

**FORENSIC SERVICES COMMITTEE
24 OCT 2022**

**Minute of the Scottish Police Authority Forensic Services
Committee held by MS Teams on Monday 24 October 2022.**

Authority Members Present: Paul Edie (Chair)
Jane Ryder
Caroline Stuart
Katharina Kasper
Fiona McQueen

In attendance: Scottish Police Authority (SPA)
Fiona Douglas, Director of Forensic Services
Vicki Morton, Scientific Head of Function
Alastair Patience, Scientific Head of Function
Gary Holcroft, Scientific Head of Function
Craig Donnachie, Head of Quality
Howard Kennett, Programme Manager
Derek Scrimger, Scientific Head of Function
Kevin O'Hare, Communications and Engagement
Specialist
Alan Connell, Head of Forensic Infrastructure and Support
Colette Craig, Governance Support Officer
Graham Stickle, Audit and Risk Lead
Eleanor Gaw, Governance and External Relations Lead
Chris Johnstone, Finance Lead

Police Scotland (PS)
Assistant Chief Constable Bex Smith

COPFS
Ruth McQuaid

1.1 Welcome and Apologies

The Chair welcomed attendees and noted that Item 3.3 Digital Forensics Next Steps and Timeline for Progression was being deferred to the next committee meeting. This decision is following Police Scotland advising that given the current position with the change portfolio prioritisation a more meaningful update can be provided to the next meeting of this Committee. The Chair advised there will be an additional committee on

14th December 2022 where this and other pieces of business will be considered. Jane Ryder (JRyder) noted that when Digital Forensics was last reported to the committee, accreditation was due in September 2022, therefore when it is returned in December, asked for a clear understanding of the timeline. If there are to be any reprioritisation there is a need for a clear rationale in the face of demand. JRyder noted the large regulatory landscape in this area due to the activity with various codes of practise, voluntary and statutory, therefore asked for something that brings this all together. Fiona Douglas (FDouglas) advised that there is an intention to report on the introduction of the biometrics commissioners Code of Practise to the November Authority Meeting which will have a Police Scotland and Forensic Services position on that Code of Practise. A further detailed briefing will come to the December committee. ACC Bex Smith (ACCBSmith) added that she would link in with the team leading the work on Digital Forensics to ensure that the points made by JRyder were captured within the next report.

20222410 – 001 - ACC Bex Smith to ensure the next report on Digital Forensics includes the following:

- **A clear understanding of timeline in relation to accreditation.**
- **A clear rationale for reprioritisation in the face of demand.**
- **Bring together a clear understanding of the large regulatory landscape**

The Chair welcomed Brian Johnston from HMICS as the Lead Inspector from HMICS conducting the review with regards to drug driving toxicology provision.

Apologies were noted from;
DCC Malcolm Graham (PS)
CS Stevie Dolan and CS Conrad Trickett (PS)
Amanda Coulthard (SPA)
Barry Sillers (SPA)

1.2 Declarations of Interest or Connections

There were no declarations of interest.

1.3 Forensics Services Committee minute of meeting held 8 August 2022 for approval

Members **AGREED** the Minute from the Forensics Services Committee on 8 August 2022 was an accurate record of the meeting.

1.4 Action Log and Matters Arising

Members noted and agreed the written updates provided.

There were no matters arising.

1.5 Decision on taking business in private (items 5 - 8)

Members agreed, in accordance with paragraph 20 of the SPA Standing Orders, to consider items 5 – 8 on the agenda in private for the reasons set out in the agenda.

2.1 Forensic Services Director's Report – Fiona Douglas

Members considered the report that had been submitted to update the Committee on the recent key activities across Forensic Services. Fiona Douglas highlighted some key areas within the report;

- There has been a substantial amount of discussion around the potential flat cash budget settlement for next year in order to understand the impact for both business as usual and the planned and ongoing transformational change. Despite the lack of clarity around the budget position, Forensic Services are committed to transforming their operating model as much as possible noting that without the previously agreed investment, many of the benefits will not be realised for the foreseeable future. Despite this the current performance of forensic services is strong with improvement in caseload management and greater balance between available capacities against the current levels of demand.
- The transfer of Post Mortem Toxicology services to Forensic Services remains on track for the 1 December 2022.
- The UKAS Surveillance assessment of Forensic Services has started to assess Forensic Services ongoing compliance to the ISO17025 International Standard. This work will continue until the end of November 2022.
- This month Forensic Services colleagues joined with teams from the Danish Police Fire Investigation Unit, Scottish Fire and Rescue Service and the Leverhulme Research Centre for Forensic Science at Dundee University with regards to the use of virtual reality technology for the recording of fire scenes. FDouglas advised that this technology will allow images to be translated from a fire scene into virtual reality which will allow a scientist to place themselves in the scene and test their assumptions in a fire scene and how damage has occurred.

