



Forensic Science Regulator

Terms of Reference

Forensic Science Advisory Council

FSR-T-C01

Issue 3

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1. Introduction

1.1 Purpose

1.1.1 This document sets out the terms of reference for the Forensic Science Advisory Council.

1.2 Implementation

1.2.1 The terms of reference set out in this document became effective on 22 September 2020.

1.3 Modification

1.3.1 This is the third issue of the Terms of Reference. It is a re-write from the previous document, entitled Terms of Reference for the Forensic Science Advisory Council and dated 29 June 2012 and so changes are not highlighted.

2. Terms of Reference

2.1 Status

2.1.1 The Forensic Science Advisory Council (“the Council”) is a body established to advise and support the Forensic Science Regulator (“the Regulator”) in the exercise of his/her duties.

2.2 Remit

2.2.1 The Forensic Science Advisory Council supports the Regulator by considering, and offering advice on, matters related to the following.

- a. The setting of, and monitoring compliance with, quality standards in the provision of forensic science services to the police service and the wider Criminal Justice System (CJS). This will include the quality both of the “science” and of closely associated processes such as exhibit tracking and integrity.
- b. The demonstration (for example by accreditation) that the required quality standards are being maintained by those supplying forensic science

services to the police, including in-house police services and forensic science suppliers to the wider CJS.

- c. The procedures for validating and approving new technologies and applications in the field of forensic science.
- d. The setting of, and monitoring compliance with, quality standards applying to national forensic science intelligence databases, beginning with the National DNA Database and the National Ballistics Intelligence System and extending to others in due course.
- e. Local, national and international developments relevant to quality standards in the provision of forensic science services.
- f. Complaints in relation to quality standards, and their application, in the provision of forensic science services. ¹
- g. Any other issues concerning quality standards in forensic science which are referred to the Council by the Regulator.

2.2.2 The responsibilities of the Council will include the following.

- a. Contributing to the identification of requirements for new or improved quality standards.
- b. Advising on prioritisation of requirements for quality standards.
- c. Creating, tasking and overseeing the work of expert working groups, known as Specialist Groups (SG), established to advise on or develop quality standards, or for other purposes the Council considers necessary for the efficient and effective conduct of its business. Such working groups may be standing or ad-hoc. Each will be constituted with clear written terms of reference and will report to the Council.
- d. Assessing the recommendations of SG (or other sources) and advising the Regulator on how to respond to them.
- e. Assisting the Regulator in responding to requests for advice from Home Office Ministers and others.
- f. Advising on, and monitoring the operation of, the process for reviewing existing standards and recommending development of new/modified standards.

¹ Where such complaints are not more appropriately dealt with elsewhere: e.g. by professional bodies.

- g. Monitoring local, national and international developments and fostering co-operative links with relevant fora.
- h. Advising on, and monitoring the operation of, the processes by which new standards are created.

2.2.3 The Council may also on occasion, through the Regulator, advise other police, criminal justice, science, and/or technology strategy groups on any matters within its remit which may, from time to time, be referred to the Council by the Regulator.

2.2.4 The remit of the Council may, from time to time, be modified by the Regulator following consultation with the Council.

2.3 Composition

2.3.1 The Council will be chaired by the Regulator.

2.3.2 Membership of the Council will comprise one person in each of the following categories. Where stated, the relevant organisation will normally be invited to nominate a suitable person to the post.

- a. Accreditation.
 - i. A person experienced in accrediting forensic science laboratories and processes to recognised international and domestic standards. Nominating body is The United Kingdom Accreditation Service.
- b. Forensic Science.
 - i. An experienced forensic scientist who has achieved eminence in the practice of forensic science and who holds a senior position in a forensic unit. Nominating body is the Chartered Society of Forensic Sciences (CSFS).
 - ii. Professional body for forensic science. The Chief Executive or President of the CSFS.
 - iii. A senior leader from a commercial or Government-owned forensic science laboratory. Nominating body is the Association of Forensic Science Providers.

- c. Pathology. A senior practising, or recently retired, Home Office registered forensic pathologist. Nominating body is the British Association in Forensic Medicine.
- d. Criminal Justice Service.
 - i. A senior manager or lawyer with experience of prosecuting, or managing the prosecution of, cases in which forensic science has been at issue; or a senior manager with responsibility for setting policy in this area. Nominating body is the Crown Prosecution Service.
 - ii. A member of the judiciary with responsibilities relevant to forensic science in the courts, or a particular interest in this area. Nominated by the Lord Chief Justice of England and Wales.
 - iii. A member of the Bar with significant experience of acting for both the prosecution and the defence. Nominating body is the Criminal Bar Association.
- e. A coroner with experience in the application of forensic pathology within the coronial justice system. Nominating body is the Coroners' Society of England Wales and Northern Ireland.
- f. Devolved administrations.
 - i. Scotland: a senior leader with extensive knowledge of the Scottish legal system and the provision of forensic science services in Scotland. Nominating body is the Scottish Police Authority.
 - ii. Northern Ireland: a senior leader with extensive knowledge of the Northern Irish legal system and the provision of forensic science services in Northern Ireland. Nominating body is Forensic Science Northern Ireland
- g. Police.
 - i. A senior police officer or member of police staff with responsibilities in relation to the provision of forensic science services to the police, or a closely related field, and with knowledge of the application of forensic science in the investigation of major crime. Nominated by

the Chair of the National Police Chiefs' Council Forensic Portfolio Board.

