Home Office

Minutes

Title of meeting	Pathology Delivery Board		
Date	19 December 2012	**Time**	11:00 – 13:00hrs
Venue	Church House Conference Centre		
Chair	Mr Alan Pratt	**Secretary**	Mr Dean Jones
		Copies to	Sonya Bayliss

Attendees

Dr Jeff Adams (JA)	Home Office, Forensic Science Regulation Unit
Mr Martin Allix (MA)	Home Office Forensic Pathology Officer
Mr Martin Bottomley (MB)	ACPO Homicide Working Group
Prof Jack Crane (JC)	The Board's Independent Responsible Officer
Dr Russell Delaney (RD)	Forensic Pathologist, Group Practice Representative
Dr James Grieve (JG)	President of the BAFM
Ms Anne Harrison (AH)	Head of Specialist Operations, SOCA
Ms Rachel Humphrey (RH)	Head of the Home Office Science Secretariat
Mr Colin Kettley (CK)	Forensic Pathology Development Manager
Dr Harry Millward-Sadler (HMS)	Forensic Science Regulator's – Forensic Pathology Specialist Group
Dr Roy Palmer (RP)	H.M. Coroner, Southern District of Greater London
Prof Guy Rutty (GR)	Representing Dr Marjorie Turner
Ms Karen Squibb-Williams (KSW)	CPS, Forensic Strategic Policy Advisor
Mrs Rachel Webb (RW)	Minute-taker, Home Office

Apologies

Ms Judith Bernstein	MOJ, Head of Current Coroner Policy, Coroners and Burials Division
Dr Simon Bramble (SB)	Former PDB Chair, Home Office Science Group
Ch Insp Kevin Connolly (KC)	Dorset police
CC Debbie Simpson (DS)	ACPO Lead on Forensic Pathology
Dr Marjorie Turner (MT)	Chair of the Forensic Pathology Sub-Committee, Royal College of Pathologists

1 Welcome and Apologies

1.1 AP introduced himself as the new Chair of the PDB, Director of Science, Technology and Engineering and Deputy Chief Scientific Adviser at the Home Office.

1.2 The Chair welcomed all those present and asked them to introduce themselves. DJ read out apologies and said that he would be seeing DS and KC in the New Year to give an account of the meeting today and discuss any issues in respect of the case fee.

2.1 **Minutes from the meeting on 31st January 2012**

2.1.1 There were no comments in relation to the minutes of the last meeting. Members accepted the minutes as a true and accurate account of the meeting.

2.2 **Actions**

2.2.1 The Following actions were listed as 'completed' at the time of the meeting:

2.2.2 DC17.01.11 Item 9.3.1 – MoU with GMC – Investigations of Complaints
DJ was congratulated on his successful completion of the MOU. He confirmed that complaints would be dealt with on a case by cases basis. The GMC have been happy with the practice so far.

2.2.3 DC17.01.11 Item 10.4 – Disciplinary Procedures – Fundamental Review
PDB17.03.11 Item 9.4 – Forensic Neuro-Pathology/Paediatric Pathology
PDB31.01.12 Item 3.2.3 – Disciplinary Committee Update (lessons learned)
PDB31.01.12 Item 6.6 – PDB Protocol

2.2.4 The remaining actions were to be discussed within the agenda items within the meeting.

3. **Standing Items – Updates from:**

3.1 **The Registration and Training Committee**

3.1.1 The Committee were expecting to assess 2 new applications for inclusion on the Home Secretary's register in the New Year and it was felt that the Committee would not need to meet formally in 2013. A robust process was in place for consideration of an application.

3.1.2 There was a discussion amongst Board members about the new Royal College of Pathologist's Forensic Pathology specialty curriculum and it was agreed that RW would send out a copy of the curriculum to the RTC for information with further discussion if required.

3.2 **The Disciplinary Committee**

3.2.1 The rules and guidance have been re-written in light of the transfer of the management of the Board from the NPIA to the Home Office. The new Suitability Rules were agreed by the Minister on 26 November 2012.

3.2.2 The role of the Disciplinary Committee has significantly changed as a result of the new rules negating the need for the Committee to meet on a regular basis.

3.2.3 Board members discussed the most recent tribunal of Dr Shorrock in which the tribunal were due to impose sanctions on 21 July 2012. The GMC suspended Dr

Shorrock on 13 June 2012 for a period of 18 months.

3.2.4 The preferred course of action was agreed, with the forensic pathology unit tasked with carrying this out.

3.3 **The Royal College of Pathologists**

3.3.1 It was reported to the Board that the Forensic Pathology specialty would go live in October 2013, however new trainees cannot be recruited under the new curriculum until this time. All training centres will need to be re-accredited by the GMC.

3.4 **Group Practices**

3.4.1 No issues to report.

3.5 **The Forensic Science Regulator's Forensic Pathology Specialist Group**

3.5.1 The new 'Code of Practice and Performance Standards for Forensic Pathology in England, Wales and Northern Ireland', produced by the Home Office, The Forensic Science Regulator, Department of Justice and The Royal College of Pathologists, has now been published.

