

Newsletter

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Contact details

If you have any comments or feedback on this newsletter, please contact the Regulator via the following routes:

The Forensic Science Regulator, 23 Stephenson Street, Birmingham, B2 4BJ

Email: <u>FSREnquiries@forensicscienceregulator.gov.uk</u> Website: <u>www.gov.uk/government/organisations/forensic-science-regulator</u>

To receive email updates from the Forensic Science Regulator, please sign up here: Office of the Forensic Science Regulator (smartwebportal.co.uk)

To receive email updates from the Forensic Science Regulator website when we add or update a web page, please sign up here: <u>Get emails from GOV.UK</u> - GOV.UK (www.gov.uk)

Message from the Forensic Science Regulator

As I write this message, we are heavily committed to finalising version two of the Code, securing the approval by the Secretary of State and working with Home Office colleagues to secure parliamentary approval. This is challenging not so much in the content of the Code but with a new government and significant legislative changes it is more about securing a parliamentary slot and time for the Code to be considered and approved. As with the first version of the Code I will allow for a period between approval by parliament and the Code coming into force so confidence in the timing of the approval stages will be important in ensuring a smooth transition from version 1 to version 2. With the election being called we took the opportunity to consult on changes to friction ridge detail comparison and drugs driving analysis in addition to the significant changes and new regulatory requirements in incident examination. I want to have a clear timetable for each of these changes to come into effect after the Code is approved by parliament to enable a smooth transition.

This has been a very busy year, and it is a year since I issued my last newsletter, which is remiss of me, but reflects the reality of what I described in my last newsletter as getting down to the business of regulation. This newsletter summarises some of the activity over the last year and the publications we have produced. I do not think we have reached a steady state of business as usual yet, as I think there are important changes not least those in version 2 of the Code to be implemented over the next year or so. While we have seen some admissibility challenges based on a lack of compliance with the Code, I think we are still in the early stages of the criminal justice system adjusting to the statutory regulation of forensic science.

Looking to next year my immediate priority will be to prepare for the changes that will follow approval of version 2 of the Code and in particular the new requirements, and the changes I wish to see to the regulation of incident examination. We will start this process by issuing a gap analysis early in the new year to allow organisations to start thinking about how they will make the changes and adjustments to their management systems, in the first instance to meet the requirements in the Code, and then to achieve accreditation when this is reintroduced as a requirement in the Code. I also think next year having made improvements to regulatory requirements in version 2 of the Code, we will be able to have a greater focus on compliance and risk, starting with the data generated through the forthcoming compliance survey of the two digital, and video FSAs that have the lowest compliance.

Can I take the opportunity to wish everyone in the forensic community compliments of the season and particularly put on record my thanks to the team in the OFSR who have worked so hard and provided me with excellent professional support over the last year.

Gary Pugh

December 2024

Forensic Science Regulator

FSR Annual Report

The first annual report prepared under the provisions of the Forensic Science Regulator Act 2021 was laid in parliament on 12 September 2024 and published on the Forensic Science Regulator website here: <u>Forensic Science</u> <u>Regulator newsletters and reports - GOV.UK (www.gov.uk)</u>

This annual report is prepared under the provisions of s9(4) and in line with these provisions, covers the period 25 July 2022 to the 24 July 2023.

Reflecting all of the hard work over the reporting year the focus of this annual report is on the work to prepare, consult and gain approval for the Code and to understand the anticipated levels of compliance with the Code.

Forensic science Code of Practice: version 2

The Regulator consulted on version two of the Code in February this year, but with the prorogation of parliament there has been a delay in the Code being approved by the Secretary of State, and laid before parliament for approval. The Regulator has taken advantage of the opportunity presented by the delay in the approval processes and ran three further consultations on specific sections of the Code. Over 1500 comments were received from the consultations. The Regulator will soon be presenting the draft Code to the Secretary of State for approval and to be laid before Parliament. Once the Code has made its way through Parliament, we expect it to come into force in October 2025.

