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Minutes

Title of meeting	Pathology Delivery Board		
Date	13 th November 2014	Time	14:30hrs
Venue	Conference Room 6, 2 Marsham Street, London, SW1P 4DF		
Chair	Mr Alan Pratt	Secretary	Mr Dean Jones
		Copies to	Ms Sonya Baylis

Attendees (*Via conference call)

Dr Jeff Adams (JA)	Home Office, Forensic Science Regulation Unit
Mr Martin Allix (MA)	Home Office Forensic Pathology Officer
Dr Simon Bramble (SB)	Interim Forensic Science Regulator
Mr Martin Bottomley (MB)	National Police Homicide Working Group
Dr Nathaniel Cary (NC)	Chair of the Forensic Pathology Specialist Advisory Committee, Royal College of Pathologists
Prof Jack Crane (JC)	The Board's Independent Responsible Officer
Dr Russell Delaney (RD)	Forensic Pathologist, Group Practice Representative
Mr Ian Elkins (IE)	Crown Prosecution Service
Ms Anne Harrison (AH)	Head of Specialist Operations, National Crime Agency
Ms Brenda Jones (BJ)	On behalf James Parker, for the Chief Coroner
Mr Dean Jones (DJ)	Senior Forensic Pathology Manager, Home Office
Mr Colin Kettley (CK)	Forensic Pathology Development Manager
CC Debbie Simpson (DS)*	National Police Lead on Forensic Pathology
Ms Jo Taylor (JT)	On behalf of Mr David Tucker, College of Policing
Mrs Rachel Webb (RW)	Minute-taker, Home Office
Dr Charlie Wilson (CW)	President of the British Association in Forensic Medicine

Apologies

Ms Judith Bernstein (JB)	Ministry of Justice, Head of Current Coroner Policy, Coroners and Burials Division
Ms Caroline Browne (CB)	Head of Regulation, Human Tissue Authority
Det Supt Kevin Connolly (KC)	Dorset Police
Prof Peter Hutton (PH)	Chair of the Forensic Pathology Review
Mr James Parker (JP)	Head of the Chief Coroner's Office
Dr Fiona Wilcox (FW)	H.M Senior Coroner for London (Inner West), representing the Coroners' Society

1. **Welcome and Apologies**

- 1.1 The Chair welcomed everyone to the meeting and asked those present to introduce themselves.
- 1.2 New members welcomed were:
- 1.3 Ms Brenda Jones, deputy head of the Chief Coroner's Office on behalf of James Parker, head of the Chief Coroner's Office, representing the Chief Coroner, His Honour Judge Peter Thornton QC.
- 1.4 Ms Jo Taylor, Policing Standards Manager for Investigation, who was attending on behalf of Mr David Tucker the Crime & Criminal Justice Faculty Lead representing the College of Policing.
- 1.5 Dr Charlie Wilson who has recently replaced Dr James Grieve as President of the British Association in Forensic Medicine.

2. **Minutes and actions from the meeting on 15th May 2014**

- 2.2 The minutes were reviewed by the Pathology Delivery Board; (referred to as 'the Board') and an amendment was suggested to 2.5 as follows to be agreed in correspondence:
- 2.3 *"ACTION: PDB G2. Request a response from the Chief Coroner. It was noted that the Chief Coroner is looking at including these issues in his plan of action."*
- 2.4 Actions from the minutes of the meeting on 15th May were discussed and the following actions were noted as being closed: Actions: PDB15052014: 2.4, 2.5, 3.7.4, 6.3.1, 11.2.2 and 12.2.
- 2.5 The following actions were formally closed on the Board's action log as being passed to the Chief Coroner: HTA Gold Group 17-11-12 G.2 and G.9, and PDB19092013: 5.3.
- 2.6 It was noted that one member asked that invitations to members of the Board should be strengthened, asking them to send a representative if they cannot attend.

3. **Standing Items – Updates from:**

3.1 **Complaints**

- 3.1.1 No new complaints have been received and all existing complaints have been resolved.
- 3.1.2 It was highlighted that any complaints received by the Home Office would be notified to the Board's Independent Responsible Officer – Professor Jack Crane.

