Forensic Science Regulator

Report: Statutory consultation on the Code of Practice version 2

FSR-REP-0004

Issue 1

This document is issued by the Forensic Science Regulator in line with Section 9(1) of the Forensic Science Regulator Act 2021.

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1. Foreword

1.1.1 Statutory regulation of forensic science is a significant and far-reaching change. With the first version of the Code coming into force in October 2023 it was recognised that while the Code was based on the non-statutory Codes of Practice and Conduct that had been developed over the preceding fifteen years it would be prudent to review the effectiveness of the Code and anticipate a second version a year on from the first version coming into force. This report sets out the consultation that took place on version 2 of the Code and describes and explains the basis for the changes made in version 2.

1.1.2 In addition to making general improvements in the Code there are three significant changes; the introduction of specific requirements for incident scene examination, clarification of the scope and basis on which accreditation is achieved for friction ridge detail comparison and more detailed requirements for drugs driving analysis.

1.1.3 The changes and improvements that are made in version 2 are not simply the product of the consultation described in this report. They draw on the considerable work by the Specialist Groups that advise me on the regulatory approach and requirements, the expertise of the hard-working staff in the Office of the Forensic Science Regulator, and the commitment and many discussions with the forensic community. I would like to thank all of those who have contributed to the changes that are made in version 2 and to support the effective regulation of forensic science.

Gary Pugh

Forensic Science Regulator **March 2025**

2. Background

2.1.1 The Forensic Science Regulator Act 2021 (the Act) requires the Forensic Science Regulator (the Regulator) to prepare and publish a Code of Practice (the Code) about the carrying on of Forensic Science Activities (FSAs) in England and Wales.

2.1.2 Before making alterations to the Code under Section 3 of the Act, the Regulator must consult such persons as the Regulator considers appropriate. The persons consulted must include persons appearing to the Regulator to be representative of persons who are, or are likely to be, carrying on activities to which the proposed Code or the Code as proposed to be altered will apply.

2.1.3 This document sets out the Regulator's response to the statutory consultation on the draft version 2 of the Code and explains the changes in version 2 compared to version 1, including changes that have been made as a result of the consultation on the draft version 2.

3. Process of Consultation

3.1 Consultation on version 2

3.1.1 The consultation on the draft version 2 of the Code (https://gov.uk/government/consultations/forensic-science-code-of-practice-version-2) was launched on 12 February 2024 and closed on 10 March 2024. The consultation was undertaken through a questionnaire posted on the Regulator's gov.uk page with the facility for an online response, response by e-mail, and by post.

3.1.2 Direct approaches were made to the Senior Accountable Individuals (SAIs) of organisations that in compliance with version 1 of the Code had informed the Regulator they were involved in undertaking FSAs. Other stakeholders and agencies across the Criminal Justice System were informed of the consultation, as well as all interested parties who had signed up to the Regulator's distribution list (you can opt-in to the distribution list by completing this form

https://gov.smartwebportal.co.uk/homeoffice/public/webform.asp?id=112&id2=7BC043).

3.1.3 Alongside this, on the same webpage as the consultation draft, the Regulator published the following documents:

a. Consultation guidance: forensic science Code of Practice version 2
b. Summary of changes proposed for the Code of Practice

3.1.4 The full consultation questions are included in Annex A.

3.2 Further consultations on specific sections

FSA – MTP 101: Friction Ridge Detail

A consultation was launched on 22 August 2024 and closed on 13 September 2024 on the revised FSA definition and the specific requirements for the FSA – MTP 101 – Friction ridge detail: comparison.

Identification of consultees

3.2.1 The consultation was aimed at the community who undertake the FSA – MTP 101 – Friction ridge detail: comparison and would be affected by the changes. The consultation was carried out through specific engagement with:

a. Fingerprint Quality Standards Specialist Group (FQSSG)
b. National Fingerprint and Footwear Strategy Board (NFFSB)
c. Ident 1 Representatives Meeting (IRM)
d. Forensic Capability Network (FCN)
e. United Kingdom Accreditation Service (UKAS)
f. Defence community

3.2.2 The consultation was supported with webinars held on 28 August 2024 and 4 September 2024, where the working group that had developed the proposed changes outlined the changes to the attendees.

3.2.3 The information provided in the consultation and the guidance on making a response can be found at: www.gov.uk/government/consultations/friction-ridge-detail-comparison.

FSA – DTN 102: Toxicology: analyses for drugs in relation to s5a of the Road Traffic Act 1988.

3.2.4 A consultation was launched on 20 September 2024 and closed on 11 October 2024 on the revised FSA specific requirements for FSA – DTN 102: Toxicology: analyses for drugs in relation to s5a of the Road Traffic Act 1988.

Identification of consultees

3.2.5 The revised requirements were drafted by the Regulator's s5a working group that comprised representatives from Association of Forensic Science Providers, UK and Ireland Association of Forensic Toxicologists, independent scientists, independent consultants, UKAS, and the Chartered Society of Forensic Sciences. The consultation was aimed at the community who undertake FSA – DTN 102 and would be affected by the changes and shared through publication on the Regulator's gov.uk page.

3.2.6 The information provided in the consultation and guidance on making a response can be found at: www.gov.uk/government/consultations/section-5a-drug-driving-revised-fsa-specific-requirements.

FSA – BIO 200: Human biological material examination and testing and FSA – BIO 201: Human biological material distribution and interpretation

3.2.7 A consultation was launched on 24 September 2024 and closed on 11 October 2024 on amendments to FSA – BIO 200: Human biological material examination and testing, FSA – BIO 201: Human biological material distribution and interpretation (previously FSA – BIO 300), the glossary terms for biological material and body fluids, and a proposed new definition for attribution of DNA.

Identification of consultees

3.2.8 The consultation was aimed at the forensic units undertaking FSA – BIO 200 and FSA – BIO 201 (previously FSA – BIO 300) and would be affected by the changes. Consultation was carried out through specific engagement with:

a. The Chair of the Biology Specialist Group (BIOSG)

b. The Distribution working group of the BIOSG

c. All SAIs of organisations undertaking FSA – BIO 200 and/or FSA – BIO 201 (previously FSA - BIO 300)

d. Forensic Capability Network (FCN)

e. United Kingdom Accreditation Service (UKAS)

3.2.9 The information provided in the consultation and the directions for responses can be found at www.gov.uk/government/consultations/proposed-amendments-to-fsas-for-the-examination-and-testing-of-human-biological-material-and-material-distribution.

3.3 Responses to consultations

All sections of version 2

3.3.1 A total of ninety-six responses to the consultation on the complete Code were received from a range of organisations and sectors, including but not limited to, law enforcement, academia, commercial providers, and government departments (table 1). The responses contained over 1,200 separate comments and suggestions for changes or additions to the Code.

3.3.2 Many responses included comments on behalf of multiple stakeholders (e.g. several police forces). Submissions were also received from individuals.

Table 1: Consultation survey responses by organisation type

Organisation Type	Number of Responses
Law Enforcement	64
Commercial Provider	14
Academia	4
Other	14
Total	**96**

3.3.3 The breakdown of comments received in relation to FSAs or sections of the Code was as follows:

Table 2: Number of comments received by section of the Code or group of FSAs

Code section or FSA	Number of comments
Introduction	6
The legal position	37
The Code	8
Standards of conduct	1
Standards of practice	525
Specialists from outside the forensic science profession	11
FSA definitions	19
FSA – INC - Incident examination	177
FSA – BIO - Biology	34
FSA – DTN - Drugs, toxicology and noxious materials	14
FSA – MTP - Marks, traces, and patterns	57
FSA – DIG - Digital	296
FSA – CDM - Case and data management	14
General information	5
Other	30
Total	**1234**

Further consultations

3.3.4 A total of seventeen responses were received in the consultation on FSA – MTP 101, comprising over fifty comments.

3.3.5 The webinar sessions for the FSA – MTP 101 consultation had answered many of the questions that would otherwise have needed to be answered separately and so made completion of the consultation exercise more straightforward.

3.3.6 Ten responses were received to the FSA – BIO 200 and FSA - BIO 201 consultation, comprising over forty comments.

3.3.7 Fifteen responses were received to the FSA – DTN 102 consultation, comprising over two hundred comments.

4. Version 2 of the Code

4.1 Summary

4.1.1 The changes in version 2 of the Code include:

a. Clarification of existing clauses.
b. Editorial changes.
c. Updates to references.
d. Corrections such as inaccuracies and ambiguities.
e. Adding context to existing requirements.
f. Removal of accreditation requirements in line with the Regulator's Notification: No. 01-2023.
g. Adding FSA specific requirements for FSA – INC 100
h. Amending FSA specific requirements for FSA – MTP 101 and FSA – DTN 102.
i. Building on the FSA specific requirements for FSA – DIG 301 to clarify existing requirements for speed estimation from video.

4.1.2 All additions to version 2 compared to version 1 (excluding minor changes involving grammar or spelling) are highlighted in grey in version 2 of the Code. Note that text that has been moved within the Code but is unchanged has not been highlighted, and where section reference numbers have changed these have not been highlighted.

4.1.3 Deletions to the text in the Code are not tracked in version 2 as this would have made the Code difficult to read. A table has been provided in Annex B which lists the section numbers and section titles in version 1 compared to version 2, whilst also indicating where sections have been deleted in version 2.

4.2 Changes to the structure of the Code

4.2.1 The structure of the Code has been changed, version 2 of the Code is divided into the following sections:

a. Part A – General requirements.
b. Part B – Technical requirements.

c. Part C – Standards of conduct.
d. Part D – Forensic science activities and FSA specific requirements.
e. Part E – General information.

