Forensic Science Regulator

Terms of Reference:

Medical Forensics Specialist Group

FSR-TOR-MFSG-0001

Version 1

Contents

1. Introduction

1.1 Purpose

1.1.1 This document sets out the terms of reference for the Forensic Science Regulator's (the Regulator) Medical Forensics Specialist Group (MFSG).

2. Implementation

2.1.1 This issue of the terms of reference is effective from 17 February 2025.

3. Terms of Reference

3.1 Status

3.1.1 The Medical Forensics Specialist Group (Specialist Group) is a Specialist Group which sits within the Biology Specialist Group established to advise the Regulator on matters within its remit.

3.2 Composition

3.2.1 The Specialist Group will be chaired by an individual appointed by the Regulator. The Chair can nominate a deputy chair or delegate it to the Office of the Forensic Science Regulator (OFSR).

3.2.2 Membership of the Specialist Group will comprise of persons in each of the following categories.

a. Representative from the OFSR
b. Chair, an individual with appropriate experience and expertise in forensic medical examinations (FME).
c. Professional bodies
    i. Chartered Society of Forensic Sciences (CSoFS)
    ii. Faculty of Forensic & Legal Medicine (FFLM)
    iii. Royal College of Paediatrics and Child Health (RCPCH)
    iv. UK Association of Forensic Nurses and Paramedics (UKAFNP)

d. Representation from current forensic medical practitioners (clinicians, physicians, nurses ,midwives, paediatricians, paramedics, forensic medical healthcare professionals) from a selection of service providers.

e. Representation from disciplines not covered by specialist group representation.

f. Criminal Justice System

   i. Crown Prosecution Service (CPS)

   ii. Criminal Case Review Commission (CCRC)

g. Service Commissioners

   i. NHS England

   ii. NHS Wales

   iii. NHS Scotland

   iv. National Police Chiefs' Council (NPCC)

h. Quality Standards

   i. Inspection bodies

      a. United Kingdom Accreditation service (UKAS)

      b. Care Quality Commission (CQC)

      c. His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS)

   ii. Forensic Capability Network.

Other stakeholders (independent specialist)

   iii. Scottish Police Authority (SPA)

   iv. Northern Ireland

3.2.3 Each organisation will submit its proposed nomination for approval by the Regulator before membership is confirmed.

3.2.4 The Regulator may amend 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.

3.2.5 The Regulator reserves the right to terminate any members appointment to the Specialist Group.

3.2.6 If appropriate, the Regulator may attend meetings.

3.3 Remit

3.3.1 The Specialist Group will support the Regulator by providing advice and for consideration by the Regulator on all matters related to FSA-BIO-100.The Specialist Group will advise the Regulator.

a. on the definition of relevant forensic science activities (FSAs) set out in the Code to ensure they provide the basis for effective regulation.
b. on the regulatory requirements to be incorporated into the Code including FSA specific requirements that will ensure the provision of accurate and reliable forensic science evidence to criminal investigations and proceedings.
c. on guidance to be issued under s9 FSR Act that will support the effective regulation of FSAs within this remit.
d. on the most effective regulatory approach for FSAs within this remit, this will include the mechanism for ensuring compliance with the requirements set out in the Code.
e. where accreditation is identified under d. this will include advising on the application of ISO standards, the interpretation of ISO standards in respect of the undertaking of forensic science activities that are subject to the Code and the applicability of any third-party guidance that is used in achieving accreditation where this is a requirement of the Code.
f. on the general levels of risk to criminal investigations and proceedings in any of the FSAs under the remit of the Specialist Group.
g. on recommended actions to address the levels of risk to criminal investigations and proceedings in any of the FSAs under the remit of the Specialist Group. This could involve feedback from horizon scanning and risk/opportunity analysis.
h. Review the scope of existing Biology FSAs, both those requiring compliance with the Code and those not yet requiring compliance with the Code.
i. Consider the need for additional FSAs.
j. Review FSA-BIO-100 FSA specific requirements, including drafting an amendment to the FSA specific requirements for inclusion in a future version of the Code of Practice

k. Review the specifications currently in place and identify priority areas to address, mindful of the requirements of existing guidance/standards, and recommend what best achieves delivering quality standards.

l. Decide how the Specialist Group will reach consensus on matters where the approach and methods used differs.

m. Develop a proposed plan for the group to deliver based on these priority areas and to a defined timeline, to be agreed by the Regulator.

   i. Consider the merits of, and as appropriate, the design of Proficiency Tests to enable monitoring of outcomes between providers.

   ii. Review and update existing guidance documents in line with the Code,

   iii. Develop guidance for medical examinations undertaken in custodial settings and consult on the draft with a broader range of stakeholders.

n. Upon completion of the updated guidance documents, advise the Regulator as to whether the Specialist Group should be disbanded or refocussed.

