



Quality Standards Specialist Group (QSSG)

**Minutes of the meeting held on 26 March 2019
Home Office, 2 Marsham Street, London, SW1P 4DF**

1. Opening and welcome

1.1 The Chair, the Forensic Science Regulator (the 'Regulator'), welcomed all to the meeting. See Annex A for a list of representatives present and apologies.

2. Minutes of previous meeting and actions

2.1 [The minutes of the previous meeting](#) held on 23 November 2018 had been approved by members prior to the meeting and were published on the GOV.UK website.

2.2 **Action 1: FSRU to consider, when managing change and implementing new methods, the declarations expected and include in the next version of the Codes or associated report guidance if required.** This action would be discussed later in the meeting as part of item 3 of the agenda.

2.3 **Action 2: FSRU to consider if a Codes change on managing change and implementing new methods is required, or if guidance signposting the existing requirements would be more appropriate (e.g. updating the validation guidance).** This action would be discussed later in the meeting as part of item 3 of the agenda.

2.4 **Action 3: The FSRU includes either no definition of personal integrity, or simply the short dictionary one.** This action would be discussed later in the meeting as part of item 3 of the agenda.

2.5 **Action 4: Make the suggested amendments detailed of adding two extra areas to the audit list as well as the critical control points.** This action would be discussed later in the meeting as part of item 3 of the agenda.

2.6 **Action 5: The Regulator to consider producing a set of slides covering some of the ethical dilemmas, errors and lessons learnt which forensic units can use as part of their training material. This was currently in progress.** The slides had been developed and once available would be included in training material for staff.

2.7 **Action 6: Circulate the video appendix to the QSSG members at the same time as to the Digital Forensic Specialist Group.** The video was not yet complete and would be circulated to QSSG members once finished. This action would be discussed later in the meeting as part of item 9 of the agenda.

2.8 All other actions were complete.

3. Codes of Practice and Conduct

3.1 An update was provided by the Forensic Science Regulation Unit (FSRU) representative. Action one from the previous December 2018 meeting was discussed. A draft declaration was added to the codes that referenced the use of infrequently used methods and new methods. The declaration also required details of steps taken to comply with the specific requirements to minimise risk. Members were asked for their thoughts on the draft declaration. It was recommended by the QSSG the draft declaration should not be mandatory and should be adapted to suit a specific situation. Action two from the December 2018 meeting concerned change of codes and implementation of new methods from the previous meeting was also discussed. There had been minor amendments made to the codes to highlight new methods and provided clarification on correct processes. The validation guidance had not yet been updated. It was suggested setting up a working group to complete this work. The Regulator asked for volunteers to form the working group. Representatives from Transforming Forensics, Metropolitan Police Service, Orchid Cellmark Ltd, National Crime Agency, and Expert Witness Institute volunteered to join the working group.

Action 1: FSRU to set up a working group to update the validation guidance document.

4.2 The definition of the term Integrity was discussed. It had been decided a short definition of the term Integrity would be used. The critical control points amendments within the internal audit list had been completed. It was agreed more guidance should be developed on how to implement this type of auditing. The Regulator agreed more guidance on data integrity should be developed and shared with the forensic science community. It was suggested a lesson learned document could be developed from data provided by Forensic Science Providers (FSP). The content would include, what worked well, what did not work well, and what could be done differently next time.

Action 2: FSRU to examine Data Integrity audit cases that had been provided to FSRU by Forensic Science Providers (FSP) to see if a lesson learnt document could be developed.

4.3 The standards/requirements for forensic science activity was discussed. Incident scene examination was highlighted as a concern. All activities performed at the scene should be covered under ISO 17020. A date for achieving accreditation had been set as October 2020. This would also include any digital forensics activities performed at the scene. It was agreed by members many organisations would be unable to obtain accreditation by this date especially with digital forensics included. The Regulator asked the QSSG how they could resolve this potential issue.

4.4 Members suggested delaying the digital forensics element of incident scene examination, until October 2021 for example. There were concerns raised if the date were

to be extended until 2021, some organisations may still not be prepared for accreditation by this date. It was suggested setting milestones, which could ensure there is a minimum scope including specific tasks that could be achieved before the accreditation date. Another suggestion was obtaining accreditation for imaging first and other areas would follow. The Regulator thanked the QSSG for their suggestions and would decide in due course. A representative from NCA offered to look at what milestones might look like.