4.2.2 The purpose of the structural changes is to allow the Regulator the flexibility to set requirements for compliance with sections of the Code, rather than the Code in its entirety. General requirements that would need to be met by any forensic unit undertaking any FSA have been grouped together into a new Part A consisting of:

a. Arrangements for a Senior Accountable Individual (SAI).
b. Regulator's consideration of quality issues.
c. Quality issues.
d. Specialists from outside the forensic science profession.

4.2.3 Sections of the Code that were provided primarily for information, such as the legal position (previously Part A), have been moved to the end of the Code in Part E: general information, together with the references, abbreviations list and glossary.

4.3 Introduction section

The Forensic Science Regulator Act 2021

4.3.1 Information on section 10 of the Act has been added to the section on the FSR Act (section 1.3.5, version 2). Section 10 of the Act covers the ability of the Regulator to disclose information to any other public authority to enable or assist that public authority to discharge its functions.

The Code

4.3.2 The section on "The Code" (section 1.4, version 2 - previously Part B, version 1) has been updated to include more clarity on who the Code applies to and that it is not necessary for the unit or practitioner undertaking an FSA to have "forensic" in the title of their unit or role description for the Code to apply.

Application of standards

4.3.3 In the section relating to the application of standards (section 1.7, version 2) the clause that was previously 10.1.2 has been amended to clarify that forensic units carrying on FSAs to which the Code applies need to comply with the requirements in the FSA definition, including any relevant FSA specific requirements.

Normative references

4.3.4 Some of the information on accreditation that was in section 44 of version 1 has been moved to the introduction under normative references.

4.3.5 Submissions to the consultation welcomed the FSR interpretation of the application of other documents in the Code as the view was this would help with consistency in accreditation assessments. In response to comments seeking clarification on the interaction between the Code and other documents, detail has been added in the final version 2 of the Code clarifying that the Regulator will determine the ISO standards, other requirements and guidance documents that will apply to FSAs that are subject to the Code. The applicability of other guidance documents is included within the required compliance sections of relevant FSAs, such as FSA – INC 100, to which RG 201 does not apply; FSA – DTN 100 and FSA – DTN 101, to which Lab 51 may apply; and FSA – DTN 102, to which Lab 51 does not apply.

Demonstration of compliance

4.3.6 Information on demonstration of compliance (section 43 in version 1) has been added to the introduction, including much more detail on the various ways that compliance can be demonstrated, including accreditation.

4.4 Part A – General requirements

Senior Accountable Individual

4.4.1 The date on which the document setting out the SAI's role and responsibilities is endorsed by the SAI has been amended from the date of taking on those responsibilities to within 30 days.

Regulator's consideration of quality issues

4.4.2 The Regulator's consideration of quality issues (section 24 in version 1) has been updated to include the terms – "self-referral", "third-party referral", and "indirect referral". A clause has been added to this section to record that the Regulator may publish general notifications to alert the CJS to risks and enforcement action taken by the Regulator as a report under s9 of the FSR Act.

4.4.3 More information has also been added in version 2 on Regulator's investigations and the different types of action that can be taken.

Quality issues

4.4.4 Further detail has been added in version 2 on non-conforming work, when it needs to be reported to the Regulator, and what the report for the Regulator needs to contain. Furthermore, it has been clarified that the results of proficiency tests need to be reported to the Regulator when they are "unsatisfactory" rather than "unexpected."

Specialists from outside the forensic science profession

4.4.5 The title of this section was previously infrequently commissioned experts, submissions to the consultation indicated that this description was considered confusing. In version 2 the term "specialists from outside the forensic science profession" is used. This clarifies the intention of this section, which was to set out a route for specialists from outside the forensic science profession to provide advice/evidence which could be considered undertaking part of an FSA to which the Code would normally apply.

4.4.6 In addition, it has been made clear that the commissioning party is responsible for ensuring that specialists from outside the forensic science profession are aware of the requirements set out in this section of the Code (section 9).

4.5 Part B – Technical requirements

Developing an examination strategy

4.5.1 Submissions to the consultation highlighted that the part added to the sub-clause (h) on developing an examination strategy “in order to obtain the most effective evidence to address the questions asked” risked a narrow and/or biased strategy being set. This addition to the draft version 2 has been amended to “in order to obtain the most effective evidence” (section 17.1.4h, version 2).

Externally provided products and services

4.5.2 Submissions to the consultation indicated support for the clarification in version 2 that DNA consumables supplied as 'Forensic DNA Grade' (i.e., compliant with PAS 377:2023 or BS ISO 18385:2016) had no requirement for end user batch testing. This addition was viewed as appropriate; however, it this does not change the obligation on organisations to monitor and demonstrate that the manufacturer/supplier continues to provide consumables that are fit for purpose. There are a number of ways that organisations can obtain evidence that demonstrates the ongoing performance of the consumables provided other than testing regimes, for example the use of negative results/negative controls.

4.5.3 Requirements for policies and procedures to deal with complaints relating to externally provided services have been added in version 2.

Technical records

4.5.4 Clarification on the expectations for recording exhibit timing was requested in consultation feedback, “time range” was added to the options for recording when material was recovered or received (section 19.2.2a.i., version 2).

Checking and review

4.5.5 In response to consultation submissions highlighting concerns that critical finding checks appeared to apply to incident examination, clarification text was added (section 20.2.2, version 2):

Generally tests or examinations that do not result in an opinion, such as extraction of data and recovery of suspected forensic traces including body fluids, friction ridge detail and incident scenes, are not critical findings, however the results of tests or examinations that significantly contribute to an opinion are considered critical findings, such as analysis of recovered data, body fluid distribution analysis and comparison of friction ridge detail.

4.5.6 An additional requirement has been included in version 2 for forensic units that produce statements of opinion and interpretation to include the process for demonstrating competence in reporting opinions in their audit schedule. Information on how to determine audit frequency has also been added.

4.5.7 In addition, the section on primary review was considered unnecessary and has been removed. The checking and review section in the final version 2 provides requirements for the following types of check and review; examination strategy review, critical findings check, peer review, and administrative check.

Personnel requirements

4.5.8 Version 1 of the Code suggested the required level of clearance for prolonged or unsupervised access to case material was usually ‘Security Check’ or ‘Non-Police Personnel Vetting level 3’, or equivalent. It was highlighted to the Regulator that for police personnel (excluding those working in counter-terrorism unit), who are also subject to other checks, Security Check (SC) was a disproportionate clearance level and was contributing to processing backlogs. Version 2 of the Code allows a minimum of Recruitment Vetting (RV) reflecting that other checks are undertaken. A minimum of full Non-Police Personnel Vetting level 2 (full NPPV2) would be required for access to police premises and information. Clearance to SC level was expected to be the level for personnel in organisations other than police forces where prolonged or unsupervised access to case material was required.

Competence

4.5.9 A definition for competence was added to the consultation draft version 2 of the Code. Feedback from the consultation indicated that this was not a

"dictionary definition," and this was clarified in version 2 by including that the definition was as "defined by the Regulator."

4.5.10 The requirement for competency frameworks to include awareness of relevant policies and agreements (section 22.1.3j.i., version 2) was added in support of the new FSA specific requirements for incident scene examination. These FSA specific requirements require practitioners to be aware of wider organisational policies, such as escalation of disputes and service level agreements. The requirement was added to the competency section as this awareness has wider applicability than FSA – INC 100.

4.5.11 Following correspondence to the Regulator on the discriminatory requirement for practitioners to be competent in reporting evidence orally, this requirement has been removed in version 2 (section 22.2.3, version 2).

4.5.12 The Regulator is aware that there is increasing challenge of organisations and practitioners regarding mitigations to manage non-conforming work. In response to this a requirement for the competency framework to include an understanding of the requirements for Code compliance, the implications of non-compliance, and the mitigations in place has been added.

4.5.13 The wording of the requirements added in version 2 on complementary training has been amended in response to consultation feedback and included in the list at section 22.1.3j, version 2.

4.5.14 The requirement for those reporting interpretations or opinion to be authorised by, or on behalf of, the SAI remains although concerns were raised that this did not address risk and would be difficult to demonstrate. Authorisation can be undertaken by someone delegated by the SAI and the Regulator intends to issue guidance on opinions and interpretations that will assist forensic units with identifying where SAI (or delegated person) approval is needed.

Environment

4.5.15 In response to consultation feedback on the draft version 2, the requirement relating to non-dedicated work areas has been amended (section 23.2.1, version 2) to remove the reference to traditional laboratory work to reflect

that FSAs may be carried out in other dedicated locations, such as sexual assault referral centres. Also, clarity has been added when undertaking activities that form part of the end-to-end process of incident examination, such as strategy setting, at a location other than the scene this location is not considered to be a non-dedicated work area.

4.5.16 The reference to contacting the accreditation body when use of non-dedicated work areas is a change to normal practices has been removed. However, it remains an accreditation requirement to notify the accreditation body of significant changes that affect accredited processes. Where there are appropriate policies and procedures for undertaking activities such as report writing and strategy setting in non-dedicated work areas, undertaking these activities in line with the policy should not be viewed as a change from normal practice.