3.3.2 The Specialist Group will, following a request from the Regulator develop standards, processes, or policies for consideration by the Regulator.

3.3.3 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.

4. Operation

4.1 General

4.1.1 The Specialist Group will operate in accordance with a detailed plan presented by the Chair and approved by the Regulator.

4.1.2 The Specialist Group will meet as and when required in order to discharge its remit.

4.1.3 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.

4.1.4 Membership of the Specialist Group is unremunerated. The Regulator may approve and facilitate the booking of travel on behalf of any members who are unable to obtain/book travel through their employers. The Regulator's written approval must be obtained in advance of any commitment. There is no mechanism for reimbursement of travel/accommodation expenditure.

4.1.5 Where the business of the Specialist Group gives rise to the need for expenditure from the Regulator's budget, the Regulator's written approval must be obtained in advance of any commitment to the expenditure.

4.1.6 The Chair of the Specialist Group may establish such other procedures as they consider appropriate for the operation of the Specialist Group, providing that these are not inconsistent with the above.

4.2 Subsidiary groups

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

Subgroups

4.2.2 Generally, a long-term group, continuing to work on ongoing issues to support the work of the Specialist Group.

Working Groups (WG)

4.2.3 Generally, a task and finish group commissioned to work on a specific issue/one off problem to support the work of other Groups.

5. Conduct

5.1.1 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. The Nolan Principles of standards in public life | Good Governance (good-

governance.org.uk). 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.

5.1.2 Any Specialist Group member has the right to bring to the attention of the Regulator any matter, which they believe raises important issues relating to their 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.

5.1.3 The Chair of the Specialist Group will advise the Regulator when there is a range of views for consideration due to a lack of consensus within the Group. The Regulator will consider all views and will have the final decision on the matter or point.

6. Confidentiality

6.1.1 In accepting appointment to the Specialist Group, members are required to agree that where indicated some information or documents presented to the Group that should not be disclosed without the approval of the Regulator; this will be indicated when the documents are shared either verbally or 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 must not make copies of any such documents and must follow the requirements provided by the Regulator and OFSR about their handling.

6.1.2 In accepting appointment to the Specialist Group, members are required to accept that all information or documents presented to the Group should not be used to gain their own/commercial/organisations advantage.

7. Data Protection

7.1.1 The contact details that members provide will be used by the Regulator, or the Regulator's representatives, and shared amongst the membership of the

Specialist Group to facilitate member's involvement in the activities of the Specialist Group as the Regulator deems appropriate.

7.1.2 Typically, this would mean that a member's email address would be visible to the Specialist Group, and those supporting its work, to allow for debate within the Specialist Group when required. It would also allow for members to receive other communication as the Regulator sees fit.

7.1.3 A member's contact details will not be shared beyond the Specialist group and supporting staff without the member's permission.

7.1.4 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:

Personal information charter - Forensic Science Regulator - GOV.UK (www.gov.uk)

8. Modification

8.1.1 This is the first version of the terms of reference for the Medical Forensics Specialist Group and is identified as FSR-TOR-MFSG-0001.

8.1.2 The PDF is the primary version of this document.

8.1.3 The Regulator uses an identification system for all documents. In the normal sequence of documents this identifier is of the form 'FSR-###-###-####' where (a) (the first three '#') indicate letters to describe the type of document, (b) (the second three '#') indicate the working group activity and (c) (the third four '#') indicates a numerical code to identify the document. For example, this document is FSR-TOR-MFSG-0001, where the 'TOR' indicates that it is a Terms of Reference document and the MFSG refers to it relating to a specialist group. Combined with the issue number (this is issue 1) this ensures that each document is uniquely identified.

8.1.4 If it is necessary to publish a modified version of a document (for example, a version in a different language), then the modified version will have an additional letter at the end of the unique identifier. The identifier thus becoming FSR-###-###-####-#.

8.1.5 In the event of any discrepancy between the primary version and a modified version then the text of the primary version shall prevail.

9. Review

9.1.1 This document is subject to review at regular intervals.

9.1.2 If you have any comments on these terms of reference, please send them to the address as set out at the following web page: www.gov.uk/government/organisations/forensic-science-regulator or send them to the following email address: FSREnquiries@forensicscienceregulator.gov.uk.

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