



# Forensic Science Regulator

## Firearms Specialist Group

### Note of the meeting held on 31 July 2023 held in person in Birmingham.

#### 1. Welcome, and Introduction

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

1.2 A full list of the attendee organisations and apologies is provided at Annex A.

1.3 The minutes of the May meeting, the last meeting of the FSG, had been circulated, no objections were raised, and the minutes were agreed.

**ACTION 1:** Secretariat to publish the minutes of the May Firearms Specialist Group (FSG) meeting 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.

1.4.1 Action 10, 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.

Update: Action Carried forward.

1.4.2 Action 11, January 2023 - Chair to speak to colleagues in the Home Office regarding the possibility of collecting and holding such information (relating to action 10).

Update: Action Carried forward.

**Minutes – Minutes – Minutes – Minutes – Minutes – Minutes – Minutes – Minutes**

- 1.4.3 Action 4, May 2023 - Chair to speak to the FSR regarding whether setting the standard for competency was within the scope of the FSR for guidance by the FSG.

Update: Chair confirmed, following a conversation with the Regulator, that setting competency would be within scope for the FSG as it would not be a function of the United Kingdom Accreditation Service (UKAS). The group discussed that standards and competency documents (originally agreed by the Forensic Science Service (FSS)) which the FSG could recommend for general adoption.

**ACTION 2:** Competency standards to be added to the agenda of the next meeting of the FSG.

**ACTION 3:** Members of the FSG to share existing documents relevant to the consideration of setting competency standards.

- 1.4.4 Action 6, May 2023 - Chair to speak to the firearms and explosives licencing working group (FELWG) Chair to recommend technical representation is present on the group.

Update: Chair spoke with the Staff officer for the FELWG Chair who agreed to recommend the appointment of a technical advisor to the group.

- 1.5 Members of FSG agreed it would be beneficial to have a UKAS technical assessor on the FSG.

**ACTION 4:** Chair to speak with the Regulator and consider addition of a UKAS technical assessor to the FSG.

- 1.6 Chair noted he had been approached by Scotland representatives as they were considering complying with the Forensic Science Code of Practice. Chair confirmed he would review addition of a Scottish representative to the group, subject to approval by the Forensic Science Regulator.

**ACTION 5:** Chair to speak with the Regulator and consider addition of a Scottish representative on the FSG.

**Minutes – Minutes – Minutes – Minutes – Minutes – Minutes – Minutes – Minutes**

**ACTION 6:** Office of the Forensic Science Regulator representative to draft an invitation letter for FSG membership and share this with the FSG chair.

## **2. Workplan update**

2.1 Ahead of the meeting, an updated workplan was circulated to members of the FSG. Updates had been made to the workplan, these are summarised below:

- Consideration of defence expert selection was updated to reflect that the role of the FSG on this matter was under consideration, as at the time of the meeting this would be determined by barristers and the judiciary.
- Review of the evaluative opinions guidance, and the role of the FSG in doing so, was updated to reflect that it would be dependent on the formation of an interpretation specialist group by the Regulator.

2.2 A member of FSG noted that at the Forensic Science Regulators conference held in July 2023, the Ministry of Justice presented on a risk/hazard matrix. The member commented that within this presentation it was unclear what guidance would be shared with regard to a declarations statement. The representative from the Office of the Forensic Science Regulator (OFSR) responded that answers to the questions posed at the conference would be published on the [Regulator's website](#) and confirmed that there would be a requirement set by the Regulator for a declaration of non-compliance.

## **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 Forensic Science Regulator Code of Practice (henceforth 'the Code') would come into force on 2 October.
- The OFSR was working on republication of various guidance documents, these would be published on the Regulators website as updates were completed.

**Minutes – Minutes – Minutes – Minutes – Minutes – Minutes – Minutes – Minutes**

- The OFSR was working to develop a series of policy papers such as compliance and enforcement policy. These were being reviewed by legal advisors.
- The OFSR was accepting suggestions for clarifications on the Code for version 2. It was noted minor changes or typographical changes did not need clearance by parliament. Larger changes would require a form of consultation.
- A survey had been distributed to the police services to establish a baseline on firearms triage classification issues, 37 responses has been received. The OFSR would be speaking with the National Police Chief Council (NPCC) lead for firearms to redress questions and seek further information. A follow up consultation would be jointly distributed by the NPCC and the Regulator.
- The classification of firearms guidance was being finalised for publication.