4.5.17 Some consultation comments relating to FSA – INC 100 (Incident Scene Examination) related to the requirements in the draft version 2 environment section. New sub-sections have been added to version 2 to separate general contamination controls, contamination controls for examination facilities, and contamination controls for incident scenes (section 23.3, version 2). The general section contains requirements relevant to all environments, the examination facilities section contains controls relevant to controlled environments, and the new requirements for incident scenes reflect that this is an uncontrolled environment, and the focus should be on management of contamination risk and implementing contamination control measures that are proportionate to the incident and/or examinations being undertaken and consider investigative requirements. The guidance document on DNA contamination controls at incident scenes, FSR-GUI-0016, contains some examples of how this risk assessment can be undertaken.

Methods and method validation

4.5.18 In the consultation draft of version 2 there were requirements for validation set out in the Incident Scene Examination FSA specific requirements. The aim of this section was to clarify the process for verifying methods that had been validated centrally or by another forensic unit. However, use of centrally

validated methods is applicable to several FSAs, therefore the validation section in the main Code (Part B) has been reviewed and amended and the validation section removed from the Incident Examination FSA specific requirements.

4.5.19 The changes made to the methods and method validation section in Part B clarify that validation and verification are distinct processes and that verification may not require any additional practical work, depending on the extent and review of validation data.

4.5.20 The sentence to “have validated the method (including the equipment) prior to use in casework…” has been removed as the requirement to validate or verify a method is well covered in this section and this sentence could have been interpreted as requiring equipment to be validated in isolation to the method – which is not the case.

4.5.21 An exclusion has been added to the infrequently used method section within methods and method validation (section 24.2.10, version 2) to state that:

> The Regulator may determine that this section on “Infrequently used methods” will not apply where the risk profile and impact of the work undertaken (for example, in critical national forensic provision) is such that compliance with the relevant sections of the Code for that FSA will apply. In such instances the Regulator will inform the relevant forensic unit.

4.5.22 The definition of an infrequently used method in the draft version 2, one that is used “less than once”, has been amended to one that is used “no more than once” in response to consultation feedback. Additionally, it should be clear that this is more than one use in different cases in a three-month period, i.e., the method can be used more than once in the same case and remain infrequently used provided it is not used in another case in the same three-month period.

Measurement uncertainty

4.5.23 The title of this section has been changed from estimation of uncertainty to measurement uncertainty to align with international terminology and

reference to BS ISO 15189 has been added in response to consultation feedback.

Control of data

4.5.24 The requirement for all mobile devices used to carry out any part of an FSA to have only have the applications and electronic information required to fulfil the business activity that is being delivered outside the normal office environment, has been amended from “shall” to “should.” This is to manage the situation where a practitioner may require multiple applications as part of their role but only a limited number of these for the specific FSA.

Handling of items/exhibits

4.5.25 In response to comments on issues caused by the requirement to have exhibits created at an incident scene checked by another competent practitioner this requirement has been amended. There is still a requirement for the exhibits to be checked, this is an important control to ensure all exhibits are present and correctly labelled, however this check can now be performed by any other person including an officer in the case or administrative staff. The documentation that the exhibits should be checked against has also been specified.

Assuring the quality of results

4.5.26 Descriptive text on the purpose of proficiency testing (PT) and collaborative exercises was added to the draft version 2. The Regulator is aware that for some forensic science activities there is a lack of suitable PT programmes and that operational and commercial demands impact on the ability of organisations to set up collaborative exercises. In version 2 a clause has been added to explain that where there is no appropriate PT, collaborative exercises, or interlaboratory comparison are available other means of quality assurance should be used, such as reference materials or replicate testing.

4.5.27 Clarity has also been added in this section that when participating in PT or collaborative exercises the forensic unit shall use its own methods and procedures.

Reporting the results

4.5.28 The requirements for a forensic unit to define standardised terminology for reporting on examination/analysis and explain deviations and alternative phraseology from the terminology in reports was previously within the FSA specific requirements for bloodstain pattern analysis. These requirements have a wider application and have therefore been moved into Part B of the Code.

4.5.29 The section on types of reports in the Criminal Justice System has been amended to clarify the reports that require declarations and defined quality checks prior to release to the commissioning party. It is now clear that oral reports and initial forensic reports (MG22A) do not require a declaration of compliance/non-compliance and do not require a defined quality check.

4.5.30 The requirement to make provisional reports that include unchecked results, clear to the commissioning party has been moved into the types of report section in the final version 2.

4.5.31 In response to queries on whether the requirements relating to reporting results also applied to joint witness statements a clause has been added to clarify that joint witness statements are a matter for the courts and their production is not considered to be an activity covered by the Code.

4.5.32 The option to use an organisational declaration for SFR1s has been added to the final version 2.

4.5.33 Feedback from the consultation welcomed the addition of requirements relating to opinions and interpretations. There was a call for guidance to support the interpretation of this section and the use of professional judgement. The Regulator has two specialist groups that are working on guidance that will support the community on these issues: the Interpretation Specialist Group is developing guidance on opinions and interpretations and the Incident Examination Specialist Group is developing guidance on the FSA – INC 100 specific requirements that will include guidance on the professional judgement.

Secondary case review

This section, which was retained from version 1 into the consultation draft of version 2, was deleted from the final version 2 of the Code as a result of consultation feedback noting that there was duplication between this section and FSA – CDM 100 – case review.

Obligations for defence examinations

4.5.34 In response to feedback that the requirements in the draft version 2 on defence experts did not align with normal process, the requirement to seek approval for access to case materials has been amended. The requirement in the final version 2 is for the practitioner commissioned by the defence to advise their commissioning party to seek approval for access to materials rather than to seek approval from the prosecuting authority directly.

Covert policing recovery activities

4.5.35 Version 1 of the Code excluded covert policing recovery activities under the general section titled “Secretary of state approval”.

4.5.36 The consultation draft of version 2 proposed moving the exclusion to FSA - INC 100 - Incident scene examination, as this was primarily intended to covert recovery of items/exhibits at incident scenes.

4.5.37 As a result of the consultation, a general exclusions section has been produced and an exclusion of recovery conducted under a specific list of powers is included.

4.6 Part C – Standards of conduct

4.6.1 No changes have been made to this part of the Code.

4.7 Part D

Removing the requirement for accreditation to demonstrate compliance for activity level propositions

4.7.1 Version 1 of the Code included activity level reporting with the sub-activities of some FSAs where demonstration of compliance with the Code requires

ISO accreditation. The Regulator's Notification: No. 01-2023 clarified that there is no requirement for accreditation for activity level interpretation and opinion to demonstrate compliance with the Code. The change only affects the FSAs that specifically mention activity level propositions.

4.7.2 In version 2 all FSAs affected have such sub-activities under a heading of "Sub-activities not required to be included in accreditation scope" (see FSA – MTP 602). These activities require compliance with the Code but do not need to be listed on an accreditation scope to demonstrate compliance.

4.8 Part D1 and D2 – FSA definitions

FSA - INC 100: Incident scene examination

4.8.1 In line with the Regulator's intention to change the regulatory approach to incident scene examination detail has been added to the required compliance section to state that

> This FSA does not distinguish between activities performed at volume and major incident scenes and compliance for activities undertaken at all the incident types relevant to the forensic unit is required.

4.8.2 To allow time to make the necessary changes to achieve this and to meet the new FSA specific requirements (see section 90, version 2) the requirement for accreditation to ISO/IEC 17020 to demonstrate compliance with the Code will come into effect 18 months after version 2 comes into force.

4.8.3 Feedback to the consultation sought clarity on whether FSA – INC 100 applied when other FSAs were undertaken at incident scenes, such as testing of noxious and toxic substances and recovery of digital data. Notes have been added to individual FSAs to clarify whether they apply when undertaken at an incident scene.

FSA - INC 101: Collision Investigation

4.8.4 The consultation on the draft version 2 drew comments from the collision investigation community concerning distinguishing between when damage and physical fit activities are carried out at a dedicated facility and when they

are part of a scene examination. A clause has been added to FSA – MTP 400 – Damage and physical fit to address this. In addition, the following sub-activity has been added to FSA – INC 101:

iv. identifying, preserving and recording areas of damage and other marks and traces that could be relevant to the collision;

4.8.5 The Regulator is aware that as defined in version 2, FSA – INC 101 captures both the activity of forensic units and non-forensic units such as roads policing units. Prior to bringing this FSA under the Code the Regulator will work with the collision investigation community to modify the definition and/or compliance requirements to set the appropriate regulatory requirements for this FSA.

4.8.6 In addition to FSA – INC 100, FSA – DIG 100 and FSA – DIG 301 have been added to the list of FSAs that are not part of FSA – INC 101. This is in support of requests to clarify which activities were part of FSA – INC 101. Where a vehicle or scene of a collision/collision site is being examined to determine the cause of a collision this is FSA – INC 101, examinations for another purpose are not FSA – INC 101. Where data related to or from a vehicle is being recovered and analysed this is FSA – DIG 100. The Regulator understands the challenges with generating ground truth data to demonstrate the validity of methods to recover and analyse data relating to a collision (such as from air bag modules) and the creation of a separate FSA for vehicle computer systems is being considered.

4.8.7 FSA - INC 101 remains one to which the Code does not apply, however the Regulator is considering appropriate mechanisms for demonstrating compliance with the Code for this FSA and would encourage the collision investigation community to achieve compliance with the Code in readiness for its inclusion in a future version of the Code.

FSA - INC 102: Examination of fire scenes

4.8.8 The definition of fire investigation has been amended to include gas (vapour) phase explosions as advice from the Regulator's fire investigation sub-group was that such explosions would be routinely examined by fire investigators.

