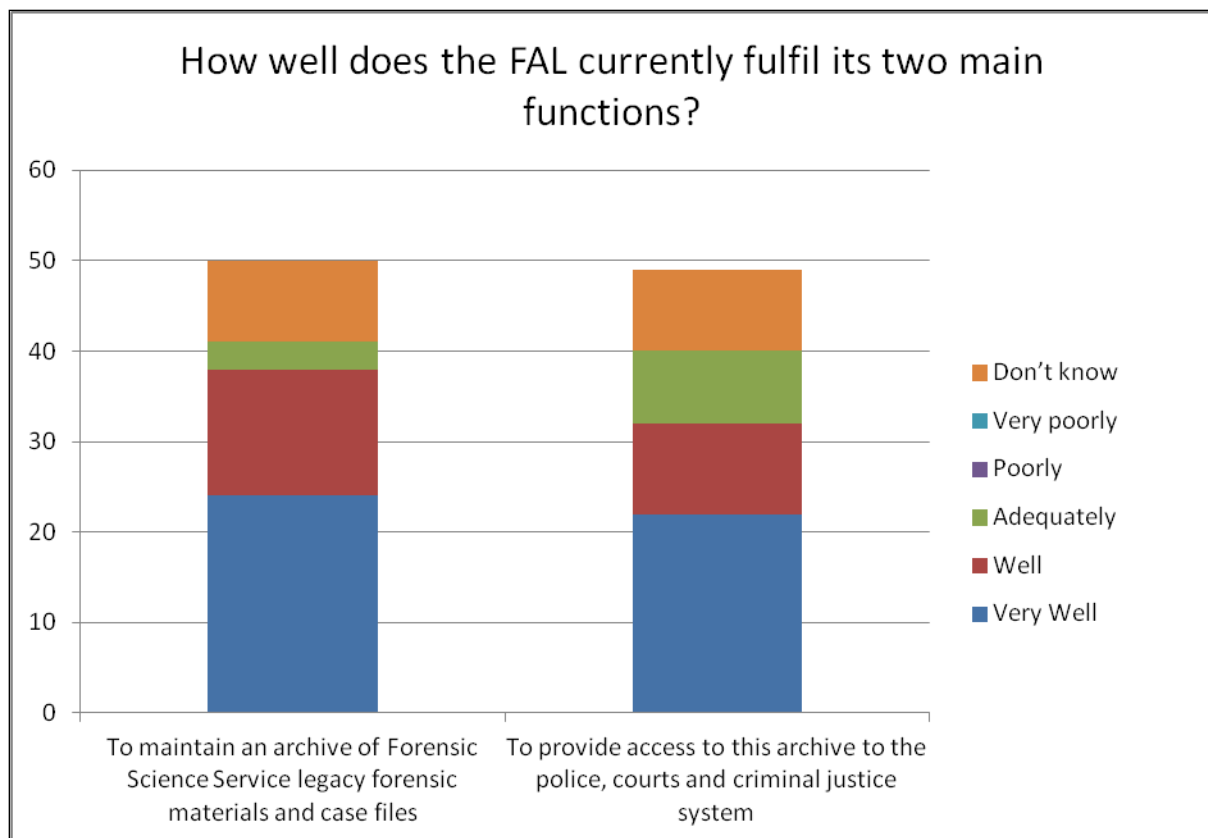
11. The questionnaire was constructed using the Smart Survey tool, consisting of 11 questions in three sections - 'About You', 'Functions' and 'Efficiency & Governance'.
12. Whilst the majority of the questions are multiple choice questions, the questionnaire also contains some 'open' questions to allow the respondents the opportunity to provide details and express their thoughts.
13. The advantages of using the multiple choice questions include: (1) ease of completion for the respondents and (2) simplification of analysis.