Action 3: NCA representative to produce a proposal for the Digital Forensics Specialist Group to review to see if setting milestones and/or a minimum scope for digital forensic activity at the scene would allow prioritisation.

4.5 It was confirmed an appendix would be developed dealing with definitions, therefore scope. The appendix would include an extensive definition of what forensic science processes were included, and not included for the purposes of regulation. The appendix would also confirm what was covered under the Regulator's remit, and what was not covered.

Action 4: QSSG members to send any further comments on the Codes to the FSRU as soon as possible.

5. Controls for property stores

5.1 The Regulator introduced this item. An issue had been identified during the dry runs of accreditation in scene of crime work within policing. It was identified that samples collected at scenes, were being stored at the police force's property stores and there was a concern that these exhibits were not covered under the accreditation. There are set property stores processes and procedures. It was confirmed it would be difficult to determine how samples were being stored in property stores. There were concerns raised on specific samples not being stored at the correct temperature, samples that had not been separated from other exhibits, and the handling, and packaging of the samples.

5.2 This issue had been raised with the Transforming Forensics team. The team suggested that the police could overcome this by introducing an agreed service level agreement (SLA) with the property stores. This would include an agreement on how their samples should be handled and stored. The QSSG was asked for their comments on how to address this issue.

5.3 The majority of the QSSG agreed an SLA with the property stores, may help to resolve this issue.

6. Fingerprinting away from scenes

6.1 The Regulator presented this item. This issue had been raised due to the secondary legalisation that had been recently introduced, The Accreditation of Forensic Service Providers Regulation 2018. This came into force on 24 March 2019. The legalisation states accredited forensic science providers must be used for DNA and fingerprint evidence in the Criminal Justice System (CJS). It was confirmed crime scenes

were outside of the remit of the accreditation legalisation, and any laboratory activity that involves a DNA profile, or is requested in relation to the prevention, detection or investigation of criminal offences would be within the remit of the legalisation.

7. Forensic collision investigation

7.1 It was confirmed there had been a specialist capability programme created. The aim of the programme was to support the forensic collision investigation community, on moving toward successful accreditation. The programme would also be addressing other issues within the provision of forensic collision. This included lack of training of staff, lack of equipment, and other operational problems.

7.2 The programme proposed creating a single legal entity providing a networked service. The forensic collision community were very keen on improving the quality of the work they were doing. The Regulator had asked the team working on accreditation, when should the police forces decide whether they should proceed on their own toward accreditation or join the single legal entity. The Regulator had been advised the police forces would need to make the decision now. The members were presented with a draft proposal and were asked to provide feedback on the proposal. The proposal set out activities and milestone dates for police forces joining the single legal entity, and for police forces not joining the single legal entity. There were also some suggested dates for accreditation for both options.

7.3 The members were supportive of the draft proposal. The QSSG were happy with the accreditation requirements and deadlines set out in the draft proposal. The members also agreed with providing police forces with the option of joining the single legal entity, and that it was not a mandatory requirement.

8. Expert report guidance

8.1 A representative from the FSRU presented this item. The expert report guidance document had been updated. The document addressed the changes to the Criminal Procedure Rules (CrimPR). The purpose of the document was to provide guidance to expert witnesses to ensure they comply with the Criminal Procedure Rules when making declarations in their reports. One of the requirements of the CrimPR (19.4e) required all assistants who worked on a case to be listed along with their qualifications. This caused several issues, especially in DNA analysis work where many different teams would be working on a case at times up to 60 different individuals.

8.2 The Criminal Procedure Rules Committee had changed the rules to clarify that the only individuals that should be listed are the individuals who have provided representations of fact and opinion. The document was amended to reflect the changes to the declarations, which now required the expert witness to list only the qualifications and roles of the people who provided representations of facts or opinions.

8.3 The expert report guidance document would be amended to reflect the changes that come into effect in April 2019. It was suggested publishing the Criminal Procedure Rules (CrimPR) guidance note document as a separate document or add this as an annexe to the existing expert report guidance document. The QSSG were asked for their

views on the proposal. The members agreed the document was useful, helpful and provided clarity on the amended rule. The members also agreed including examples would be very beneficial.

Action 5: Eurofins Forensic Services representative to supply examples to be considered for inclusion in the expert report guidance.