4.8.9 This FSA remains one to which the Code does not apply, however the Regulator is considering appropriate mechanisms for demonstrating compliance with the Code for this FSA and would encourage the fire investigation community to achieve compliance with the Code in readiness for its inclusion in a future version of the Code.

FSA - INC 103: Examination of explosion scenes

4.8.10 In line with the change to the definition of fire investigation, gas (vapour) phase explosions have been excluded from FSA – INC 103.

FSA - INC 200: Forensic examination of witnesses/ complainants/ suspects

4.8.11 The definition of this FSA has been amended to apply to examination of witnesses, complainants, and suspects. This means that examinations of witnesses, complainants (other than forensic medical examination of complainants) and suspects to recover material or photograph injuries/marks are not activities subject to the Code. This change was intended to address queries on how examinations of witnesses and complainants should be declared.

BIO FSAs: re-numbering

4.8.12 In version 2 of the Code the numbering of some of the Biology FSAs has been changed to group appropriate Biology FSAs together, and to facilitate the addition of further Biology FSAs in future, a summary of the numbering changes can be found in table 3.

4.8.1 The changes to the numbering, other than the change from FSA – BIO 300 to FSA – BIO 201, were not included in the consultations so the impact of the changes was considered by approaching the relevant communities. The Regulator was advised that no forensic science providers in England and Wales used the non-human BIO FSAs descriptors in either contracts or reports/statements.

4.8.2 No concerns regarding the changes to the human BIO FSAs were raised by the Human DNA Biology sub specialist group, and it was noted that the

changes were logical. Some concerns have been raised regarding potential issues with human BIO FSA descriptors in contracts and reports/statements by representatives of policing. The FSA numbers will relate to the version of Code in force when the organisation makes their declaration of compliance/non-compliance referencing to the previous number is an option, but not necessarily helpful to the reader as the full title of the FSA is most relevant.

Table 3: Summary of numbering changes to some BIO FSAs

BIO FSA numbering in Code Version 1	BIO FSA numbering in Code Version 2	Reason for number change
FSA – BIO 200 – Human biological material examination and analysis	FSA – BIO 200 – Human biological material examination and testing	No change to number, minor title change
FSA – BIO 201 - Non-human biological examination and analysis: vertebrates	FSA – BIO 201 - Human body fluid distribution analysis	Non-human BIO FSA numbers reused for human BIO FSAs to group all human biology activities together
FSA – BIO 202 – Non-human biological examination and analysis: plants, microbes, and invertebrates	FSA – BIO 202 - Human DNA analysis	
FSA – BIO 203 - not used in version 1.	FSA – BIO 203 - Human kinship analysis	New number for kinship analysis to group with other human biology activities
FSA – BIO 300 - Human body fluid distribution analysis	FSA – BIO 300 – Number not used in version 2.	
FSA – BIO 301 - not used in version 1.	FSA – BIO 301 - Non-human biological examination and analysis: vertebrates	New numbers for non-human biology activities to group non-human FSAs together
FSA – BIO 302 - not used in version 1.	FSA – BIO 302 - Non-human biological examination and analysis: plants, fungi, diatoms, microbes, and invertebrates	

BIO FSA numbering in Code Version 1	BIO FSA numbering in Code Version 2	Reason for number change
FSA – BIO 400 - Human DNA analysis	FSA – BIO 400 – Number not used in version 2.	
FSA – BIO 401 - Human kinship analysis	FSA – BIO 401 - – Number not used in version 2.	

FSA - BIO 100: Forensic medical examination and testing

4.8.3 FSA - BIO 100 is limited to the forensic medical examination of a complainant and not a suspect as the person of interest in a specific crime. However, should a suspect require a forensic medical examination as a complainant they would be included in the FSA – BIO 100.

4.8.4 Where it is not possible to conduct the examination at the routine sexual assault referral centre and it is conducted 'off-site' in custody or in temporary facilities this is not covered in FSA – BIO 100. Facilities, including those 'off site', that do not meet the requirements set out in the Code will require a declaration of non-compliance including the details of the measures to control any contamination risks from the examination environment.

FSA – BIO 200: Human biological material examination and testing

4.8.5 The Regulator's notification 01-2023 suspended the requirement for accreditation for activity level interpretation and opinion. In response to this the Regulator's Biology Specialist Group established a sub-group to advise on compliance mechanisms for human body fluid distribution. As a first stage the working group reviewed the FSA for human body fluid distribution and the related FSA on human biological material and made recommendations to the Regulator for amendments to clarify the activities defined within these FSAs.

4.8.6 The definitions of FSA – BIO 200 and FSA – BIO 201 (see below) have been amended such that the analysis and activity-level reporting elements are clearly defined in FSA – BIO 201 and FSA – BIO 200 is focused on examination and testing. None of the sub-activities defined in FSA – BIO 200 would be classed as activity level reporting. The title of FSA – BIO 200 has

been amended from examination and analysis to examination and testing to reflect that analysis now sits in FSA – BIO 201.

4.8.7 FSA – BIO 200 includes the sub-activity of 'assessing the significance of the results of examination and testing, including reporting on presence or absence of biological material at factual and source level only'. Some queries were raised in the consultation on this FSA as to whether reporting presence/absence would be activity level reporting, however any provision of opinion at the activity level would fall under FSA – BIO 201.

4.8.8 There were other minor changes to the sub-activities, including adding confirmatory testing and removing examination for trace evidence such as lubricants (as this is covered in other FSAs), and moving the activity of examination of hairs into the sub-activities from the note.

4.8.9 Attribution of a DNA profile to a specific biological material was also added as a sub-activity and clarity over which FSA this activity fell under was welcomed. Attribution is listed as an activity that does not need to be on an accreditation scope because it frequently requires information produced by more than one legal entity, which presents challenges with accreditation.

FSA – BIO 201: Human biological material distribution and interpretation (previously FSA – BIO 300)

4.8.10 The title and definition of this FSA has been changed in version 2 to reflect that this FSA now focusses on activity-level interpretation. It is expected that FSA – BIO 200 would need to be undertaken to provide the necessary information to undertake FSA – BIO 201.

4.8.11 Version 1 of the Code included the requirement for accreditation to ISO 17025 to demonstrate compliance with the Code for FSA - BIO 300, however the FSA specific requirement for Bloodstain pattern analysis allowed for either ISO 17025 or ISO 17020 accreditation. As a result, organisations have achieved accreditation to both standards as a testing and as an inspection activity, with variations in the scope of accreditation, particularly in relation to activity level opinions. In line with the Regulator's notification 01-2023, which suspended the requirement for activity level interpretation and opinion, this

FSA no longer requires accreditation to demonstrate compliance. The Distribution Working Group of the Biology Specialist Group will advise the Regulator on appropriate compliance mechanisms for this FSA, however compliance with the Code remains a requirement.

4.8.12 There were also changes to the sub-activities of this FSA, which now includes time since intercourse analysis and biological material distribution and interpretation from images and digital material.

FSA – BIO 301: Non-human biological examination and analysis: vertebrates (previously FSA - BIO 201)

4.8.13 In addition to responses from the consultation on the draft version 2, the Regulator also sought advice from the established working groups of the Biology Specialist Group, including the Non-Human Biology Sub-Specialist Group. This group requested an additional exclusion from the FSA for non-human biological examination and analysis to allow non-forensic practitioners (such as farmers, veterinary professionals, and wildlife protection officers) to take steps to protect/preserve or collect evidence without requiring compliance with the Code. This was to address the issue that wildlife crime can occur in remote areas to avoid evidence being lost or damaged while waiting for a forensic practitioner to attend.

FSA – BIO 302: Non-human biological examination and analysis: plants, fungi, diatoms, microbes, and invertebrates (previously FSA - BIO 202)

4.8.14 This definition of this FSA has been amended to include examination of fungi and diatoms as these activities were not previously captured.

4.8.15 In addition to responses from the consultation on the draft version 2, the Regulator also sought advice from the established working groups including the Non- Human Biology Sub-Specialist Group who requested the addition of an exclusion from the FSA for non-practitioners taking steps to protect/preserve or collect evidence, this means that the activities of individuals such as farmers, the general public, environmental protection officers, do not require compliance with this FSA. The group also requested

the addition of a sub-activity for analysis to determine geographical provenance

FSA – DTN 100: Toxicology: analysis for drug(s), alcohol and/or noxious substances

4.8.16 In response to the consultation on the draft version 2, a comment was received regarding FSA - DTN 100, attesting that attaining accreditation for non-standard matrices did not appear to be possible practically and requesting that the requirement for accreditation for such matrices is suspended. The FSA in version 2 pertains to 'analysis of human biological material' and does not exempt any materials. The Regulator does not intend to suspend the requirement for non-standard matrices, whether through an exemption or otherwise, and has engaged with the concerned provider and UKAS on the matter to seek a resolution.

FSA – DTN 103: Examination and analysis to identify and quantify controlled drugs and/or associated materials

4.8.17 Several comments on the draft version 2 relating to FSA – DTN 103, sought clarification or amendment to the requirements around weighing of suspected drug material for remand purposes. The FSA required that all weighing was subject to the Code and a workaround was sought for presumptive weighing where it is not usually expeditious to obtain an accurate weight from a Code compliant forensic science provider within the time period to make a charging decision. The Regulator has consequently amended this section to exclude weighing in these circumstances from the requirements of FSA - DTN 103 and the Code, subject to the weighing being carried out later by a Code compliant forensic science provider.

4.8.18 The option to demonstrate compliance by holding accreditation to ISO/IEC 15189 has been removed for FSA - DTN 103, as the Regulator is not aware of any situation where ISO/IEC 15189 is held in place of ISO/IEC 17025 for this FSA.

