

FORENSIC SCIENCE ADVISORY COUNCIL

Notes of the twelfth meeting, Tuesday 1 March 2010 at the Conference Room 3b, Home Office, 2 Marsham Street, London SW1P 4DF

Present:

Andy Rennison	Forensic Science Regulator (Chair)
Jane Beaumont	United Kingdom Accreditation Service
Stan Brown	Forensic Science Northern Ireland
John Fletcher	ACPO
Julie Goulding	Criminal Cases Review Commission
Kath Mashiter	Lancashire Police
Julie Mennell	UK Forensic Science Education Group
Tom Nelson	Scottish Police Services Authority
Ann Priston	Forensic Science Society
Nigel Pilkington	Crown Prosecution Service (for Roger Coe-Salazar)
Brian Rankin	Forensic Science Society
Roger Robson	Forensic Access
Sheila Willis	Association of Forensic Science Providers
Alan Woods	Skills for Justice
Kenny Chigbo	Forensic Science Regulation Unit (Secretary)

Apologies:

Roger Coe-Salazar	Crown Prosecution Service
Andrew Goymer	Judiciary
Ian Kelcey	Law Society
Mohammed Khamisa	Criminal Bar Association
Basil Purdue	British Association in Forensic Medicine

Introduction

Andy Rennison welcomed those present to the twelfth meeting of the Forensic Science Advisory Council (FSAC).

1. Notes of the eleventh meeting held on 1 December 2009

1.1 Julie Mennell was erroneously recorded as absent from the last meeting. Kenny will correct it accordingly.

Action: Kenny Chigbo

1.2 FSAC members:

- agreed the note of the eleventh meeting of the FSAC held on 1 December 2009.

2. Matters arising from the minutes of the eleventh meeting

2.1 Paragraph 7.1 (of the note of the 1 December 2009 meeting) – Andy Rennison agreed to circulate the draft UK response to the NAS report.

Action: Andy Rennison

2.2 All the other actions were either cleared or are agenda items for this meeting.

3. Court of Appeal judgment (R v Reed and Reed. R v Garmson)

3.1 Andy Rennison introduced this item stating that the judgment represents a sea-change in the way expert witnesses are handled, and will change the way the FSAC is managed. Some of the key points in the judgment in relation to case management, criminal procedure rules, etc were highlighted in Roger Coe-Salazar's presentation at the Regulator's conference in Birmingham in February. The court reiterates the criminal procedure rules and the need for a robust approach in following those rules.

3.2 In para 111 subsection IV the court was looking for assistance in complex cases from the FSAC and the Regulator. Andy Rennison agreed to provide a paper to the next FSAC meeting to help the Council form views on how to help courts in complex cases.

Action: Andy Rennison

3.3 Andy Rennison agreed to bring the ruling on experts and expert evidence to the attention of the LSC, Scotland and Northern Ireland.

Action: Andy Rennison

3.4 It was agreed that the DNA and Interpretation Specialist Groups should be asked for their views on the judgment.

Action: Andy Rennison

3.5 Andy Rennison will continue to monitor the situation and will inform the FSAC on aspects in the assessment of expert evidence in which the FSAC and the Regulator could help provide advice to courts.

4. Strategic initiative to coordinate stakeholder involvement in a quality standards framework

4.1 Andy Rennison introduced this item saying that a coherent quality standards framework was needed. Paper FSAC/010310/48 presents the long-term strategy for delivering international standards for forensic science. It will involve a joint approach with Europe, the US and Australia. The proposal is to use ISO17025 and produce additional standards to plug the gaps. The framework is based on accreditation with a gatekeeper role for the non-accredited.

4.2 Continuing, Andy Rennison reported that there was a need to start

coordinating the next steps. A joined up approach across jurisdictions was vital and Skills for Justice will be involved. The document tries to coordinate all the work-streams going on, such as the NPIA's activity on digital forensics with the Forensics21 programme, and set out a delivery plan. Andy Rennison indicated that Stan Brown's comments were not yet incorporated into the latest draft of the document.

4.2 The next steps include developing thinking around what success would look like in terms of the big picture. This needs to be properly quantified. It would be necessary to reenergise the End User Specialist Group based on the points that Roger Coe-Salazar made in his presentation at the Forensic Science Regulator's conference in February. There is a need to educate stakeholders on the benefits of a good and lean quality management system. It was also necessary to ground this vision of success with budgets.

4.3 Nigel Pilkington agreed to ask Roger Coe-Salazar for his notes from the Regulator's conference and circulate them to the FSAC. Additionally, Andy Rennison will ask Roger Coe-Salazar if he could present this again to the FSAC.

Action: Nigel Pilkington/Andy Rennison

4.4 The FSAC suggested that benefits should be included with the pros in paragraph 98 of the strategic initiative document. To determine what success would look like it was necessary to examine the end-to-end process in cases that had an element of forensic science failure. This would help develop a quality culture and the measuring of success. Jane Beaumont agreed to send a UKAS paper to Andy Rennison that defines measures that can be used in improvements. Alan Woods also agreed to send some material on this from Skills for Justice.

Action: Jane Beaumont/Alan Woods

4.5 The FSAC was informed that the MoD had a capability maturity model that could be used to help paint a picture of a longer term vision. FSAC members were asked to send any further recommendations and examples that could be used in this regard. This would then be pulled together as a discussion paper for a future meeting.

Action: All/Andy Rennison

4.6 UKAS were running some regional workshops funded by the Regulator to facilitate understanding of the new framework. The FSAC agreed that it was necessary to consider police in-sourcing. In-house labs needed to be identified and an agenda was needed to be in place for getting them accredited to the same standards as other providers.

5. Forensic science legislation

5.1 Andy Rennison informed the FSAC that there was no statutory

underpinning for the role of the Regulator and it was time to consider whether legislation is required. An example of gaps that highlight the need for statutory requirements was the recovery of exhibits. There is no accountability for exhibits across the system.

5.2 The FSAC welcomed paper FSAC/010310/49 as providing a good illustration of the issues. It was noted that there could be parallels in the pharmaceutical industry, with regulation through licensing. It was accepted that most of the issues in the paper were not contentious and secondary legislation could be used to implement the proposals. The proposals will put the Regulator's role on a legislative footing. At the moment there was a lot of reliance on goodwill.

5.2 Andy Rennison agreed to distil the paper further and present it to the FSAC. He asked FSAC members to provide him with further thoughts on what issues should be focused on.

Action: All/Andy Rennison

6. Forensic Science Society – practitioner registration

6.1 Brian Rankin introduced this item informing the FSAC that the Forensic Science Society were preparing a register on competency for practitioners. It will be based on continuous professional development. The context for this was the demise of the CRFP. While the main organisations fell under the UKAS umbrella, small practitioners were not in the net. The difference between the proposed scheme and CRFP registration will be that the focus will be on the individual. Interest in this is quite high at the moment. The initial driver was for small practitioners and not the main organisations. The Society is also building a CPD scheme which will deliver chartered status for all forensic practitioners. The scheme will not validate their methods and is not a substitute for accreditation.

6.2 The FSAC was asked to note that the National Occupational Standards do not suit the AFSP standards for expert witnesses.

7. Any other business

7.1 Jane Beaumont reported that the first police laboratory was accredited last week.

7.2 The FSAC was informed that the McKie Inquiry in Scotland will be publishing their report after Easter.

8. Date of next meeting

8.1 FSAC members:

- noted that the next meeting will be held on 7 June 2010, Conference Room 2, Home Office, 2 Marsham Street, London

Forensic Science Regulation Unit
2 Marsham Street
March 2010