

Forensic Science Regulator

Terms of Reference

DNA Analysis Specialist Group

FSR-T-C05

Version 4

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1. Introduction

1.1 Purpose

1.1.1 This document sets out the terms of reference for the DNA Analysis Specialist Group.

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 fourth issue of the Terms of Reference. It is a re-write from the previous document, entitled Terms of Reference for the DNA Analysis Specialist Group and dated 15 November 2013 and so changes are not highlighted.

2. Terms Of Reference

2.1 Status

2.1.1 The DNA Analysis Specialist Group (hereafter referred to as the Specialist Group) is a specialist group established to advise the Forensic Science Regulator (the Regulator) and the Forensic Science Advisory Council ('the Council') on matters within its remit.

2.2 Remit

2.2.1 The Specialist Group will support the Regulator and the Council by providing advice on all matters related to quality standards applicable to the analysis and interpretation of DNA for forensic purposes and the use of such analysis, and the results there from, within the Criminal Justice System. It shall cover the process from initial collection of evidence to the presentation of results in court.

2.2.2 The DNASG will report matters of interest to the National Police Chiefs Council (NPCC) DNA Operations Group and other groups as appropriate¹; the NPCC DNA Ops group can refer matters of a scientific nature to the DNASG for consideration.

2.2.3 The Specialist Group will:

- a. Review the standards in place (and the factors influencing those standards) for forensic DNA analysis including as they apply to the National DNA Database™. The review will consider, but not be limited to, the following.
 - i. Legal provisions (including common law, statute and subsidiary legislation) in as much as they impact on the requisite quality standards;
 - ii. ISO Standards;
 - iii. National Occupational Standards;
 - iv. Technical requirements established by the FINDS;
 - v. ENFSI Standards/Guidance;
 - vi. Existing supplier quality standards;
 - vii. Standards employed in other jurisdictions;
 - viii. Standards set out in published literature; and
 - ix. Other norms and values (including those inculcated by education and training, and membership of professional bodies).
- b. Report to the Regulator and Council on the scope, suitability and effectiveness of the existing standards and their application.
- c. Report to the Regulator and Council on the effectiveness of quality monitoring processes.
- d. Report to the Regulator and Council on means of influencing international standard setting.
- e. Propose means of remedying any shortcomings, distinguishing between measures which fall within the remit of the Regulator and those which do not.

¹e.g. FINDS Strategy Board, Biometric and Forensic Ethics Group, etc.

f. Make such other recommendations as appear appropriate.

2.2.4 The Specialist Group will develop standards, processes or policies for consideration by the Council and Regulator.

2.2.5 The Specialist Group will not deal with ethical matters. These will, should they arise, be referred to the Regulator for possible consideration by the Biometrics and Forensic Ethics Group.

2.3 Composition

2.3.1 The following organisations will be invited to nominate suitable persons to membership of the Specialist Group:

- a. Chartered Society of Forensic Science
- b. International Society for Forensic Genetics
- c. Royal Statistical Society
- d. Crown Prosecution Service
- e. Scottish Police Authority
- f. Forensic Information Databases Services (FINDS)
- g. Forensic Science Northern Ireland
- h. Forensic Science Ireland
- i. ISO17025 Accredited DNA /NDNAD approved Suppliers
- j. United Kingdom Accreditation Service (UKAS)
- k. Association of Forensic Science Providers DNA Working Group
- l. Association of Forensic Science Providers Body Fluid Forum
- m. Defence Science and Technology Laboratory (Dstl)

2.3.2 The Chair, Deputy Chair and members of the Specialist Group will be appointed by the Regulator, with the approval of the Council.

2.3.3 The Regulator may at the request of, or following consultation with, the Chair of the Specialist Group, add to the membership of the Specialist Group or invite other individuals to serve on the Specialist Group for limited periods of time where additional skills, knowledge or experience are required.

2.4 Operation

- 2.4.1 The Specialist Group will operate in accordance with a detailed plan presented by the Chair and approved by the Regulator, who will be advised by the Council.
- 2.4.2 The Specialist Group will consult other end-user stakeholders, not represented on its membership, as necessary to obtain a comprehensive view.
- 2.4.3 The Specialist Group will conduct its business out of committee as far as possible but will meet as and when required in order to discharge its remit.
- 2.4.4 In the interests of public accountability, the Specialist Group will carry out its work as openly as possible, within the terms of the Code of Practice on Access to Government Information, subject to any necessary confidentiality requirements and any conditions set by the Regulator.
- 2.4.5 No budget is delegated to the Specialist Group but such assistance as is reasonably required to enable the Specialist Group to undertake its duties will be provided, within available resources.
- 2.4.6 Membership of the Specialist Group is unremunerated. The Regulator may approve repayment of travel and subsistence costs necessarily incurred on Specialist Group business by any members who are unable to obtain reimbursement from their employers. Repayment will only be made where the Regulator has specifically agreed, in writing and in advance of the expenditure, to entertain claims from a named individual under this provision.
- 2.4.7 Where the business of the Specialist Group gives rise to the need for expenditure from the Regulator's budget (including any claims under paragraph 2.4.6 above), the Regulator's written approval must be obtained in advance of any commitment to the expenditure.
- 2.4.8 The Chair of the Specialist Group may establish such other procedures as s/he considers appropriate for the operation of the Specialist Group, providing that these are not inconsistent with the above.

2.5 Working Groups

2.5.1 The Specialist Group may establish such working groups as it considers necessary for the efficient and effective conduct of its business. Such working groups will be constituted with clear written terms of reference and will report to the Specialist Group.

2.6 Conduct

2.6.1 Members of the Specialist Group are required to observe the Seven Principles of Public Life endorsed by the Nolan Committee on Standards in Public Life. These principles can be found via the following link: www.gov.uk/government/publications/the-7-principles-of-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 Specialist Group's business.

2.6.2 Any Specialist Group member has the right to bring to the attention of the Regulator 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 the Regulator, raise their concerns with the Specialist Group Chair to establish whether they might be resolved within the Specialist Group.

2.7 Data Protection

2.7.1 The contact details that members provide will be used by the Regulator, or the Regulator's representatives, and shared amongst the membership of the group to facilitate member's involvement in the activities of the group as the Regulator deems appropriate.

2.7.2 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 communication as the Regulator sees fit.

2.7.3 Any reference made to a member in published records of meetings will be by initials and organisation where that is necessary for clarity of the record.

- 2.7.4 A group member’s contact details will not be shared beyond the group without their express permission.
- 2.7.5 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 via the following link: www.gov.uk/government/organisations/forensic-science-regulator/about/personal-information-charter

2.8 Confidentiality

- 2.8.1 In accepting appointment to the Specialist Group, members are required to accept that they will not disclose any information or documents presented to the Specialist Group without the approval of the Regulator. This includes any documents marked with any GPMS 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 provided by the Regulator and FSRU about the handling of such documents.

3. Review

- 3.1.1 This document is subject to review at regular intervals.

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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