4.8.19 A new sub-activity (a) has been added into FSA - DTN 103 'Separating the item into sub-items based on the uniformity of the contents, as appropriate'.

This intends to provide clarity that the sub-activities in FSA – DTN 103 apply to each subsample of the suspected drug material.

FSA – DTN 400: Examination and analysis of ignitable liquids and their residues

4.8.20 It was suggested that the requirement: "Visual examination, including microscopy, for the purpose of locating relevant material and residues of relevant material, and comparisons using lighting techniques" be included in FSA - DTN 400 to align with FSA - DTN 300, however the Regulator will not be considering this update for Version 2 of the Code, but may in a future version.

FSA – DTN 500: Examination and analysis of chemical and/or biological agents and associated materials

4.8.21 A comment on the draft version 2 was received regarding presumptive testing for public safety reasons under FSA - DTN 500, noting that it was not only first responders that may carry out presumptive testing in this scenario. Consequently, this sentence has been updated to remove “by first responders”.

FSA – DTN 501: Examination and analysis of explosives, explosives precursors and explosive residues

4.8.22 An exception has been added to FSA – DTN 501 to mirror the above, stating that presumptive testing conducted at incident scenes is included as a sub-activity of this FSA unless it is conducted for public safety reasons rather than for directing evidential recovery.

FSA – MTP 101: Friction ridge detail: visualisation and enhancement

4.8.23 The FSA definition has been amended to avoid ambiguity and align with the Regulator’s intention that different areas of friction ridge detail from the human body should not be treated differently in the comparison process.

4.8.24 The sub-activities in the FSA definition have been revised and a section has been added to the FSA specific requirement on the required scope of accreditation for undertaking friction ridge detail comparison which mirrors

the sub-activities. The sub-activities are searching, identity check, scene linking, and direct comparison. This change will ensure that when organisations apply for accreditation it will be based on the definition of the scope of accreditation required in the Code.

4.8.25 The response to the consultation on FSA – MTP 101 and the associated FSA specific requirements was overwhelmingly positive, with respondents welcoming the proposed changes.

4.8.26 Respondents recognised that the changes would require a validation review, likely to result in further work being necessary. There was some apprehension as to the possible extent of that extra work. In response to these concerns, the Regulator continues to work with the Forensic Capability Network, National Police Chief's Council and UKAS to understand the extent of any additional validation requirements and to provide support wherever possible.

4.8.27 The changes proposed in the consultation on FSA – MTP 101 have been adopted into the Code and an implementation plan is under development, along with a stakeholder support package.

FSA – MTP 400: Damage and physical fit

4.8.28 The consultation on the draft version 2 drew comments from the collision investigation community concerning distinguishing between when damage and physical fit activities are carried out at a dedicated facility and when they are part of a scene examination. An addition to the FSA – MTP 400 – Damage and physical fit has addressed that issue:

> Examination and testing of discrete components removed from a vehicle or recovered from a collision scene is covered under this FSA but not examinations at a collision scene or site, including examination of vehicles involved in a collision, to identify, preserve and record areas of damage that could be relevant to the collision (see FSA – INC 101 – Collision Investigation).

DIG FSAs – exclusions

4.8.29 Exclusions in the FSAs are written to apply to the whole Code, they are generally duplicated within specific FSAs for ease of reference. Some

exclusions should have appeared in more digital FSAs than they did, and this has been corrected in version 2 of the Code.

4.8.30 One key exclusion included in version 1 of the Code was for the activity of screening media for the purpose of offender management, i.e. post-sentencing monitoring under a supervision order. This exclusion was initially included as there are a range of activities performed in offender management, use of a screening tool being only one part of the activity. However, there are risks to downstream processes if any item requires seizing for a forensic examination, so exclusion is now dependant on there also being continuity information available (e.g. recording which methods/tools were used in case seizure is required).

4.8.31 These exclusions are subject to change in a future draft of the Code if any exclusion is not applied as expected, creates perverse incentives, or adds an unmanaged risk.

4.8.32 There was a related issue to screening devices for indecent images of children and other child sexual abuse materials. Although automated identification against a cryptographic hash value, such as held on the Child Abuse Identification Database, was covered by the Code, the manual categorisation by a practitioner is not. This has been clarified in version 2 of the Code.

FSA – DIG 100: Data capture, processing and analysis from digital storage devices

4.8.33 Minor changes were made to the sub-activities of this FSA to better reflect the accreditation schedule. Satellite navigation systems are now listed as a source of data rather than a separate analysis activity as typically only capture and preservation applies in the accreditation schedule.

4.8.34 The requirement for accreditation for the sub-activities of providing opinion on the effect of the presence of virus or malware has been removed as this is an activity that cannot be accredited at this time. Compliance with the Code remains a requirement, only the accreditation requirement has changed.

4.8.35 Other changes were made to reinforce that the FSA is about seized or surrendered devices or data obtained from such devices, otherwise the FSA could be taken to cover other digital data sources which would not align with accreditation schedules.

4.8.36 The FSA definition in version 1 of the Code contained a sub-activity to supply data for further review as part of an investigation (e.g., a Cellebrite reader file (.UFDR) to the investigating officer i.e., the commissioning body). In response to feedback that it was not clear whether the Code applied to this further review an exclusion was added to the draft version 2 of the Code. This had a mixed response in the consultation, many responses were supportive, however there was concern expressed that allowing investigators to review using a viewer or similar was not sufficiently different to doing the primary forensic science activity. The Regulator accepts there is a risk of scope creep, but investigators have the knowledge of the case, which typically the digital forensics practitioner may not, meaning an investigator can potentially interrogate the data extract in a more iterative way, provided the correct tools and workflows are implemented. However, the note has been amended as follows:

> Investigative review of data supplied by the forensic unit with a statement/report with the required statement of compliance/non-compliance to the investigator to identify relevant content does not currently fall within the definition of FSA - DIG 100 - Data capture, processing and analysis from digital storage devices if:
>
> i. personnel acting as investigators are competent to use the SAI approved review method provided (e.g., a Cellebrite reader, eDiscovery tool, DEMs);
> ii. it is restricted to the content (i.e., a text message, a photo of an individual etc.) and not for the purpose of interpretation of associated meta data nor its location in a file structure; and
> iii. it is for purposes other than detailed in [the analysis section of the FSA].

FSA – DIG 101: Analysis of communications network data

4.8.37 Reviewing the consultation responses on the draft version 2 indicated that the term cell site analysis had a wider meaning to many encompassing any use of data related to cell site such as from call data records (CDR). For example, the consultation draft had removed the sub-activity of relational or temporal analysis of CDR information from FSA - DIG 101 and feedback urged its reinstatement. It was removed as the “who calls who and when” type of analysis is potentially an evidential product, and if not used to infer geolocation the non-evidential label was thought inappropriate.

4.8.38 The original purpose of FSA - DIG 101 was to recognise that there were activities other than geolocation that could support the investigation but which may appear to be similar products to those that would be expected to fall under FSA - DIG 200. There is no requirement to list everything that is excluded from an FSA, but the following new note has been added to FSA - DIG 101 to differentiate the purpose.

> Processing and normalisation of CDRs to identify common called numbers, top numbers and cross connectivity of common numbers and presenting them graphically or otherwise and other activities not related to geolocation are not included in this FSA and are therefore not subject to the [declaration as non-evidential].

4.8.39 The consultation response supported the introduction of a NPCC framework to allow more of the activities in FSA - DIG 101 to be reported evidentially under such a framework. The Regulator has is open to the introduction of such a framework, but further detail on what this would include is needed before any specific changes were made to the compliance mechanism set out in the Code for this FSA. The Regulator will give careful consideration to a framework which manages risks, particularly one which covers sub-activities which might appear to cross over into FSA - DIG 200.

FSA – DIG 200: Cell site analysis for geolocation

4.8.40 Although compliance with the Code is not required for this FSA until October 2025, various questions about scope were received which indicated the definition of this FSA was not fully understood. One issue was that it was

taken to cover any use of call data records, whereas it was intended to only cover geolocation or related activities (e.g. co-location with an attributed device). To give clarity, ‘for geolocation’ is added for each use of the term cell site analysis.

4.8.41 The consultation response was dominated by support for a potential future framework to allow more analysis of call data records to be performed without accreditation. The potential for a framework in the future was acknowledged, but there was insufficient detail to warrant any change to DIG 200 in this respect. Therefore the full scope of DIG 200 will apply from when the Code comes into force, including the requirement for accreditation for any activity involving geolocation.

4.8.42 In response to a request to clarify whether this FSA covered real time or near real time device location in missing persons or threat to life cases the following new note was added:

> This FSA is about historical cell site analysis for geolocation typically involving CDRs, it does not include the analysis of data as a result of a request to a telecom operator for real time or near real time device location in missing persons or threat to life cases.

FSA – DIG 300: Recovery and processing of footage from closed-circuit television (CCTV)/video surveillance systems (VSS)

4.8.43 The feedback was that certain significant requirements in the FSA specific requirements section in version 1, should also be reflected in the FSA definition itself. For example, the dispensation for frontline use of NPCC – Framework for Video Based Evidence was conditional on use of other documents to such as the Dstl publication Recovery and Acquisition of Video Evidence for the formulation of procedures.

FSA – DIG 400: Audio acquisition, conversion and processing

4.8.44 A suggestion for a change to the title to better reflect the activity was proposed, a new title of ‘audio acquisition, conversion and processing’ has been introduced.

