



Forensic Science Regulator

Firearms Specialist Group

Note of the meeting held on 03 May 2023 held in person in Birmingham.

1. Welcome, and Introduction

1.1 The Chair welcomed all to the fourth meeting of the Firearms Specialist Group (FSG).

1.2 Members introduced themselves to the group and apologies were noted. A full list of the attendee organisations and apologies is provided at Annex A.

1.3 The minutes of the January meeting, the last meeting of the FSG, had been circulated and agreed by members.

Action 1: Secretariat to publish the minutes of the January meeting on the Forensic Science Regulator (FSR) pages on GOV.UK.

1.4 The actions from the last meeting were reviewed. The following points of discussion were raised. All other actions were marked as completed.

1.5 Regarding action 3 from January 2023, "*Chair to discuss defence expert selection and accreditation with the Regulator*", the group discussed how defence expert selection would not be subject to the code at present. The group discussed how relevant safeguards will be put in place via relevant declarations within court. The representative from the Office of the FSR (OFSR) noted that case review was expected to be considered prior to the next issue of the Code. This action was marked as completed.

1.6 Regarding action 7 from January 2023, "*CPS representative to liaise with firearms prosecutors regarding what their views are with regard to the*

uncertainty of measurement in relation to kinetic energy”, the group discussed the proposed approach on calibration of equipment and standardisation on pellets. The group discussed that this approach was pragmatic and that the impact on casework is likely to be minimal given the small number of weapons that fall into this range of uncertainty. This action was marked as completed.

- 1.7 Regarding actions 10 and 11 from January 2023, *“Chair to develop and distribute a list of possible sets of data for collection. The list is to be distributed to members of the FSG for additional suggestions.”* and *“Chair to speak to colleagues in the Home Office regarding the possibility of collecting and holding such information (relating to action 10).”* The chair highlighted to the group the types of data which they were considering collecting and noted collection of such data would not contravene the Data Protection Act 2018. This action was marked as partially completed. The chair agreed to circulate suggested items for data collection to the members of the FSG for comment and additional suggestions. The group discussed the importance of such data collection. The chair agreed to re-circulate the suggested items to members of the FSG for comment and additional suggestions.

Action 2: The chair to circulate the suggested items for data collection to the members of the FSG for comment and additional suggestions.

- 1.8 The group discussed the use of forensic experts and when to involve experts in a case noting that there is a variation in the response dependent on the senior investigative officer. The group reflected that there is a lack of general awareness and training and discussed whether it would be in scope for the group to report this to the College of Policing.

- 1.9 The representative from Staffordshire University questioned whether members of the FSG had responded to the [All Party Parliamentary Group \(APPG\) commission on Miscarriages of Justice](#) public consultation. The Chair raised whether the FSG could submit a response through the FSR.

Action 3: Chair to speak to the FSR regarding the possibility of providing a response to the APPG on Miscarriages of Justice.

2. Workplan update

- 2.1 Ahead of the meeting, an updated workplan was circulated to members of the FSG. The Chair summarised to the group that defence expert selection had been added as an update. No objections raised.

3. Update from the Office of the Forensic Science Regulator (OFSR)

- 3.1 The representative from the OFSR verbally provided an update to the members of the FSG. The main points were:

- The OFSR had recently recruited new staff to support with capacity.
- The Code of Practice had successfully been agreed by both Houses of Parliament, had been published and would come into force on 2 October 2023.
- Guidance documents were being reviewed and updated. The new guidance, issued under section 9 of the FSR Act 2021, would be published on the FSR website.
- The Regulator was developing a specialist group focused on interpretation. This would review each specialism individually and membership was being considered.
- The baseline survey for compliance with the Code was due to be issued.
- The OFSR was working with the Ministry of Justice to develop a risk matrix, which would be focused around compliance and accreditation.

- 3.2 The representative from the OFSR noted that the intention was to complete the draft Firearms Classification Guidance ready for publication before the Code would come into force.