3.5.2 The next round of audit has now been completed. A discussion took place amongst members about the results of the audit.

3.5.3 The HTA Guidance 2006 was re drafted to reflect (a) changes to the legislation (particularly the Coroners and Justice Act 2009) and (b) changes to the recommended approach.

3.5.4 The Regulator has published a document in relation to the obligation of expert witnesses which has been viewed as a valuable resource.

3.6 **ACPO Homicide Working Group**

3.6.1 A paper was submitted to the Board. The most notable item was that Chapter 11 (covering forensic pathology) of the Murder Investigation Manual being re-written as part of ACPO future 'Approved Professional Practice' (APP).

3.7 **Forensic Pathology Management Information**

3.7.1 CK submitted a paper on the management information collected for Q1 – 3, 2012. Particular attention was drawn to the number of suspicious death cases for the 3 quarters being 1,495 with those categorised as homicide at 25%.

3.7.2 'TBC's (To Be Confirmed – as to the cause of death) were currently standing at 25% or 343, and work was needed to confirm with the group practices what the cause of death had been recorded as.

3.7.3 An inaccuracy was highlighted in the attached figures and corrected. The West Midlands total number of homicides over the 3 quarters should be listed as 40% instead of 25% (43 homicides/106 cases).

3.7.4 Board members discussed the figures and the continued *perception*, that calls for

service has reduced because of police budgetary constraints. The situation at the beginning of the year in the East Midlands was highlighted.

3.7.5 Members also discussed how and what figures are collected and it was felt that there may be some group practices who report on RTC's (Road Traffic Collisions) and those who don't. Thereby bringing disparity to the figures.

3.7.6 The Chair considered that a review of the way in which management information is collected was required, namely:

3.7.7 **ACTION: 1.** Review the data set for accuracy
2. Study what the data is giving us
3. Scope what information is required.
To be completed by the Forensic Pathology Team, by the next meeting.

3.7.8 DJ explained that the information was collected, not for academic reasons, but to ensure that Home Office registered Forensic Pathologists were working within the parameters set by the PDB, and also to identify police forces whose use of forensic pathologists was out of kilter with that expected from historical data.

3.7.9 **ACTION:** AH agreed that DJ should give a short presentation to the HWG to highlight the current issues concerning forensic pathology.

4. Protocol with the GMC concerning disciplinary issues

4.1 Covered under action: DC17.01.11 Item 9.3.1

5. Home Office Pathology Delivery Board

5.1 Constitution

5.1.1 The Constitution has been revised in light of the transfer of the PDB management from the NPIA to the Home Office. This was agreed by Ministers on 27th November 2012.

5.2 Protocol Document

5.2.1 The revision of this document has taken over 3 years to complete and was presented to Ministers in November 2012. It was agreed along with the Constitution and Suitability Rules on 27th November.

5.3 Suitability Rules

5.3.1 The Disciplinary Rules and Guidance of 2007 have been re-written as a result of the type of complaints received and handling thereof over the last few years.

5.3.2 They are now called the Suitability Rules and are more consistent with other regulatory bodies. There used to be a strict process for complaints which incorporated a 3 – 6 month delay in a complaint being dealt with or progressed in any way.

5.3.3 The process was described to the Board in further detail, highlighting that a

Disciplinary Committee would be formed to deal with a particular complaint.

5.3.4 Members discussed the rules in more detail with questions around suspension of pathologists before a tribunal. DJ confirmed that suspension was for only the more serious cases and there were other options open to the committee, such as supervision or training.

5.3.5 **ACTION:** The Chair suggested that further discussion should take place outside of this meeting. If anyone has comments please pass to DJ by the end of January 2013. Action for all.

6. The Board's Independent Responsible Officer

6.1 The Medical Profession (Responsible Officers) Regulations 2010 mean that all GMC registered doctors with a licence to practice will require revalidation by the GMC every 5 years. All employers (a designated body) have a duty to nominate or appoint a responsible officer to carry out reviews of their doctors; however a gap in the regulations means that self-employed doctors (in this case self-employed forensic pathologists) do not have a responsible officer to carry out revalidation.

6.2 The PDB will be a designated body under the regulations as from April 2013. The original concept was that designated bodies would sit in a hierarchy, with an employer sitting at the top of the list and having responsibility over each of their employed forensic pathologists. However, it has now been suggested within a consultation that the PDB will sit above all forensic pathologist employer's. Therefore all forensic pathologists will sit under the Board's Independent Responsible Officer (BIRO).

6.3 The 'BIRO' was advertised and Professor Jack Crane was appointed the Responsible Officer in August 2012.

6.4 The process was explained further and DJ stated that the budget was in place to support revalidation for the 1st year.

6.5 DJ confirmed that the assessors were being trained by the Royal College of Pathologists and that feedback received indicated that it was working well.

7. Group Practice Areas

7.1 There were formerly 8 group practices covering England and Wales, those being the:

1. East Midlands
2. Greater London and South East
3. Humberside and Yorkshire (previously managed by the Forensic Science Service)
4. Mid and South Wales and Gloucestershire
5. North East
6. North West
7. West and South West
8. West Midlands

.2 However the London group practice has taken over the West Midlands area and the North West group practice has taken over the Humberside and Yorkshire area in a caretaking role following the closure of the Forensic Science Service, bringing the total down to 6.