4.8.45 The sub-activities were rationalised and, as there was an intention to align this FSA more closely with the video workflow in FSA - DIG 300, some additional processing was ruled out of requiring accreditation to demonstrate compliance, provided that the NPCC CCTV Framework was adopted (policing is the main sector impacted by this and the Regulator considered the risk to be proportionate). One key change was to clarify the options for demonstrating compliance for this FSA, which, for specific purposes, can be the NPCC's framework for video-based evidence or accreditation.

4.8.46 Version 1 required accreditation to demonstrate compliance with the Code, only if FSA - DIG 400 was undertaken for the purpose of further analysis. The Regulator has considered the issue of conducting the sub-activities with the intention of providing further analysis, and decided it is not proportionate at this time for those conducting FSA – DIG 401 to which the Code does not yet apply, to require accreditation for those initial steps in FSA – DIG 400. Further provisions (or guidance) for this activity with be considered in the future.

FSA – DIG 401 – Speech and audio analysis

4.8.47 The Regulator accepts that where the sub-activities of FSA - DIG 400 are performed under FSA - DIG 401 (Speech and Audio Analysis), provided the forensic unit complies with Part A of the Code and notifies the Regulator of their intention to use this dispensation, the requirements in FSA - DIG 400 do not apply.

4.8.48 However, there is an intention to consult on bringing FSA - DIG 401 formally under a future version of the Code, with FSA specific requirements that more appropriately address the risks of this specialism.

4.9 Part D3 - FSA specific requirements

Incident scene examination

4.9.1 In version 2 of the Code specific requirements were added for incident scene examination. The aim of these requirements is to provide direction and consistency in the regulation and assessment of incident scene examination,

and they will form the primary basis for demonstrating compliance with the Code for incident scene examination.

4.9.2 As a result of the consultation on the draft version 2, as well as stress testing activities and workshops undertaken by the CSI expert network and individual forensic units, these requirements have been refined.

4.9.3 Many of the comments received in the consultation on the FSA specific requirements called for clarity on how the FSA specific requirements should be met, for example what a competency assessment that would include demonstration of professional judgement should look like. In response to these comments the requirements have been reviewed and clarified and the Incident Examination Specialist Group has drafted a guidance document that will act as a companion to the FSA specific requirements. This guidance document will evolve in response to feedback from forensic units as the new requirements are implemented.

4.9.4 Queries such as the following have been addressed in the FSA specific requirements and/or guidance:

a. Clarity that forensic scene management is an activity rather than a specific job role and would be performed by all practitioners including those in dedicated scene management roles.

b. Further detail on the requirements for performing activities, both practical and administrative at locations other than the incident scene. The guidance includes worked examples to assist with understanding how this requirement can be interpreted.

c. Allowing flexibility on where examination strategy information can be recorded.

d. Clarifying that the requirements relate to the examination strategy prepared by the practitioner and there may be more than one strategy for examination of distinct aspects of an incident scene but there should be an overarching strategy for the incident.

4.9.5 There were also helpful consultation comments identifying typographical errors, incorrect section references, terminology issues, duplication of

clauses, requirements that were open to interpretation and/or where it was unclear what would be required to demonstrate compliance, as well as identification of requirements that would introduce significant burden. These comments were all reviewed, and changes made in response.

4.9.6 In addition to the consultation on version 2 of the Code, the Regulator carried out significant research into the impact of regulation on incident examination. This included engagement with practitioners, quality leads, and UKAS leads, as well as reviewing accreditation assessments and asking SAIs to complete a survey on the impact of regulation and accreditation on delivery of incident scene examination.

4.9.7 The information gathered supported the need for change to regulation and assessment of incident scene examination and supported changes to the Code to deliver a different approach.

4.9.8 There are six key changes that the Regulator has implemented though version 2 of the Code:

Corporate competency framework: The primary focus for meeting requirements set out in version 2 of the Code for incident examination will be for organisations to design and implement a corporate competency framework based on the achievement of practitioner competence including demonstration of professional judgement. Compliance with version 2 of the Code will be achieved by the demonstration of organisational competence in the design, delivery, and effectiveness of the competency framework.

Contamination controls: In version 2 of the Code, managing the potential risk of contamination recognises the difference between a controlled laboratory environment and the uncontrolled environment of the scene of an incident. To comply with version 2 of the Code, the approach to managing the risk of contamination will be based on the organisation having a thorough and comprehensive understanding of the risks and actively mitigating the risks.

Validation: Validation requirements will only apply to those elements of incident examination that involve testing. The overarching methodology of

incident scene examination will be demonstrated as fit purpose taking into account the primary focus on competence and professional judgement.

The methods and method validation section in Part B of version 2 of the Code has been redrafted to clarify that validation and verification are distinct processes and that verification may not require any additional practical work, depending on the extent and review of the validation data. The intention is to support use of existing validation data on methods commonly used at incident scene and reduce duplication of validation work. Examination approach and scene management are processes that should be demonstrated as fit for purpose but do not require validation.

Note taking: The examination notes made by crime scene examiners are a critically important source of information for investigators and others in the criminal justice system. While quality note taking remains an important requirement in version 2, clarity has been added in the incident scene examination FSA specific requirements that notes should be proportionate to the incident.

Volume/major crime: There is no distinction between volume and major crime in the regulation of incident examination. The same examination processes and techniques apply to all incident scenes. There is a continuum in the extent and complexity of incident scene management rather than any separation between incident examinations based on the incident type. Organisations will be expected to meet the requirements in version 2 of the Code, including the FSA specific requirements for incident scene examination, for all incidents.

Organisation-based accreditation: Incident scene examination is a forensic science activity that is not undertaken in sites/bases and while there are supporting activities (such as exhibit storage and transmission) that are undertaken at a site/base, the main activities of FSA – INC 100 are undertaken at incident scenes or other remote locations. Amendments made in version 2 of the Code reflect this and make clear that activities such as tasking and strategy setting may be undertaken at ad-hoc locations. In

addition, the Regulator expects organisations to demonstrate compliance with the Code in a corporate, organisation-wide manner.

4.9.9 This regulatory approach will remove the need to demonstrate that requirements such as for competency and validation are in place at each individual site/base and allow these to be demonstrated once for an organisation along with testable evidence that corporate processes have implemented across the organisation. The changed approach will also align better to the activities of FSA – INC 100 and the management of risks to quality.

Human DNA examination and analysis

4.9.10 In the FSA specific requirements for human DNA examination and analysis, the requirement for separation of reference samples from crime-related material has been added as a clarification of separation of low and high DNA yield sample types. The new requirement states:

> Reference samples (for example, hair, buccal, blood, muscle, and surrogate body fluids from known sources) shall be processed separately from crime related material. Separation should be either in time or physically, this includes from examination of items through to DNA sample batching.

Toxicology: analysis for drugs in relation to s5A of the Road Traffic Act 1988

4.9.11 Through the consultation on version 1 of the Code in 2022, a significant number of comments were received on the FSA specific requirements for s5A drug driving testing. These requirements were based on FSR-C-133, an appendix to the non-statutory Codes of Practice and Conduct and provided an analytical specification for this analysis. FSR-C-133 had been developed through consultation with stakeholders and was formally published in 2021, although it was available prior to this.

4.9.12 Following the consultation on version 1 of the Code, the Regulator decided that the requirements needed a more thorough revision so did not address the consultation comments in version 1 of the Code, instead committing to setting up a working group to look at these requirements in detail. This was

due to the technical nature of the comments received and the need to bring the community together to work through, and reach agreement on, the requirements.

4.9.13 As a result, the Regulator's s5A working group was convened in September 2023, meeting over the following 12 months, to revise the s5A requirements. The comments from the consultation on version 1 were incorporated into the workplan for the Working Group.

4.9.14 The Working Group developed revised FSA specific requirements, and these were consulted on separately to the rest of the Code in September/October 2024 (see section 2.2 – Further consultations).

4.9.15 More than 200 comments were received on the FSA specific requirements in the separate consultation. Most comments were highly technical in nature and reflected comments in previous consultations and the complex issues that were discussed in the Working Group. Some of these are outlined below and the action taken to address them has been detailed.

4.9.16 A significant number of comments related to Quality Control (QC) requirements, including comments relating to the permitted number and circumstances that are justification for removing QC data points in a chromatography method. The term 'gross error' in this context was considered too limiting by some respondents. This requirement was updated to reflect the scenarios where QCs can be removed and the recording and checking requirements that should accompany this. The requirements referred to the use of a coefficient of determination (R^2) to assess the fit of the calibration curve. This was challenged, on the basis that there are other statistical methods that are effective, consequently this section was updated to permit other 'goodness of fit' models. Comments were received on the proposed use of manual integration; this section was updated to reflect the intent which is that manual integration cannot be used to pass or improve the calibration outcome.

4.9.17 Comments were received on the internal standard acceptance criteria asking for clarity and suggesting that an acceptable range be defined within the requirements. The wording has been updated in the final version 2, and the

Working Group will consider the internal standard range as part of accompanying guidance.

4.9.18 Comments were received on the wording relating to QC calibrant requirements, which has been updated for clarity. Several comments considered whether the use of Westgard rules as an approach to monitoring trends of QC samples is mandated or not, and whether the Westgard Rules should be listed in the requirements and the number of batches that are required to establish warning limits. The requirements state that suitable statistical rules for monitoring QCs are required, for example Westgard Rules, therefore there are options for alternative, scientifically justified approaches. The Westgard Rules are listed to avoid the reader having to refer to additional documents to interpret the Code requirements.