### Main findings

14. The findings have been collated and analysed below:

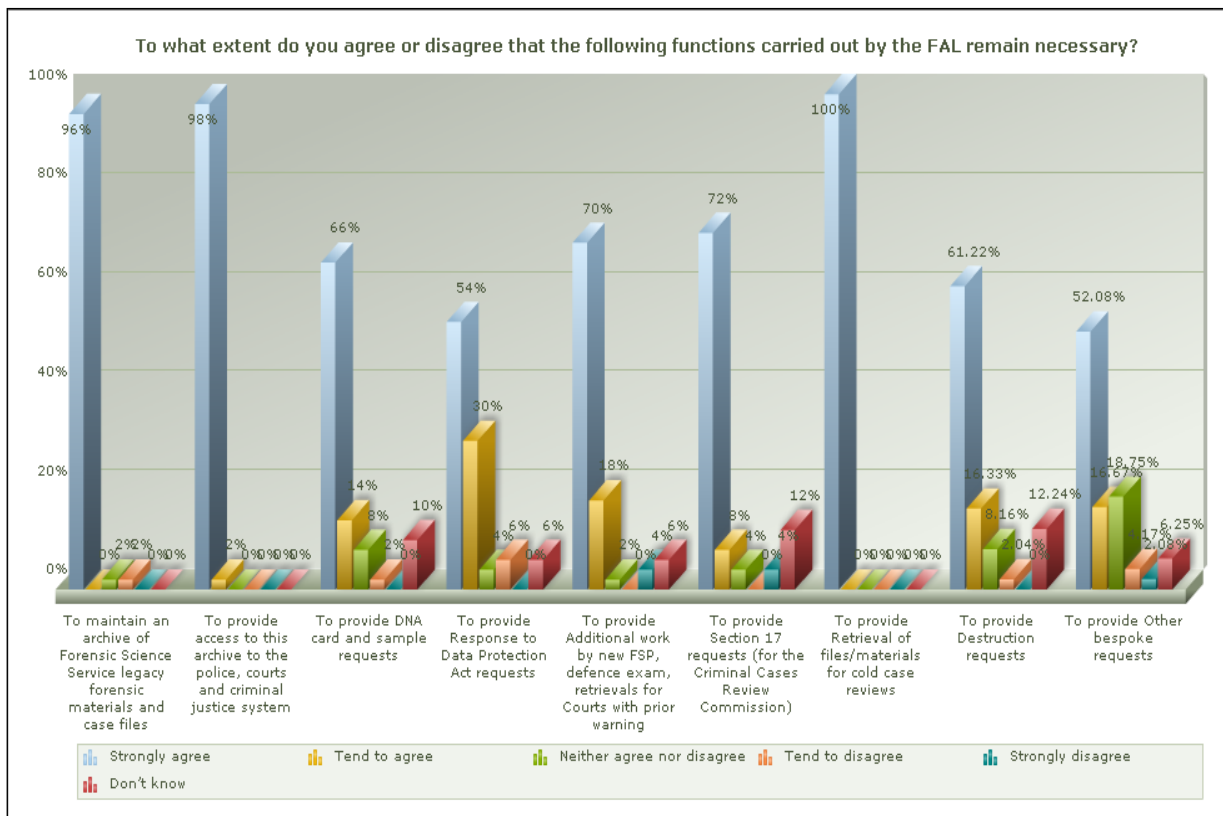
#### Current Functions

15. The questionnaire asked how effective respondents thought the FAL was in fulfilling its two main functions. There was a general consensus that FAL is fulfilling its main functions well with most positive responses above 70%.





16. There was endorsement from the respondents for the continuation of the nine core functions (as listed in Q4) to be fulfilled – eight of which received overwhelmingly positive responses of 75% to 100%.
17. The lowest positive response was for FAL to provide ‘other bespoke requests’, which nevertheless was supported by 69% of respondents. A number of respondents clearly felt strongly that the service FAL provides is making a significant contribution to keeping the public safe. One even gave a list of successful prosecutions which had relied to some degree on the case files and forensic materials held by FAL.