Assessing compliance with the Code

The Regulator ran a compliance survey in June 2023, the results were reported in the 25 July 2022 to the 24 July 2023 annual report. That survey contained questions relating to all the forensic science activities (FSAs) subject to the Code, however it was quite labour intensive for recipients to complete. A more streamlined survey method is being developed for a full survey in 2025. However, a further survey will be run early in 2025 for the two FSAs in digital forensics with the low levels of compliance.

DIG 101 and DIG 301 compliance survey

The Regulator wrote in December 2024 to all police forces and crown bodies believed to be undertaking the forensic science activities of Data capture, processing and analysis from digital storage devices (FSA -DIG100) and/or Specialist video multimedia, recovery, processing and analysis. (FSA - DIG 301) to give them advance notice that a compliance survey for these two FSAs will be run shortly.

The Regulator will contact the commercial providers believed to be undertaking the two FSAs mentioned above in due course.

The compliance survey will assist the Regulator in understanding the progress that has been made since the last survey by establishing the compliance level as of July 2024, to provide information for the 2023-24 annual report.

If you are undertaking either or both of the above mentioned FSAs and have not received a letter from the Regulator, please email FSREnquiries@forensicscienceregulator.gov.uk

Sexual Assault Referral Centres (SARCs) compliance survey

The service providers of forensic medical examinations of complainants in sexual offence cases delivered in Sexual Assault Referral Centres (SARCs) are required to be compliant to the Code by 2 October 2025. The Regulator intends to run a targeted compliance survey for the Sexual Assault Referral Centres (SARCs) to assess compliance with the Code in early 2025.

Forensic Science Regulator's conference 2024

The Regulator held the second conference as the statutory Regulator. The conference took place on 10 October 2024 at The Met Hotel, Leeds.

The conference was attended by 160 delegates from 77 organisations representing law enforcement, government bodies and commercial forensic providers.

The Regulator received several questions at the conference, and it was agreed the questions and answers would be published in a separate document, along with the summaries of the speaker's presentations.

The conference speaker summaries, and the questions and answers document will be published in the new year.

Forensic Science Regulator's appointment advert

The current Forensic Science Regulators appointment ends in July 2025.

The Forensic Science Regulators appointment advert is live and has a closing date of 06 January 2025. The advert can be found here: <u>Appointment</u> details – Forensic Science Regulator – Apply for a public appointment – <u>GOV.UK</u>

Publications update

New and updated publications

Publications since December 2023			
Document type	Document title	Publication date	
Policy	Forensic Science Regulator freedom of information policy	04/01/2024	
Guidance	Forensic medical examination of sexual offence complainants (FSR-GUI-0020)	19/01/2024	

Guidance	DNA contamination controls: forensic medical examinations (FSR-GUI-0017)	23/01/2024
Policy	Policy on enforcement action taken by the Forensic Science Regulator	24/04/2024
Notification	Regulator's notification 01-2024: quality failure in s5A drugs driving analysis	15/05/2024
Report	Section 5A drug driving lessons learnt review	15/05/2024
Notification	Regulator's notification 03-2024: friction ridge detail comparison	22/08/2024
Notification	Regulator's notification 02-2024: estimating vehicle speed from video footage	22/08/2024
Guidance	Declaring compliance with the code of practice (FSR-GUI-0001)	31/08/2024
Report	Forensic Science Regulator annual report 2023	12/09/2024
Notification	Regulator's notification 04-2024: s5A drug driving consultation	20/09/2024
Notification	Regulator's notification 05-2024: FSA – BIO 200 and FSA – BIO 201 consultation	25/09/2024
Notification	Regulator's notification 06-2024: use of certified reference materials (CRMs) in analysis for drugs in relation to s5 of the Road Traffic Act 1988	28/11/2024
Notification	Regulator's notification 07-2024: suspected data manipulation at Randox Testing Services and Trimega Laboratories	05/12/2024

and Finally

The Forensic Science Regulator, and the Office of the Forensic Science Regulator would like to wish everyone a Merry Christmas, and a Happy New Year.

Office of Forensic Science Regulator