3.2 **The Royal College of Pathologists**

- 3.2.1 Nothing specific to report.

3.3 **Group Practices**

- 3.3.1 Any issues for this item are discussed within the main agenda.
- 3.4 **The Forensic Science Regulator's Forensic Pathology Specialist Group**
- 3.4.1 A paper was submitted for this item with particular emphasis on the following:
- 3.4.2 Mr Andrew Rennison left the role of Forensic Science Regulator 'the Regulator' in August. Dr Gillian Tully will take up the role on 17 November. In the interim Dr Simon Bramble is the acting Regulator.
- 3.4.3 Suggested changes to the membership of the Regulator's Forensic Pathology Specialist Group were made to ensure better representation of the forensic pathology profession.
- 3.4.4 The latest round of audit was now in its final stages.
- 3.4.5 The Regulator had previously, agreed (in principle) to provide independent oversight of the operation of the Board's Responsible Officer and revalidation process. The Forensic Pathology Specialist Group then recommended a model by which this process could work. This proposal was agreed by the Regulator. A report is being drafted setting out the background to the revalidation process and the Board's Responsible Officer, the structures/processes which have been established and the manner in which they are operating with the intention that it be provided to Dr Tully in November.
- 3.4.6 The position with regards to the documents prepared by, or in consultation with, the Forensic Pathology Specialist Group are as follows:
- 3.4.7 Guidance on Use of Photographs - This was subject to public consultation and a number of responses received. Some of those, e.g. from the Information Commissioner, were detailed. The document has been redrafted to address the points raised and further discussions are underway with the Information Commissioner on some points of detail.
- 3.4.8 Sampling Guidance - The sampling guidance document has been drafted. As one of the aims of the document is to ensure samples are taken in a manner which fits with the needs of the forensic science providers to which they will be submitted a copy of the document has been provided to the major forensic science providers to seek views.
- 3.4.9 The following documents have been published on GOV.UK: Tissue Handling Guidance; Time of Death Estimation Guidance; and Guidance on the History Section of Reports.
- 3.4.10 The document on Mortuary Standards is still with the Royal College of Pathologists.
- 3.5 **National Policing Homicide Working Group**
- 3.5.1 The National Policing Lead for the Homicide Working Group and the National Policing Lead on Pathology are assisting Professor Peter Hutton with his review on the forensic pathology services.
- 3.5.2 A Police User Requirement for Forensic Pathology has been prepared and forwarded to Professor Hutton to inform his review. Additionally a focus group of Senior Investigating Officers from police forces throughout the country will be held at the Home Office on Friday 12 December 2014 to contribute their views of the process. This meeting is being coordinated by Anne Harrison.
- 3.6 **Forensic Pathology Management Information**
- 3.6.1 CK submitted a report on the number of forensic post-mortem examinations since 1st January – 30th September 2014 which showed a decline in the number of cases within

the same period in the last calendar year.

- 3.6.2 Since 2011 there has been a gradual decline in the number of cases being investigated as suspicious, however the 1st 3 quarters of this year indicate a significant reduction within a number of police forces. These reductions may be in-line with the national figures in the overall decline of homicides, but require further investigation. There has been a drop in the homicide rate as indicated by the Office of National Statistics.

3.7 **Appraisal and Revalidation**

- 3.7.1 CK reported to the Board that the appraisal and revalidation administrative system being carried out by the Home Office Forensic Pathology Unit in support of the Board's Independent Responsible Officer – Professor Jack Crane, is working well.
- 3.7.2 To date, 10 Home Office registered forensic pathologists have been successfully revalidated with a further 22 due in 2015, 1 in 2016, 0 in 2017 and 2 in 2018. This doesn't mean that there will be peaks and troughs in the work of the Home Office Forensic Pathology Unit as support is required for the yearly appraisals.
- 3.7.3 JC briefly explained the process of doctors being required to revalidate every 5 years with yearly appraisals in between, which support the revalidation process.
- 3.7.4 JC reported that every Home Office registered forensic pathologist is fully engaged with the appraisal process and that the 360° appraisal tool was also working well.