7.3 Board members discussed a proposal from one of the group practices that was due to be implemented. The logistics would be discussed further, outside of the meeting.

7.4 Board members discussed the issue and as an aside to the subject asked whether the PDB minutes were publicised. DJ confirmed that at present they were not.

7.4.1 **ACTION:** Review the publicity of the PDB minutes. To be carried out by the Forensic Pathology Unit in time for the next meeting.

8. **2013/14 Case Fee**

8.1 There has been a 0% increase in the case fee for the last 2 years, in line with the freeze on civil service salary.

8.2 The 2013/14 case fee will be the subject of negotiations between ACPO and the BAFM outside the PDB. The PDB agreed to support that process without further referral.

9. **Defence Post-Mortem Examinations**

9.1 It has been noted that defence post-mortem examinations take place with no legal framework, such as whether tissue should be retained by the defence pathologist.

9.2 These issues have been raised with the Ministry of Justice and they have indicated that this will be looked at in the second round of amendments to the Coroner's Rules.

9.3 DJ and JA had a meeting with the Chief Coroner who is interested in the issue of second post mortems.

9.4 Board members discussed this matter and one suggestion was that all defence post-mortem examinations ought to be carried out by Home Office registered forensic pathologists, however the PDB are not in a position to impose this upon the defence.

9.5 The Chair suggested that a position paper should be written around this discussion and taken forward.

9.5.1 **ACTION:** **1.** JA to write a position paper around the Board members discussion.
2. Once the Position paper is written, views should be taken on how to progress this issue.

10. **Training of Non Forensic Pathologists**

10.1 MA gave a brief overview of the arrangement for criminal justice and court room skills training for other specialists.

10.2 There were 2 one week courses in 2012, one in April and the other in November.

Positive feedback had been received by all those who attended. 15 paediatric pathologists and 1 neuro pathologist are now trained in the criminal justice and expert witness responsibilities.

10.3 This is turn will benefit forensic pathologists and the Criminal Justice System (CJS) in the future. There is a demand for future courses and Board members discussed the importance in the next round of courses to include case management which KSW presents.

11. Forensic Specialism's Update

11.1 The Registration and Training Committee has in the past discussed whether it would be a viable option to hold a 2nd Register of 'Specialism's' such as that of paediatric pathologists and neuro pathologists.

11.2 Following the training of other specialists in criminal justice and court room skills, the subject of a specialist register had resurfaced.

11.3 The pathology team has discussed this at length and the general consensus is that the establishment of a second specialist register would not be a practical or viable option at this time.

11.4 Board members discussed this and it was suggested that newly CJS trained pathologists could be invited to register their details with the expert witness list held by SOCA.

11.5 The Chair agreed that a discussion paper with both the benefits and negatives of such a proposal could be discussed outside of the meeting.

11.6 **ACTION:** DJ/CK to write a position paper concerning a specialism register.

12. Pathology Practice Advice

12.1 This item was covered in the ACPO HWG paper.

13. Human Tissue Audit Update

13.1 The 'Report on the Police Human Tissue Audit 2010-2012 - Report into the Retention of Human Tissue by Police Forces in England, Wales and Northern Ireland' was published on 21st May 2012.

13.2 The report made 10 recommendations, and when the Gold Group was dissolved, the recommendations were transferred to the PDB action log.

13.3 The recommendations are being actioned and progress is being made, However, the Chair asked for an action plan to be drawn up for the continuation of the recommendations.

13.4 **ACTION:** PDB secretariat to compile a plan of how recommendations can be progressed.

14. **AOB**

14.1 **14.1 CRB Checks and Security Clearance for Support Staff**

14.1.1 The 'Process and Criteria for Recommendation to the Home Office Register of Forensic Pathologists' requires all forensic pathologists to be CTC security cleared. It has been established that the Home Office cannot carry out CRB checks on forensic pathologists or support staff and therefore this would need to be carried out by a sponsor organisation.

14.1.2 The Crown Prosecution Service expect that security checks are maintained however it is known that some forensic pathologists security clearance has now expired.

14.1.3 Board members discussed the requirements for security clearance and what this entitles the pathologists and support staff to have access to.

14.1.4 Board members agreed that the wishes of the police should be sought in this situation and KSW agreed to circulate the CPS core principles.

14.1.5 **ACTION:** MA to seek the wishes of the police as to security clearance of forensic pathologists and their support staff, by the end of January 2013 and come back to the Board with a proposition for moving forward.

14.1.6 **ACTION:** KSW to circulate the CPS Core Principles and give a short presentation at the next PDB meeting.

15. **Pathology Delivery Board meetings for 2013:**

- Thursday 23rd May – 13:30 – 16:00hrs, Conference Room 2, 2 Marsham Street
- Thursday 19th September – 13:30 – 16:00hrs, Conference Room 6, 2 Marsham Street
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There being no further business, the meeting closed at 13:00hrs.