3.2 A representative from the National Ballistics Intelligence Service (NaBIS) queried what procedures would be in place regarding non-compliance following the Code coming into force. The OFSR representative confirmed that there would be a requirement to declare if an organisation/individual was not accredited, following this it would be a matter for the crown prosecution service (CPS). The group deliberated how CPS may take this forward and questioned at what point the Regulator could intervene. The members of FSG considered drafting a letter to CPS seeking assurance that compliance guidance would be circulated to and understood by all CPS officers.

**ACTION 7:** Chair to draft a letter to CPS requesting the guidance is circulated to CPS officers for their awareness and understanding.

3.3 The group discussed how declarations of compliance may apply if an organisation/individual did not have a full scope of accreditation (i.e., to be accredited for some activities but not for all). The representative from the OFSR noted that further guidance was being developed by the Regulators office.

**Minutes – Minutes – Minutes – Minutes – Minutes – Minutes – Minutes – Minutes**

3.4 The group discussed the risks of firearms experts providing an opinion in courts without being accredited for such activity.

**ACTION 8:** OFSR representative to speak to the CPS representative to receive data on guilty pleas based on an SFR1 and no other data.

#### **4. Firearms urgent classification process guidance**

4.1 A final copy of the urgent classification of firearms guidance had been circulated to members ahead of the meeting.

4.2 A member of the FSG queried whether reference to the NaBIS database had been made within the guidance for an individual's awareness (with regard to ensuring data is recorded within the/a database where/when necessary), the group discussed and agreed this would not be necessary.

4.3 A member of the FSG noted the draft guidance document placed the responsibility of initial firearms classification with the forensic unit and questioned whether there should be a balance between the initial assessing unit and any Forensic Science Provider (FSP) conducting the classification. It was highlighted that consistency of reporting to the Regulator should be considered.

4.4 It was questioned whether the responsibility of reporting should lie with an individual who may be less competent. The group agreed the responsibility of recording lies with any unit completing the initial classification. The group agreed that a shared responsibility would be a good safeguard and that the guidance should include a statement that a copy of the SFR should be shared between units and FSPs.

4.5 It was agreed that the reference to training within the draft guidance should indicate training and competence should be ongoing.

4.6 Subject to final amendments, the group agreed to the draft urgent classification of firearms guidance. The group agreed changes were minor and the document did not require further review.

## **5. Firearms evidence evaluation**

5.1 The group discussed the potential use of the evaluative approach to evidence in the area of firearms investigation. The following points were made:

- There was a lot of experience within teams and there was increasing interest from practitioners although, limited interest from the courts.
- The method is not used in Scotland.
- There are examples of cases where firearms evidence had been considered not scientifically robust. There was however, a lack of consistency in the approach to reach a conclusion.
- The need to review evidence with context would remain important when using statistical methods of evaluation.
- There would be a requirement for increased exposure to the use of the evaluative approach within firearms to improve understanding and therefore see benefits.
- There was a need to consider future methodologies, specifically with the increasing use of algorithmic approaches.

5.2 The OFSR representative noted that the Regulator was developing a specialist group to support with developing the Regulators approach to interpretation. The group agreed an FSG representative to sit on the Regulators Interpretation specialist group. The representative would report back to the FSG.

**ACTION 9:** OFSR representative to distribute an invitation to selected member to the Regulators interpretation specialist group.

5.3 The group discussed and agreed that it would be beneficial for practitioners to be represented on the Regulators interpretation specialist group.

## **6. Chairs Update**

6.1 The chair verbally provided an update to members of the FSG. The update covered the following:

- The Firearms Private Members Bill had made royal ascent.

**Minutes – Minutes – Minutes – Minutes – Minutes – Minutes – Minutes – Minutes**

- The proposal, made as part of the IOPC report and within the Coroners Letters from the Keyham Inquest, to move all firearms under section 1 had been rejected. The Home Office would be hosting an open consultation on firearms legislation. Chair encouraged members to consider responding to the consultation and raising the requirement to consolidate and codify legislation.
- Update from the classification working group.
- Technical advice to the FELWG.

## **7. AOB**

7.1 The group discussed the issue of the control of databases (used as an information resource) as a requirement. It was agreed this would be discussed in full at the next meeting of the FSG.

**ACTION 10:** Control of databases to be added to the agenda for the next meeting of the FSG.

7.2 The next meeting of the FSG was determined to take place in November Tuesday 21 Nov

**ACTION 11:** Secretariat to schedule the next meeting of the FSG.

## **Annex A**

### **Representatives present in person:**

Chair

Helston Forensics

Key Forensics

Merseyside Police

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)

Metropolitan Police Service Forensic Firearms Unit (MPSFFU)

### **Apologies received from:**

Crown Prosecution Service (CPS)