3.8 **Training Courses for Non Forensic Pathologists**

- 3.8.1 DJ gave a brief history behind why the Home Office provides criminal justice system training for pathology specialists. Specialists in neuropathology and paediatric pathology and the like, provide services to Home Office registered forensic pathologists in support of their forensic cases. Over the years the numbers of specialists willing to engage in medico-legal work has fallen. A meeting of specialists had been called and it was in this meeting that specialists voiced their concerns about the work and lack of knowledge of their role within the criminal justice system.
- 3.8.2 The Home Office has since run these courses twice a year to give them a greater understanding of the criminal justice system in order to work in this field.
- 3.8.3 MA submitted a report to the Board regarding the success of the last course which took place at Harperley Hall, a College of Policing site in County Durham from 27th to 31st October 2014.
- 3.8.4 Student feedback had been overwhelmingly positive and the course will continue into 2015.

3.9 **Home Office Register**

- 3.9.1 There was no further update to the Register which is available at: <https://www.gov.uk/government/publications/home-office-register-of-forensic-pathologists-february-2013#history>

4. **Review of Forensic Pathology Services in England and Wales**

- 4.1 The data collection process is almost complete with questionnaires being received from interested parties. Interviews and focus groups have taken place over the last 6-8

months and the last few are now taking place.

4.2 The report is scheduled to be completed by February 2015 as requested by the then Minister for Crime Prevention, the Rt Hon Norman Baker. It was noted that the Rt Hon Lynne Featherstone had replaced Mr Baker on 4th November 2014.

4.3 Members voiced their hope that Ministers would respond by the end of Parliament and the chair wished to maintain the momentum of the review. Members were supportive in this and one shared that the British Association in Forensic Medicine working group were unified in their views on the future of the service and they were soon to meet with Professor Hutton to explain their views.

5. **Human Tissue Act 2004 (Proposed Amendments)**

5.1 The McCracken review made the recommendation to amend the Human Tissue Act 2004 'the Act' to declassify such items as stomach contents from the definition of human tissue; however the changes to the Act will not be completed before the next parliament.

5.2 There were still questions from members as to what to do with certain types of tissue including tissue that pre-dated the Act. DJ clarified that all tissue held under PACE or common law did not fall under the Act whether it pre-dates the Act or not, however police should deal with it in a similar way to tissue which is within the remit of the Act. DJ assured the Board that since the human tissue audit of police holdings the inspections conducted by the HTA had found very little police held material and that which had been found was being referred to the Pathology Unit who were liaising with the respective police forces.

5.3 **ACTION:** The Chair asked for an update report for the next Pathology Delivery Board meeting on the human tissue audit recommendations.

6. **Forensic Pathology Research into 33 Cases**

6.1 JA outlined the Forensic Science Regulator's anonymous audit of Home Office registered forensic pathologists police cases which commenced in 2012/13. The pathologists submitted 33 cases where each case was originally scheduled for a routine post mortem examination before the Home Office registered forensic pathologist was called to carry out a 'special' examination.

6.2 DJ outlined the work of the Home Office Forensic Pathology Unit examination of the 33 cases that had been submitted. This was carried out by way of a research questionnaire to all police forces, forensic pathologists and coroners to which the cases referred.

6.3 **ACTION:** The chair asked for the report to be completed and submitted to the Forensic Science Regulator, National Police Lead for Forensic Pathology, and The Chief Coroner as recommended before being circulated to the Board members within 3 weeks of completion and comments return.

7. **Timeliness of Post-Mortem Examination Reports (Case Management and the Criminal Procedure Rules)**

7.1 There is still an issue in respect of the timeliness of the submission of reports and witness statements from Home Office registered forensic pathologists to the Crown Prosecution

Service. The Crown Prosecution Service is under pressure from the courts to ensure that custody time limits and court ordered directions are complied with (the prosecution case should be served within 50 days).