**Alternative Delivery Models**

18. The questionnaire asked explicitly whether the functions of FAL could be provided in another way, namely by (a) a private sector provider, (b) a merger or partnership with another government organisation, or (c) another organisation or structure.
19. A large proportion of respondents neither agreed nor disagreed with these suggestions. There was least support for the archive being run by a private sector provider (only 20% of respondents supported this, with 56% opposed). The overwhelming majority of comments were negative – some are listed below:
- I would not think it is appropriate to leave this [referring to commercially sensitive material] with a private sector provider.

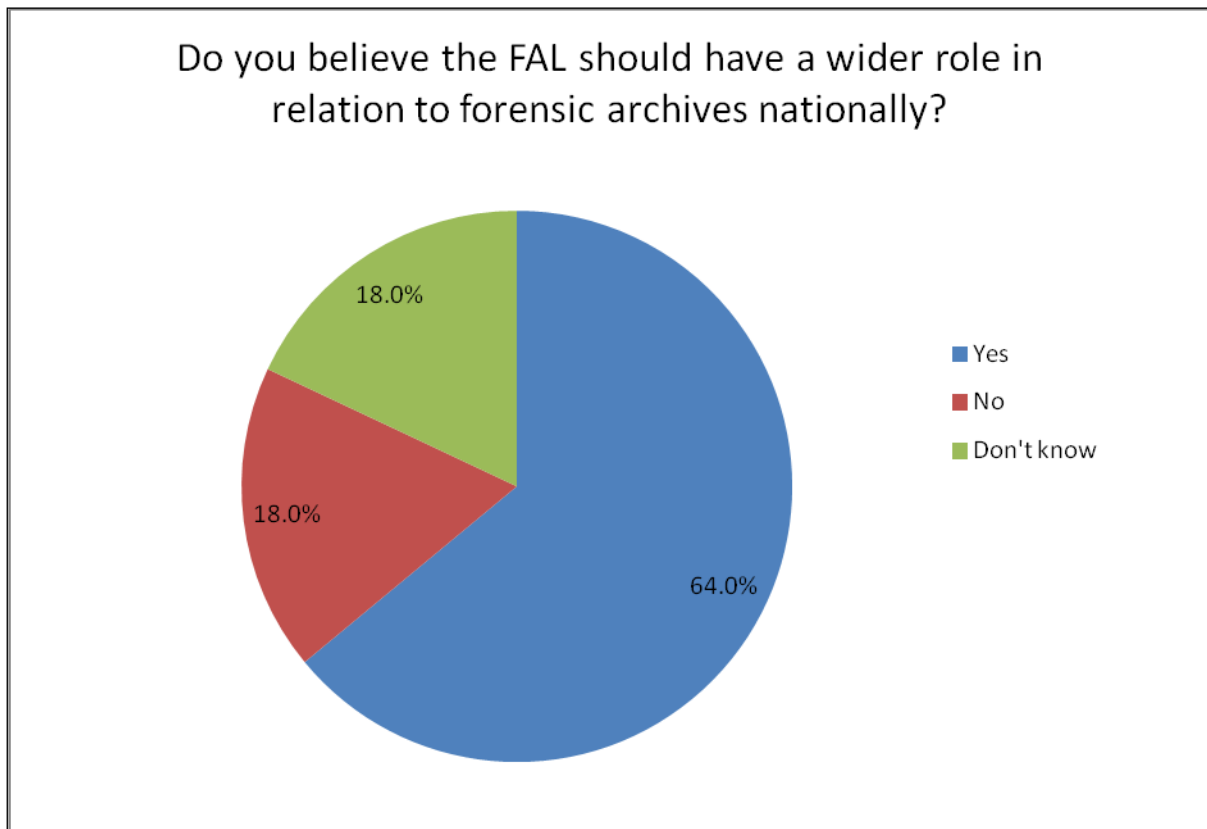
- The current model of delivery is a great success. The £1m (approx.) cost appears great value for money and would possess limited scope to reduce costs through a third party provider.
- [Of cold cases] These cases can be complex, large in nature which have taken up a considerable amount of FAL time to locate FSS case files and retained material. The cost of this if FAL were in the private sector could become a barrier to reviewing old cases.