8.4 It was confirmed in April 2019 there would be an additional change to the CrimPR. There had been concerns raised concerning reports submitted to the Criminal Justice System (CJS) the reports listed all qualifications, memberships and experience. In some instances, the qualifications listed were irrelevant to the case, and there was failure to disclose judicial criticism. The new rule would state the expert witness would inform the party instructor of any information that could undermine their credibility as an expert witness on the case. An issue was raised concerning judicial criticism of expert witnesses. In some instances, criticisms were made after the expert witness had left the court and would be therefore unaware of the criticism. There were examples of criticism of the expert witness being made at the court of appeal years later. The Regulator had contacted the Lord Chief Justice of England and Wales to make them aware of this, and how this could be addressed. It had been suggested if a member of the judiciary wanted to raise criticism against an expert witness, this could be made directly to the expert witness, or reported to the Regulator who would forward the feedback onto the expert witness. Members were encouraged to inform the Regulator of any expert witness who are misrepresenting their qualifications and experience.

9. Lessons learnt

9.1 A representative from the FSRU presented this item. In early 2019 two lessons learnt documents had been published. There were four draft lessons learnt documents that were due to be published in April 2019. The FSRU required the QSSG agreement on the sign off process for publishing these documents.

9.2 There were three options FSRU were considering as the sign off process. The first option the FSRU would complete the lessons learnt documents. The documents would then quality checked, and signed off, and published on the website. The second option would involve engagement with the QSSG. The FSRU would produce the lessons learnt documents and present them to QSSG members for their comments and sign off. For the third option documents would be presented to three members of the QSSG for their comments and sign off.

9.3 The QSSG favoured the first option. It was recommended on specific issues raised within the lesson learnt, QSSG members could be consulted before publication. The QSSG felt the four draft lessons learnt documents were very useful. It was suggested by a member to include a reference to the codes within the lessons learnt document. It was agreed the FSRU team could include this within the document.

10. Regulatory notice – imaging experts

10.1 A draft Regulatory notice-imaging experts document was presented to the QSSG. There were serious concerns raised around CCTV imagery. The document highlighted the

issue that experts in one field were providing expert evidence on an area where they had limited or no expertise. The document aims to stop this practice. The members were asked for their comments on the document.

10.2 Members were supportive of the draft Regulatory Notice on imaging experts. They felt it was very important for expert witness to provide evidence on their areas of their expertise, and not on areas where they have no or limited expertise.

11. AOB

11.1 It had been a very busy period for the Regulator, and members were thanked for their support. The Regulator thanked Anthony Heaton-Armstrong for his contribution to the QSSG. The Regulator would also expressed her thanks to Penny Carmichael for her support to the QSSG.

11.2 A member queried the statutory instrument 'The Accreditation of Forensic Service Providers Regulations 2018' and if fingerprint bureaux can continue without accreditation, or would they need to stop all activities, and seek the services of accredited providers. The CPS representative confirmed for cases presented to the courts they required fingerprints and DNA evidence from accredited providers only. The one exception to this requirement would be for threshold test cases, that were presented with fingerprint, or DNA evidence from a non-accredited bureau. The CPS however would expect fingerprint or DNA evidence from an accredited bureau before they apply the full code test. Any evidence that was processed before the second legalisation would proceed as the previous practice.

12. Date of the next meeting

12.1 The next meeting is scheduled for 11 July 2019.

Annex A

Representatives present from:

- Forensic Science Regulator (chair)
- Forensic Science Regulation Unit
- Crown Prosecution Service
- Expert Witness Institute
- Forensic Science Northern Ireland
- Scottish Police Authority Forensic Services
- HO Science Secretariat
- United Kingdom Accreditation Service
- Metropolitan Police Service
- Orchid Cellmark Ltd
- The Chartered Society of Forensic Sciences
- Cambridgeshire Constabulary
- National Fire Chiefs Council
- National Crime Agency - Forensic Services Dept
- Defence Science and Technology Laboratory
- National Quality Managers' Group
- Eurofins Forensic Services
- Transforming Forensics
- Key Forensic Services

Apologies from:

- Criminal Bar Association
- The Chartered Society of Forensic Sciences
- Glaisyers Solicitors Birmingham
- College of Policing
- Manchester Coroner's Office
- National Fire Chiefs Council
- BSI group-
- Legal Aid Agency
- The National Police Chiefs' Council