- 7.2 However, on occasions, finalised reports and statements are not available in time for the Crown Prosecution Service to keep to these deadlines. This is because the post mortem examination involves the taking of histology samples for subsequent examination and may involve the taking of material for subsequent toxicological analysis. The latter can sometimes take many weeks due to the workload of forensic science service providers, beyond the control of the Home Office registered forensic pathologist.
- 7.3 In addition to these samples, in complex cases, other specialist examination may be required by non forensic specialist pathologists such as Neuro, Paediatric, Bone, Ophthalmic and other pathology disciplines which are outside of the expertise of the Home Office registered forensic pathologist. This will introduce a further delay to the writing of the final report/statement.
- 7.4 DJ had produced a short paper highlighting these issues which he submitted in a meeting with the National Police Homicide Working Group which is chaired by Chief Constable David Crompton, last month. A strategy for moving forward was agreed, namely to produce a specific 'Manual of Guidance' (MG) form to be used within a pack of nationally used forms, to inform the Crown Prosecution Service and the Courts of the expectation of timescales for the submission of expert witness reports. The proposed form was circulated amongst Board members.
- 7.5 The Board discussed this matter with one member accepting that the deadlines for the submission of reports was tight, although not unreasonable, however they were simply not achievable given that non forensic specialist pathologists are full time NHS colleagues and their provision of a specialist service to Home Office registered forensic pathologists is purely on a 'grace and favour' basis.
- 7.6 IE detailed the next step for the Crown Prosecution Service; to produce a business case for the new form to be accepted in to the Manual Of Guidance.
- 7.7 **ACTION:** The proposed form was accepted by Board members, however it was suggested that the form should be renamed 'Notice of Timescales in Submission of Evidence'. IE agreed to make the change within the next week and take this matter forward.

8. Home Office Forensic Pathology Unit Newsletter

- 8.1 The chair requested feedback from the Board on the first 3 newsletters produced by the Home Office Forensic Pathology Unit.
- 8.2 There were mixed feelings on the value or prominence of the newsletter, with some saying that there was rarely any new information in it. Others said that it was a good information tool about the forensic pathology community which they disseminated to others.
- 8.3 The 4th edition is due to be released in January 2015.
- 8.4 **ACTION:** Board members to provide feedback on the 3 newsletters within one month of

distribution of the minutes and previous newsletters.

9. **Cardiac Pathology Training**

- 9.1 DJ shared with the Board an offer from Professor Shepherd to facilitate a cardiac pathology training module at St. Georges Medical School in London. Professor Shepherd is willing to offer 6 month attachments to her unit, to train forensic pathology trainees in cardiac pathology and would follow their completion in forensic pathology training and before the Certificate of Completion of Training (CCT) was obtained. The Royal College of Pathologists' Specialty Advisory Committee has seen the syllabus and support Professor Shepherd's proposal in principle.
- 9.2 The Home Office Forensic Pathology Unit would fund any accommodation costs for trainees, however the cost of the actual training would come from the support costs currently paid to the forensic pathology training centre's based in Cardiff, Leicester, Liverpool and Newcastle.
- 9.3 There followed, a discussion about how cardiac pathologists in other parts of England and Wales may be able to offer similar training attachments, which might alleviate the need to travel so far afield.
- 9.4 **ACTION:** MA to progress the cardiac pathology training module once there has been formal approval from the Royal College of Pathologists of the syllabus.
- 9.5 **ACTION:** MA to research the possibility of delivering the same cardiac pathology training module in other regional centres to save travelling and accommodation costs.

10. **Future Pathology Delivery Board Meetings**

- 10.1 20th May 2015 – 13.30 – 16.30hrs – Conference Rm 3b, Home Office, 2 Marsham St.
- 10.2 3rd November 2015 – 11.00 – 13.30hrs – Conference Rm 6, Home Office, 2 Marsham St.

11. **AOB**

11.1 **Paediatric Pathology and the Home Office Register**

- 11.2 This subject matter was raised at the last meeting by Professor Risdon with arguments for and against a second or supplementary list of paediatric experts. He has written a letter to all Home Office Registered Forensic Pathologists asking for support for a separate register. Professor Hutton is looking over this subject as part of the Forensic Pathology Review.
- 11.3 In closing, the Chair thanked all members and guests for their continued engagement in the Pathology Delivery Board and its business.
- 11.4 The Secretary of the Board suggested that an extra ordinary PDB meeting may be called to discuss the Forensic Pathology Review in 2015.
- 11.5 There being no further business the meeting was closed at 16.30hrs