20. Several respondents, however, suggested that outsourcing the functions of the FAL could deliver good value for money. One said ‘...such a provider could deliver a streamlined and efficient service.’.

21. Whilst the overall responses indicated limited appetite for an alternative delivery model, a number of respondents were favourable to the suggestion of a partnership or merger with other government funded bodies. 38% of respondents responded positively, while only 16% opposed. One individual suggested passing the Archive back to forces as a way of reducing cost, another felt the Home Office should oversee the archive.

### **Widening of Functions**

22. Looking to the future, the questionnaire asked for the respondents’ views as to whether or not FAL should have a wider role in relation to forensic archiving nationally. 64% responded ‘Yes’ to this question, with only 18% disagreeing.



23. Over 70% agreed that the FAL is currently delivering high service quality and operational efficiency. Only one respondent, who praised current service quality, felt that adding new services or priorities could overload FAL.

24. A number of respondents gave their suggestions for additional functions. These are summarised as follows:

- To provide storage for legacy records and method manuals relating to forensic providers that have exited the market and any associated data/databases;
- to function as an independent national archive repository for all forensic case-files and material for all forensic providers (not just for those that have ceased to exist);
- to manage forensic case files and material for police forces' future case files and material;
- to provide guidance to police forces on the general nature of the FAL file contents;
- to provide storage for major crime exhibits for the future;
- to provide access to old FSS databases and research programmes;
- to provide storage for other material such as pathologists' files for completed cases; and
- to provide a storage service for external customers.

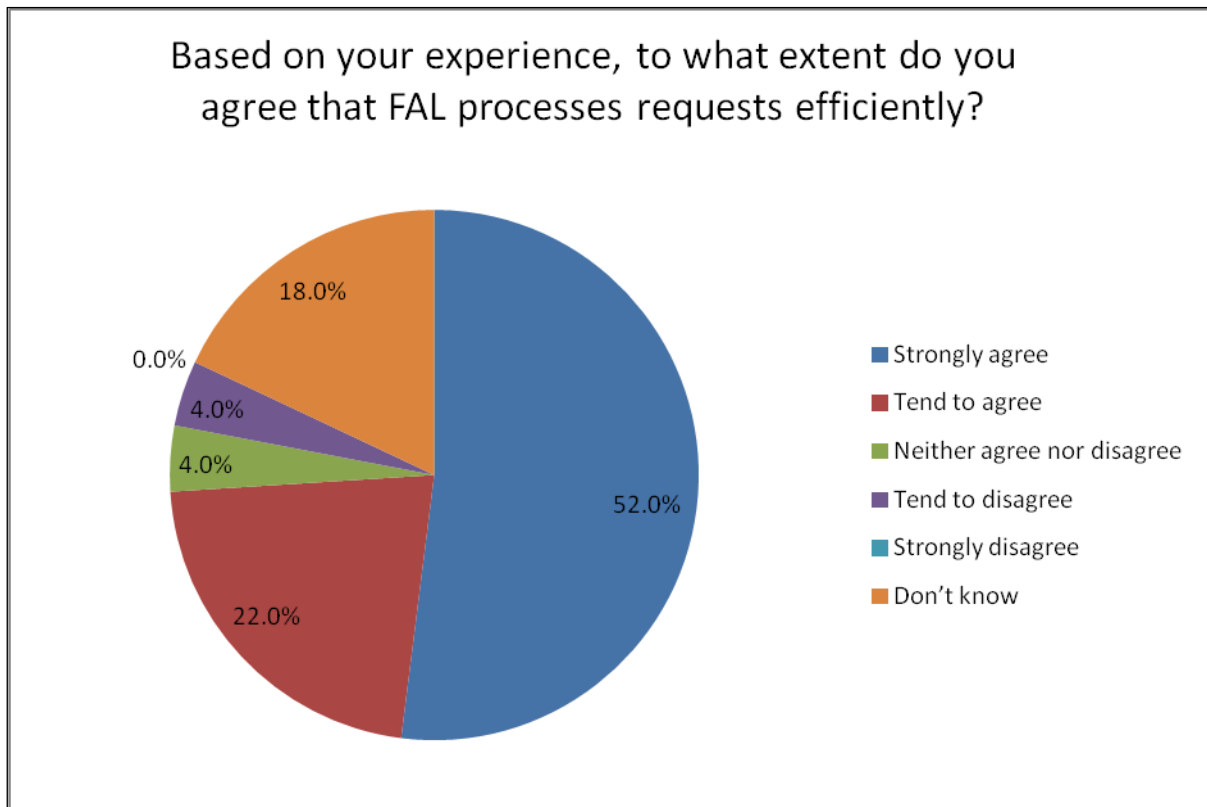
25. Seven respondents highlighted the need for a centralised repository for all forensic providers and police forces, and felt that FAL would be the appropriate organisation to accommodate this.