4.9.19 Comments were received relating to the ion ratio acceptance criteria for mass spectrometry methods. This requirement states that acceptance criteria should be based on World Anti-Doping Agency (WADA) rules or other published and scientific guidance documents, therefore there are options available to providers.

4.9.20 Several wording clarifications were requested relating to the reporting of results, referencing or typographical errors, which have been addressed in the final version 2.

4.9.21 Inclusion of updated FSA specific requirements for s5A drug driving testing addresses learning point 5 of the Regulator's Lessons Learnt Review "Quality Failure in s5A Drugs Driving Analysis" (https://www.gov.uk/government/publications/section-5a-drug-driving-lessons-learnt-review) in which the Regulator undertook to review and update the current statutory Code FSA specific requirements taking a more prescriptive approach to setting these requirements.

4.9.22 Additional complex and broad reaching matters have been raised as part of the Working Group and through the consultations, which require further in-depth research and consideration, such as how to approach contamination and where statistical input is needed. Therefore, the Working Group will provide guidance to accompany the FSA specific requirements, providing

further detail on the FSA specific requirements and developed these in close collaboration with the community that undertake s5A toxicology analysis.

Friction ridge detail: comparison

4.9.23 In version 2 of the Code the sections in the FSA specific requirements reference the relevant clauses in ISO/IEC 17025:2017 and ILAC-G19:06/2022. This will ensure that the achievement of accreditation is based on the requirements in the Code.

Digital forensics

4.9.24 Version 1 of the Code specified that all those performing externally provided services which were part of the FSA should be subject to the Code, but it did not cover activities related to the delivery of an FSA, for example mobile phone screen replacement and passcode recovery. These activities are undertaken to allow effective data recovery and can be undertaken by external providers who would not be compliant with the Code.

4.9.25 A new section to cover these externally provided services has been added to the digital forensics FSA specific requirements in version 2 to give more detail on how this related activity should be regulated. The approach adopted puts requirements on the forensic unit undertaking data capture in FSA - DIG 100 to have suitable and appropriate control of this related activity.

4.9.26 Device unlocking or passcode recovery is typically part of the workflow for data capture in FSA - DIG 100, but it is not a separate sub-activity and application of all Parts of the Code is not required. The external service provider shall comply with Part A of the Code to ensure any quality issues are reported to the Regulator and should make a declaration in a continuity statement.

Video processing and analysis

4.9.27 Speed estimation from video footage is included in FSA – DIG 301, covering specialist video multimedia, recovery, processing, and analysis and requires compliance with the Code including accreditation; the Code excludes the use of Home Office approved speed detection devices etc.

4.9.28 Variable performance in speed estimation from night-time CCTV footage has been reported to the Regulator. The FSA specific requirements for video processing and analysis included detail relevant to speed estimation from CCTV, while the requirements for aspects such as validation and measurement uncertainty are set out in the body of the Code. The Regulator identified that the FSA specific requirement needed further detail explicitly for speed estimation to ensure more consistent implementation of the Code requirements and this has been included in version 2.

4.9.29 Noting that the whole Code remains applicable for video processing and analysis, the updated FSA specific requirement includes additional clarifying detail on the following:

a. Checking and review.
b. Review of requests, tenders and/or contracts.
c. Developing an examination strategy.
d. Selection of methods.
e. Validation.
f. Estimation of uncertainty.

4.10 Part E – General information

Glossary

4.10.1 The following glossary terms have been amended:

a. ‘Forensic healthcare practitioner’ – amended to reflect the relevant practitioner community.

b. ‘Attribution (biological material)’ – added as part of the redraft of FSA – BIO 201 (previously FSA – BIO 300) to define the attribution of a DNA profile to a specific body fluid or biological material.

c. ‘Biological material’ – the definition of ‘human biological material’ and the definition of ‘biological material’ updated to apply to human biological material and specific lists added for the purpose of FSA – BIO 200 and FSA – BIO 201.

d. ‘Environmental monitoring’

e. ‘Infrequently used method’ – from less than once in a three-month period to no more than once.

f. ‘Specialists from outside the forensic science profession’ – previously infrequently commissioned experts.

4.10.2 The following glossary terms have been added:

a. ‘Collaborative exercises’

b. ‘Digital Asset Management System’

c. ‘Digital Evidence Management System’

d. ‘Presumptive test’

e. ‘Professional judgement’ – definition added in line with the new section on opinions and interpretations.

f. ‘Video Surveillance Systems’

5. Conclusion

5.1.1 The Regulator is very grateful to all the respondents for commenting and taking the time to feed back on the proposed Code.

5.1.2 The finalised draft Code was laid in parliament on the 20th of March 2025.

6. Annex A: Full list of consultation questions

6.1 Consultation on version 2

About the respondent. Please use this section to tell us about yourself.

Q1. Full name

Q2. Job title or capacity in which you are responding to this consultation (for example, member of the public)

Q3. Company name/Organisation (if applicable)

Q4. If you are a representative of a group, please give the name of the group and a summary of the people/organisations that you represent.

Q5. Email address.

Q6. Do you or your organisation carry out forensic science activities in England and Wales?

General questions about the Code and Regulation

Q7. Did you/and or organisation respond to the previous consultation on the Code?

Q8. Do you have any comments on the Code, and the Forensic Science Activities (FSA's) including Forensic Science Activities which are not yet subject to the Code?

Q9. Do you think there is anything missing from the Code, if so, what additions would you suggest and why?

Q10. Do you have any further comments to make?

7. Annex B: List of section changes

7.1.1 The following table lists the sections in version 1 and gives the new section number (and, if different, the new section title) in the final version 2 of the Code (note that these section numbers are different from the draft version 2 that was published for consultation).

7.1.2 The table can also be used to find sections that have been replaced or deleted in version 2.

7.1.3 Where there have been no changes to the titles or numbering of sub-sections within a section, the section is not broken down into sub-sections in the table (e.g. section 15 – Senior Accountable Individual, version 1, contains the same sub-sections in version 2).

7.1.4 Where there have been changes to sub-sections these are broken down in the table (e.g. one of the sub-sections of section 20 in version 1 - Review of requests, tenders and/or contracts, has been separated into a new section in version 2).

Section number version 1	Section title version 1	Section title version 2 (if different)	Section number version 2
1	Using this Code	Section heading not used	
1.1	Section references in the Code of Practice		1.2
2	Introduction		1.
2.1	General		1.1
2.2	Forensic Science Regulator Act	The Forensic Science Regulator Act 2021	1.3
2.3	The Code		1.4
2.4	The Structure	Structure	1.5
2.5	Summary of FSAs		3.4
3	The Forensic Science Regulator	The Forensic Science Regulator Act	1.3
4	Forensic Science Activities	Scope of Forensic Science Activities	100.
4.1	Legal basis		100.1
4.2	Definition		100.2
4.3	Limits on FSA – link to crime		100.4
4.4	Limits on FSA – territorial extent	Territorial extent	100.3
4.5	General requirements	deleted	deleted
4.6	Approach to FSA definition		100.5
4.7	Scope of FSAs	General	35.1

Section number version 1	Section title version 1	Section title version 2 (if different)	Section number version 2
5	The Code	Section heading not used	
5.1	General	The Code	Page 3 and section 1.4
5.2	Online publication		5.3
6	Territorial extent	Section heading not used	
6.1	General	deleted	deleted
6.2	FSAs	Territorial extent	100.3
7	International obligations	deleted	deleted
8	Future obligations		4.
9	The Code - General		5.
9.1	Scope	The Code	5.1
9.2	Normative references		2.
9.3	Terms and definitions		1.6
10	Application of standards		1.7 and 4.
11	Modification		5.
12	Standards of conduct		34.
13.	Standards of practice	Technical requirements	Part B
13.1	Application		9.1
14.	Management requirements		11.
15.	Senior Accountable Individual (SAI)		6.
16.	Business continuity		12.
17.	Independence, impartiality and integrity		13.
18.	Confidentiality		14.
19.	Document control		15.
20.	Review of requests, tenders and/or contracts		16.
20.1	General		16.
20.2	Developing an examination strategy		17.
21.	Evaluative opinions		Replaced by section 31.4
22.	Externally provided products and services		18.
23.	Quality issues		8.
23.1	Control of non-conforming FSA related work		8.1
23.2	Complaints	Complaints received by the forensic unit	8.2
24.	Regulator's consideration of quality issues		7.
25.	Control of records		19.
26.	Checking and review		20.
26.1	General		20.1
26.2	Critical finding check		20.2
26.3	Open and blind checking	Heading level changed	20.2.7 – 20.2.10

Section number version 1	Section title version 1	Section title version 2 (if different)	Section number version 2
26.4	Primary review	deleted	deleted
26.5	Peer review		20.3
26.6	Difference resolution		20.4
26.7	Internal audits		20.5
27.	Personnel requirements		21.
28.	Competence		22.
29.	Environment		23.
29.1	Examination facilities		23.1
29.2	Non-dedicated work areas		23.2
29.3	Contamination avoidance, monitoring and detection	Contamination risk management	23.3
30.	Methods and method validation		24.
30.1	General		24.1
30.2	Selection of methods		24.2
30.3	Validation of methods	Demonstrating methods for examination/testing are valid	24.3
30.4	Determining the end-user requirements		24.4
30.5	Determining the specification		24.5
30.6	Risk assessment of the method		24.6
30.7	Review of end-user requirements		24.7
30.8	Acceptance criteria		24.8
30.9	Validation plan	Plan to demonstrate the validity of a method	24.9
30.10	Validation of measurement-based methods	Heading level changed	24.9.7 & 24.9.8
30.11	Validation of interpretative methods	Heading level changed	24.9.9 & 24.9.10
30.12	Verification of the validation of adopted methods	Heading level changed	24.9.11 – 24.9.17
30.13	Minor changes in methods	Verification of the impact of minor changes in methods	24.9.18 & 24.9.19
30.14	Infrequently used methods	Heading level changed	24.2.8 – 24.2.16
30.15	Validation outcomes		24.10
30.16	Assessment of acceptance criteria compliance		24.11
30.17	Validation report	Report on method validity	24.12
30.18	Statement of validation completion	Statement that the method is valid	24.13
30.19	Validation library	Validation/verification library	24.14
30.20	Implementation plan and any constraints		24.15
31.	Estimation of uncertainty	Measurement uncertainty	25.
32.	Control of data		26
33.	Reference collections and databases		27.
34.	Equipment		28.