4. Urgent Firearms Classification, 72-hour window for examination

- 4.1 The Chair commented that following conversations with the Regulator and the representative from the OFSR, the 72-hour window, which would be for examination (confirmation of initial classification, not a remand statement) was agreed as reasonable.
- 4.2 A member of the FSG questioned what the impact may be of weekends or bank holidays. The Chair noted the comment and responded that there should not be any impact, based on the assumption relevant and necessary out of hours provisions were in place.
- 4.3 The group discussed that the 72-hour window is for initial classification, full examination and test firing can take place outside the 72-hour window. The initial classification by the accredited provider, at the point of discovery, is a necessary safeguard. The group discussed that the wording within the guidance document needs careful consideration, as this is not clear. The terms 'firearm' and 'classification' could be misunderstood in this instance.
- 4.4 The representative from National Ballistics Intelligence Service (NaBIS) raised the need to ensure that the Crown Prosecution Service (CPS) had been made aware of the requirement for further testing and ensure the threshold and expectation for the initial statement is understood.

5. Framework for Triage Classification

- 5.1 A draft copy of the firearms classification guidance was shared with members of the FSG ahead of the meeting.
- 5.2 It had been proposed that a framework document for triage classification was produced to compliment the guidance. The group discussed and agreed that it was beneficial not to separate the two documents.
- 5.3 The chair commented that classifications should be covered by written procedures. All agreed.

5.4 The group discussed audit and governance reflecting that there are a number of police forces which are capable of providing classification, however, are unable to apply for accreditation due to resource, funding and capacity.

5.5 The group debated whether initial assessment by a non-accredited individual/unit was necessary as there is a requirement for a review within 72-hours. To conclude the debate the group agreed that adherence to the 72-hour period for examination by an accredited provider would be essential.

5.6 The group discussed that a strength of the guidance document was the opportunity to define competence.

5.7 The group discussed whether defining the minimum requirement for competency is within the remit of the FSG.

Action 4: Chair to speak to the Regulator regarding whether setting the standard for competency is within the scope of the Regulator for guidance by the FSG.

5.8 The group discussed that there could be benefit by including a comment within the guidance that any problems identified by accredited providers are relayed to the Regulator.

Action 5: Members of the FSG to share comments on the draft firearms classification guidance with the representative from the OFSR.

6. UKAS Update

6.1 The representative from UKAS verbally provided an update to the members of the FSG. The main points were:

- 55 forensic organisations with codes of practice and conduct on their scope of accreditation. Initially a 6-month deadline had been given by the Regulator to complete the transition.
- Organisations had been provided a deadline to submit their nominations for senior accountable individual.
- UKAS had a dedicated transition team and would be granting accreditation in bulk.

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- For firearms, UKAS had recruited for two technical assessors. There was still a requirement to recruit a firearms technical assessor with scene going experience.
- Biology and toxicology and drugs were the other areas which UKAS was still recruiting for technical assessors.

6.2 The group discussed that the requirement for 20 days of commitment for the technical assessors was likely leading to difficulties for recruitment.

7. Chairs Update

7.1 Members of the FSG were provided with a written update ahead of the meeting. The update covered the following:

- Firearms Private Members Bill
- IOPC Report and the Coroners Letters from the Keyham Inquest
- Classification working group and technical advice to the Firearms and Explosives Licensing Working Group

7.2 The Chair asked the representative from NaBIS whether a technical lead sits on the firearms and explosives licencing working group. The NaBIS representative noted that as per their awareness, this was not the case.

7.3 **Action 6:** FSG Chair to speak to the firearms and explosives licencing working group Chair to recommend technical representation is present on the group.

8. AOB

8.1 The representative from Helston Forensics shared with members of the FSG points for consideration ahead of the meeting. The group discussed these. Topics included whether trigger pull weights are considered safe or dangerous and the classification of sound moderators.

8.2 The next meeting of the FSG was determined to take place in July.

Action 7: Secretariat to schedule the next meeting of the FSG.

Annex A

Representatives present in person:

Chair

Helston Forensics

Key Forensics

Merseyside Police

Metropolitan Police Service Forensic Firearms Unit (MPSFFU)

The National Ballistics Intelligence Service (NaBIS)

Staffordshire University

Office of the Forensic Science Regulator (OFSR)

Home Office Science Secretariat

Representatives present online:

Principal Forensic Services

United Kingdom Accreditation Service (UKAS)

Apologies received from:

Crown Prosecution Service (CPS)