### **Efficiency**

26. The questionnaire asked the respondents how far they agree or disagree with the statement that FAL is efficient at processing requests. FAL has service standards for responding to a range of requests – such as:

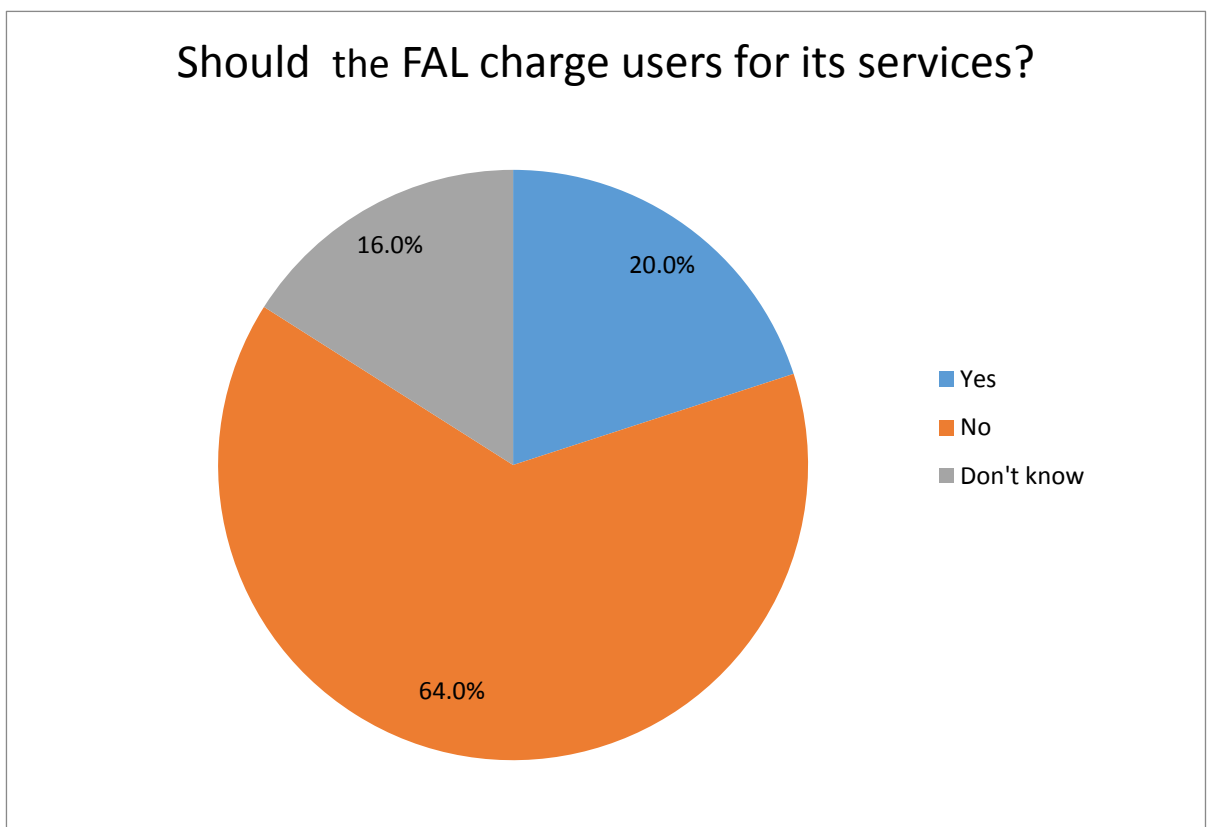
- Three working days for DNA card and sample requests;
- five days for retrievals for courts with prior warning; and
- 30 days for retrieval of materials for cold case reviews.