Section number version 1	Section title version 1	Section title version 2 (if different)	Section number version 2
35.	Handling of items/exhibits		29.
36.	Assuring the quality of results		30.
36.1	Inter-laboratory comparisons (proficiency tests and collaborative exercises)	Proficiency tests, inter-laboratory comparisons and collaborative exercises	30.1
37.	Reporting the results		31.
37.1	General		31.1
37.2	Declarations of compliance and non-compliance with required standards	Declarations of compliance and non-compliance	31.3
37.3	Declarations and changes to accreditation status	Reporting changes to accreditation status and action taken by an accreditation body	8.3
38.	Types of report in the Criminal Justice System (CJS)		31.2
39.	Opinions and Interpretations		31.4
40.	Secondary case review	Deleted	Deleted
41.	Obligations for defence examinations		32.
42.	Retention, recording, revelation and disclosure		33.
43.	Demonstration of compliance		3.
44.	Accreditation	Heading not used	
44.1	General	Compliance with all relevant sections in the Code and accreditation	Replaced by section 3.2
44.2	New methods	deleted	deleted
44.3	Infrequently used methods	deleted	deleted
44.4	Exigent circumstances	deleted	deleted
45.	Accreditation bodies	Heading not used	
45.1	General	n/a	Replaced by section 3.2
45.2	Data sharing	n/a	Replaced by section 3.2
45.3	United Kingdom Accreditation Service	n/a	Replaced by section 3.2
45.4	Accreditation issues	n/a	Replaced by section 2.
46.	Infrequently commissioned experts	Specialists from outside the forensic science profession	9.
47.	FSA definitions – general provisions		35.
47.1	General		35.1
47.2	Regulator's interpretation of the standards required for compliance	FSAs conducted at incident scenes	35.2

Section number version 1	Section title version 1	Section title version 2 (if different)	Section number version 2
47.3	Purpose	n/a	Merged into section 35.1
47.4	Commissioning – detection and/or investigation of crime		100.6
47.5	Commissioning – preparation, analysis or presentation of evidence		100.7
47.6	Modification of scope		35.3
47.7	Contingency capacity/facility		35.4
48.	General inclusions		36.
49.	General exclusions		37.
50.	Secretary of State approval		38.
50.1	Type approval		38.1
50.2	Drug testing equipment	deleted	deleted
50.3	Covert Policing Activity	Covert recovery	37.2
F1	FSAs to which the Code applies		D1
51.	FSA – INC 100 – Incident scene examination		39.
52.	FSA – BIO 100 – Forensic examination of sexual offence complainants		40.
53.	FSA – BIO 200 – Human biological material examination and analysis	FSA – BIO 200 – Human biological material examination and testing	41.
54.	FSA – BIO 201 – Non-human biological examination and analysis: vertebrates	FSA – BIO 301 – Non-human biological examination and analysis: vertebrates	45.
55.	FSA – BIO 300 – Human body fluid distribution analysis	FSA – BIO 201 – Human biological material distribution and interpretation	42.
56.	FSA – BIO 400 – Human DNA analysis	FSA – BIO 202 – Human DNA analysis	43.
57.	FSA – BIO 401 – Human kinship analysis	FSA – BIO 203 – Human kinship analysis	44.
58.	FSA – BIO 500 – Taggant analysis	FSA – BIO 500 – Taggant analysis	46.
59.	FSA – DTN 100 – Toxicology: analysis for drug(s), alcohol and/or noxious substances		47.
60.	FSA – DTN 101 – Toxicology: analysis for drugs and/or alcohol under the Road Traffic Act 1988, Transport and Works Act 1992, and Railways and Transport Safety Act 2003		48.
61.	FSA – DTN 102 – Toxicology: analysis for drugs in relation to s5A of the Road Traffic Act 1988		49.
62.	FSA – DTN 103 – Examination and analysis to identify and		50.

Section number version 1	Section title version 1	Section title version 2 (if different)	Section number version 2
	quantify controlled drugs and/or associated materials		
63.	FSA – DTN 200 – Examination and analysis of corrosives and/or noxious substances		51.
64.	FSA – DTN 300 – Examination and analysis of residues of lubricants used in sexual offences, including oils, greases and lubricants		52.
65.	FSA – DTN 400 – Examination and analysis of ignitable liquids and their residues		53.
66.	FSA – DTN 500 – Examination and analysis of chemical and/or biological agents and associated materials		54.
67.	FSA – DTN 501 – Examination and analysis of explosives, explosives precursors and explosive residues		55.
68.	FSA – MTP 100 – Friction ridge detail: visualisation and enhancement		56.
69.	FSA – MTP 101 – Friction ridge detail: comparison		57.
70.	FSA – MTP 200 – Footwear: coding		58.
71.	FSA – MTP 201 – Footwear: screening		59.
72.	FSA – MTP 202 – Footwear mark comparisons		60.
73.	FSA – MTP 300 – Marks visualisation and enhancement		61.
74.	FSA – MTP 301 – Marks comparison		62.
75.	FSA – MTP 400 – Damage and physical fit		63.
76.	FSA – MTP 500 – Examination and analysis of particulate trace materials		64.
77.	FSA – MTP 600 – Examination and analysis of gunshot residue (GSR)		65.
78.	FSA – MTP 601 – Examination, analysis and classification of firearms, ammunition and associated materials		66.
79.	FSA – MTP 602 – Firearms: ballistics		67.

Section number version 1	Section title version 1	Section title version 2 (if different)	Section number version 2
80.	FSA – MTP 700 – Document handwriting		68.
81.	FSA – MTP 701 – Document authenticity and origin		69.
82.	FSA – DIG 100 – Data capture, processing and analysis from digital storage devices		70.
83.	FSA – DIG 200 – Cell site analysis for geolocation		71.
84.	FSA – DIG 300 – Recovery and processing of footage from closed-circuit television (CCTV)/video surveillance systems (VSS)		72.
85.	FSA – DIG 301 – Specialist video multimedia, recovery, processing and analysis		73.
86.	FSA – DIG 400 – Technical audio operations	FSA – DIG 400 – Audio acquisition, conversion and processing	74.
F2	FSAs to which the Code does not apply		D2
87.	FSA – INC 101 – Collision investigation		75.
88.	FSA – INC 102 – Examination of fire scenes		76.
89.	FSA – INC 103 – Examination to establish the origin and cause of an explosion	FSA – INC 103 – Examination of explosion scenes	77.
90.	FSA – INC 200 – Forensic examination of detainees	FSA – INC 200 – Forensic examination of witnesses/complainants/suspects	78.
91.	FSA – INC 201 – Forensic examination of deceased individuals		79.
92.	FSA – BIO 202 – Non-Human Biological Examination and Analysis: Plants, Microbes, and Invertebrates	FSA – BIO 302 – Non-Human biological examination and analysis: plants, fungi, diatoms microbes, and invertebrates	80.
93.	FSA – DTN 104 – Toxicology: alcohol technical calculations		81.
94.	FSA – DTN 105 – Examination and analysis relating to the preparation and production of controlled drugs and/or psychoactive substances		82.
95.	FSA – DTN 502 – Examination and analysis of radioactive material		83.

Section number version 1	Section title version 1	Section title version 2 (if different)	Section number version 2
96.	FSA – DTN 503 – Examination and analysis of suspected explosive devices and associated material		84.
97.	FSA – DIG 101 – Analysis of communications network data		85.
98.	FSA – DIG 102 – Digital network capture and analysis		86.
99.	FSA – DIG 401 – Speech and audio analysis		87.
100.	FSA – CDM 100 – Case review		88.
101.	FSA – CDM 200 – Control and management of a forensic database service		89.
F3	FSA specific requirements		D3
n/a	n/a	Incident scene examination	90.
102.	Sexual assault examination: requirements for the assessment, collection and recording of forensic science related evidence		91.
103.	Human DNA examination and analysis		92.
104.	Bloodstain pattern analysis		93.
105.	Friction ridge detail: visualisation and enhancement		95.
106.	Friction ridge detail: comparison		96.
107.	Analysis and reporting of forensic specimens for s5A of the Road Traffic Act 1988	Toxicology: analysis for drugs in relation to s5A of the Road Traffic Act 1988	94.
108.	Digital forensics		97.
109.	Video processing and analysis		98.
110.	Cell site analysis for geolocation		99.
Part G	General Information		Part E
111.	References		101.
112.	Acronyms and abbreviations		102.
113.	Glossary		103.
n/a	n/a	Highlighted changes	104.

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