- h. Criminal Cases Review Commission (CCRC)
 - i. A representative of the CCRC with experience of dealing with cases in which forensic science has played a role.
- i. Lay Member.
 - i. A person, not a member of a government department or organisation within the CJS, with experience of operating at an influential level alongside the CJS on behalf of complainants and/or witnesses.
Nominating body is the Victims' Commissioner.

2.3.3 The organisations invited to nominate representatives to the Council may, from time to time, be amended by the Regulator following consultation with the Council.

2.3.4 Each organisation shall submit its proposed nomination for approval by the Regulator before appointment is confirmed.

2.3.5 Each organisation will be invited to appoint an additional person to deputise for their nominee in his/her absence.

2.3.6 Each appointment to the Council will be reviewed before the expiry of three years following the date of appointment. With the consent of Regulator and the appointee the nominating body may nominate the existing appointee.

2.3.7 If a member regularly fails to attend Council meetings, the Regulator may terminate his/her appointment and request a new appointee from the nominating body.

2.3.8 The Regulator may, following consultation with the Council, add to the membership of the Council or invite other individuals to serve on the Council for limited periods of time where additional skills, knowledge or experience are required.

2.3.9 The Regulator may appoint one of the members of the Council or a senior member of his or her staff to deputise as Chair of the Council in his/her absence.

2.4 Operation

- 2.4.1 The Council shall generally meet at least three times per year and otherwise as required.
- 2.4.2 The Regulator, following consultation with the Council, may establish such other procedures as he/she considers appropriate for the operation of the Council.
- 2.4.3 In the interests of public accountability, the Council will carry out its work as openly as possible. Council meetings will not be open to members of the public but minutes of the meetings will be published, subject to any redactions considered to be necessary. Reports produced by the Council may be published at the discretion of the Regulator.
- 2.4.4 Membership of the Council is unremunerated. The Regulator will approve repayment of travel and subsistence costs necessarily incurred on Council business by any members who are unable to obtain reimbursement from their employers. Repayment will only be made where the Regulator has agreed, in advance of the expenditure, to entertain claims from a named individual under this provision.
- 2.4.5 Support for the Council will be provided by the Forensic Science Regulation Unit and the Home Office Science Secretariat. No budget is delegated to the Council but such assistance as is reasonably required to enable the Council to undertake its duties will be provided, within available resources.

2.5 Conduct

- 2.5.1 Members of the Council are required to observe the Seven Principles of Public Life endorsed by the Nolan Committee on Standards in Public Life. Each member must at all times act in good faith and observe the highest standards of impartiality, integrity and objectivity in relation to the conduct of the Council's business.
- 2.5.2 Any Council member has the right to bring to the attention of Chief Scientific Adviser to the Home Office any matter, which he or she believes raises important issues relating to his or her duties as a member. In such cases the member should, before approaching Chief Scientific Adviser, raise their

concerns with the Regulator to establish whether they might be resolved within the Council.

2.6 Data Protection

- 2.6.1 The contact details that members provide will be used by the Regulator, or the Regulator’s representatives, and shared amongst the membership of the Council to facilitate member’s involvement in the activities of the Council as the Regulator deems appropriate.
- 2.6.2 Typically, this would mean that a member’s email address would be visible to the group to allow for debate within the group. It would also allow for members to be receive other comunication as the Regulator sees fit.
- 2.6.3 Any reference made to a member in published records of meetings will be in terms of ‘The representative from [organisation]’.
- 2.6.4 A Council member’s contact details will not be shared beyond the Council and supporting staff ² without their express permission.
- 2.6.5 Details of how the Regulator uses a member’s personal information can be found in the Regulator’s personal information charter which can be found at: www.gov.uk/government/organisations/forensic-science-regulator/about/personal-information-charter

2.7 Confidentiality

- 2.7.1 In accepting appointment to the Council, members are required to accept that there will be some information or documents presented to the Council that should not be disclosed without the approval of the Regulator; this will be indicated when raised in committee, in handling information on documents or covering emails. This includes any documents marked with any Government Protective Marking Scheme security classification (including ‘Official-Sensitive’) and the content of any discussions relating to such information. Members undertake not to make copies of any such documents, and to follow the advice

² Supporting staff include the Home Office Science Secretariat, members of the Forensic Science Regulation Unit and Home Office (or Home Office contracted) staff involved in administrative matters such as payment of expenses, issuing visitors passes etc.

provided by the Regulator and the Forensic Science Regulation Unit about the handling of such documents.

3. Review

3.1.1 This document is subject to review at regular intervals.

3.1.2 If you have any comments please send them to the address or e-mail set out on the Regulator's Internet site at URL:

www.gov.uk/government/organisations/forensic-science-regulator

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