27. Seventy-four percent of respondents agreed that FAL is efficient at processing requests, while only 4% disagreed. We asked respondents to use their experience of FAL to answer this question. If we exclude 'don't know' responses, 90% of respondents agreed. This clearly suggests high customer satisfaction among those who felt able to comment.



**Charging**

28. The questionnaire asked explicitly whether FAL should charge users for its service. It is clear from the following chart that the majority (64%) of respondents were against this idea.



29. Those opposed to charging indicated concern that charging could dissuade the police from investigating cold cases or encourage the police to take the material from FAL and store it themselves, with the risk of loss of materials. Some respondents felt that the service was a benefit to the CJS and appropriately funded by taxpayers.

30. Of those who favoured charging, some reasons given were that users should directly meet the costs of the service, that charging might enable FAL to expand their services and improve service quality.

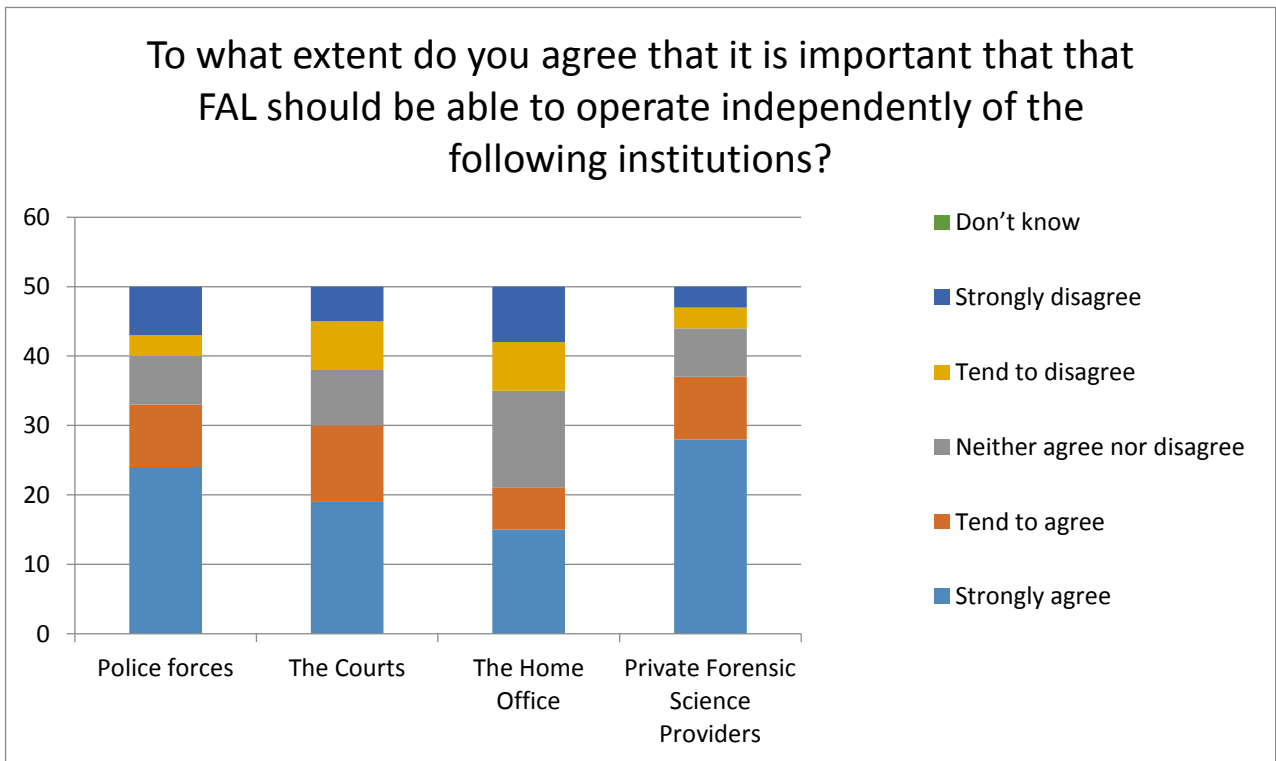
**Governance**

31. The questionnaire asked the respondents whether FAL should be able to operate independently of:

- Police forces;
- the Courts;
- the Home Office; and
- private forensic science providers.

32. The majority of respondents agreed that FAL should be able to operate independently of the police (66%), the courts (60%) and private FSPs (74.5%).

33. Only 42% of respondents agreed that FAL should be able to operate independently of the Home Office, while 30% disagreed. A number of respondents emphasised the importance of the independence of FAL, including to provide confidence in the CJS. One respondent commented that the Home Office should have oversight of FAL. Two respondents recognised the importance of the operational independence of FAL but, however they believed that the users (e.g. the police, the courts etc.) should have greater operational oversight of the organisation.



## ANNEX F – QUESTIONNAIRE

### Section 1: ABOUT YOU

- Q1.** Are you responding in a personal capacity or on behalf of an organisation?