In addition to the submitted report the following points were raised and discussed;

- Katharina Kasper (KKasper) referred to paragraph 2.8 and sought clarity on whether the going live on the Code of Conduct had impacted on any existing procedure or if anything had changed operationally. FDouglas advised that a lot of work had been done across forensic services and with colleagues in Police Scotland with regards to the governance of Biometric Data to ensure that they can comply with the Code of Practise. Internal policies and processes have been audited to ensure compliance on the newly set out standards. There has been a lot of development work undertaken to strengthen the governance and control around biometric data.
- Caroline Stuart (CStuart) sought clarity on when staff will be issued with their new contracts. The Chair noted that this would be the last committee meeting prior to the transfer taking place. GHolcroft advised that the university are about to start the group consultation before moving onto individual consultations with contracts being issued thereafter. GHolcroft assured members that all the work had been completed therefore there were no issues anticipated. It is hoped contracts will be with staff in the next couple of weeks.
- Fiona McQueen (FMcQueen) referred to capacity within the service and sought clarity to what extent Forensic Services are considering assuring that the workforce have a manageable workload when looking at recruitment and flat cash. In addition FMcQueen referred to the drugs backlog and sought clarity on when that situation will reach being in balance and an acceptable standard. FMcQueen also sought clarity over the Cold Case Review and whether all cases required to be reviewed will be fully embraced. FDouglas advised that the current demand in forensic services and the available capacity is in its best position it has been in for a number of years. That is being identified through the reduction into caseloads due to an investment in recruitment a few years ago and the long lead in time to train staff within forensic science. There is no doubt that flat cash will have an impact on the staff of the organisation and there will be a need to use current data and demand forecasting to make good pro-active decisions to grow capacity where appropriate. There is ongoing work to look at the demand forecast over the next 12-18 months and beyond as part of the strategic workforce planning, this will be important to ensure that acute levels of pressure are taken from staff. There is also a particular project within scene examination called psychological supervision which looks at having up front interventions that prevent staff from breaking before they break. FDouglas referred to "what does good look like" and within the field of drugs that is

around the ability to provide real time drugs intelligence into a policing and health perspective, however, there is a way to go before reaching this acceptable level. FDouglas advised that cold case reviews are always ongoing and there is an ambition to work on as many cold cases as possible. Work is ongoing with Police Scotland and Crown Office to work with their priorities.

- The Chair asked FDouglas to be explicit on what the improvement in drugs mentioned compared to toxicology (drug driving). FDouglas clarified that the main difference between drugs and toxicology was that drugs was an identification of substances and toxicology is an identification of substances within body fluids.
- The Chair sought clarity on the criteria for cold case review and how far back they go. ACCBSmith advised that decisions on cases are based on a lot of different reasons and often advances in forensics is a reason. There are ongoing discussions with Crown Office and partners around what cases would be appropriate to open, staff capacity, family members. Essentially there is not one rule, but a group discussion and decision.

Members **noted** the report.

2.2 Forensic Services Performance Report – Q2 – Fiona Douglas

Members considered the Forensic Services Performance Report, Q2 2022/2023. FDouglas provided comprehensive narrative to support the detail within the report which was welcomed by members. In addition to the submitted report the following points were raised and discussed;

- JRyder referred to biology and the increasing demand and sought clarity on the forward thinking in that area. FDouglas agreed that the demand in biology is an increasing picture and the organisation are conscious of that from a Strategic Workforce Planning perspective, particularly around sexual crime where forensic science plays a critical role. A number of areas are being looked at within the new operating model, one being multiskilling and increasing flexibility across the organisation to help deal with peaks in different areas. As part of the workforce planning and when faced with the impact of flat cash there is a need to look at different ways of achieving this in order to minimise impact. FDouglas believe the key thing for the organisation will be around flexibility and ensuring that they are as efficient as they can be. In addition it is important to progress the operating model despite the investment underpinning some of the benefits realisation, some of these benefits can still be delivered through implementing new roles and new structure in order to make best use of resources internally.