- Q2.** If responding on behalf of an organisation please state the name of the organisation.
- Q3.** Please select which of the following best describes you.

### Section 2: FUNCTIONS

- Q4.** To what extent do you agree or disagree that the following functions carried out by the FAL remain necessary?
- To maintain an archive of FSS legacy forensic materials and case files
  - To provide access to this archive to the police, courts and criminal justice system
  - To provide DNA card and sample requests
  - To provide response to Data Protection Act requests
  - To provide additional work by new FSP, defence exam, retrievals for Courts with prior warning
  - To provide Section 17 requests (for the Criminal Cases Review Commission)
  - To provide retrieval of files/materials for cold case reviews
  - To provide destruction requests
  - To provide other bespoke requests
- Q5.** Do you believe the FAL should have a wider role in relation to forensic archives nationally?
- Q6.** Are there any other functions you believe the FAL should have? Please describe them below.
- Q7.** How well does the FAL currently fulfil its two main functions?
- To maintain an archive of Forensic Science Service legacy forensic materials and case files
  - To provide access to this archive to the police, courts and criminal justice system
- Q8.** To what extent do you agree or disagree that the functions performed by the FAL could be provided by:
- Private sector provider
  - Through a partnership or merger with other government funded bodies
  - Through another organisation or structure

### Section 3: EFFICIENCY & GOVERNANCE

- Q9.** The FAL has service standards for dealing with requests it receives (e.g. three working days for DNA card and sample requests, five days for retrievals for courts with prior warning and 30 days for retrieval of materials for cold case reviews). To what extent do you agree that the FAL processes requests efficiently?
- Q10.** Should the FAL charge users for its services?
- Q11.** To what extent do you agree that it is important that that the FAL should be able to operate independently of the following institutions?
- Police forces
  - The Courts
  - The Home Office
  - Private Forensic Science Providers