- FMcQueen sought clarity on when the committee will have a fuller report on complaints. In addition sought clarity on how the improvement in the caseload had been achieved. In relation to the proactive work being done to support psychological welfare, was there an expectation that sickness and absence will reduce as a consequence of that. FDouglas advised that there has not yet been full agreement on what the expectation is with regards to what level of sickness and absence is expected following the pandemic, however, 5% (as noted within the report) is higher than would be expected. There are different ranges of sickness and absence throughout different areas of forensic services, with different levels of intervention and types of support. The key role of the attendance management group is to look into those statistics, identify trends and actions. FDouglas is hopeful that the 5% will reduce, however, it is unclear on what the expected reduction will be. FDouglas advised that complaints will be included within the performance framework in order to provide better visibility of complaints to the committee. The improvement in relation to the caseload was as a result of increasing capacity and process improvement which is paying dividends in drugs and firearms where there has been substantial focus on the process. Biology it is a difficult area and there has been a significant investment in capacity however, there is a need to focus on the next phase of internal investment in order to support that area given the anticipated crime trends.
- CStuart referred to lab capacity and demand and output (3.4 and 3.5 of the report) and advised that these charts will be key going forward in terms of planning, therefore there is a need to make them richer by mapping people onto that in order to give an indication of resources per unit and the cost to serve into each area. FDouglas agreed and advised that she was keen to bring a forecast to the members detailing a forecast of demand and capacity in order to gain a collective understanding of risk with regards to capacity imbalance. FDouglas referred to costs and advised that it will take a little longer to do although it is on the plan to look at that. Costs in relation to toxicology casework had previously been looked at and there is a need to expand that out over the organisation. FDouglas advised that a demand forecast against the available capacity and expected improvement due to the impact of the flexible model will come to the December committee. This should also detail what will not be achievable due to flat cash. The Chair noted the importance of having the most up to date performance measures going forward as this was critical when faced with flat cash.
- JRyder advised that it should not be assumed that all the benefits should be removed and that they should be reviewed in order to identify residual benefits, however, accepted that there will be a need

to review and reset assumptions around the operating model. FDouglas agreed that it would not impact on all benefits, and it was particularly in relation to capacity growth that was the investment part of the strategic workforce plan that will not be able to be achieved as set out within the business case.

- KKasper referred to the reduction in caseload and noted the importance of not underselling that there had not been a reduction in demand, it was around the organisation better management of demand. KKasper advised that she would be keen to see trend data in relation to scene examination. In addition, KKasper would be keen to see the prioritisation process that sits around crime scenes. FDouglas advised that she would provide the trend information into the next report. With regards to the prioritisation process this is being progressed forward with the tasking unit, therefore current and future practise, the demand in that area and what benefits can be expected can be provided to a future committee.
- The Chair referred to 2.2 and fingerprint caseloads and sought clarity on the substantial fall in that area. FDouglas advised that was a result of improvements in prioritisation and efficiency within the team. Alastair Patience (APatience) advised that Improvement Working Groups had been set up in certain areas to look at specific aspects and process have been standardised to allow improvements. The Chair referred to the 30% fewer scientists in the crime campus biology unit and sought clarity over that figure. Helen Haworth (HHaworth) advised that the 30% related to maternity and secondments (approx. 8 people). FDouglas advised that it was a challenge to backfill maternity related absence due to the length of time to train a forensic scientist, therefore it was difficult to mitigate the impact of that.
- The Chair sought clarity over the information being provided in relation to imaging. FDouglas advised that a lot of work had been done around the processes in order to make that area of work more effective and although there has not been an increase in demand, there has been improvements in the output.

Members **noted** the report and **agreed** the following actions;

20222408 – FSC – 002: Fiona Douglas to ensure the data in relation to lab capacity and demand is made richer by mapping people into that in order to provide an indication of resources per unit and the cost to serve into each area.

20222408 – FSC – 003: Fiona Douglas to ensure that future reports provide more trend data in relation to scene examination.

In addition provide members with the prioritisation process that sits around crime scenes.

2.3 Drug Driving Update – Alastair Patience

The Chair advised that Item 2.3 and 4.2 from the agenda would be taken together due to both items linking together in terms of content.

The committee considered a report which provided members with an update on progress on the Drug Driving Toxicology Service. APatience highlighted key points as noted within the report. In addition to the submitted report the following points were raised and discussed;

- The Chair sought clarity on the current position in term of backlog. APatience advised that the internal backlog is reducing with the new outsourcing contract being implemented and additional cases now being outsourced to assist with the backlog.
- The Chair sought clarity on the real-time information in relation to the number of cases being time barred. APatience advised that it is an improving position to a point where it is zero for September 2022.
- The Chair sought clarity on how long drugs can remain in a person's system. FDouglas advised that it is a complicated area in terms of how long particular drugs can stay in a system and advised that it was a medical judgement as opposed to a scientific one. ACCBSmith added that in terms of a public health approach and in order to make drug driving socially unacceptable, there are campaigns being worked on to hopefully come out before Christmas to combat these numbers. Police Scotland will feed into these campaigns in the hope to make a difference.
- JRyder sought clarity from HMICS on the timeline of their review. Brian Johnston (BJohnston) advised that HMICS were at the interviewing stage of the review and it is hoped that the field work will be complete by end of November 2022 and final report being submitted by January-February 2023.

Members **noted** the report.

4.2 Forensic Toxicology Oversight Group – Update from Meeting Held 7th September and 6th October 2022 – Committee Chair

Members **noted** the report.

2.4 Forensic Services Financial Monitoring Report (Q2) – Fiona Douglas

Members were provided with a report which noted the update on the financial position of Forensic Services as at the end of Period 5 (31 August 2022) of the financial year 2022/23, as well as forecasting the full outturn to 31 March 2023. FDouglas provided key points as detailed within the report.

Members **noted** the report.

3.1 Forensic Services Change Programme Update – Joanne Tierney

Members were provided with a report which provided progress on the Forensic Services Change Programme. Joanne Tierney (JTierney) highlighted key areas as detailed within the report. In addition to the submitted report the following points were raised and discussed;

- JRyder noted that bringing two business cases to the committee in December when almost certainly they will be unable to be progress with all of the elements of the change programme and noted that some thought be given to the timing and content along with perhaps some rephrasing. FDouglas advised that these projects had large risks associated with them, therefore it is important to progress with the initial business case bearing in mind that it will inform a piece of work that is required to look at the full business case. FDouglas accepts that it will be difficult in the current financial climate, however, there is value in progressing the work from a governance and compliance legislation and the other in terms of the impact on the core case management system which will in time need to be replaced. JRyder advised that she would be keen to see risk taken into account in doing any prioritisation, therefore would be keen to see these not in isolation but in the context of the whole financial and operating position. Howard Kennet (HKennett) added that having the resource in place was reason to continue until they reach a position of not having the resource to deliver.
- FMcQueen sought clarity on whether not delivering the transformation the impact that would have on the sustainability of future services. FDouglas advised that it would have an impact and that there is an operating system currently in place that will become unsupported at a certain point. This system is currently slow and impacts on the ability for forensic services to deliver a service effectively. FDouglas noted the need to set that out in the full business case and within discussions on an ongoing basis.

Members **noted** the report and **agreed** the following action;

20222408 – FSC – 004: Joanne Tierney to ensure that risk is given some consideration when doing any prioritisation, not in isolation, but as part of the whole financial and operating position.

3.2 Refreshed 2 Year Business Plan – Fiona Douglas

Members were provided with a report which provided an update on the two year Forensic Services business plan. FDouglas highlighted key areas as noted within the report. In addition to the submitted report the following points were raised and discussed;

- JRyder noted that this was a two year business plan and by the time they reach the next financial year, there may be a case for a completely new business plan. FDouglas agreed and advised that once the budget position for next year was clear the activities that need to be prioritised and set out in order to deliver the savings aligned to a flat cash budget. This will be the focus of the organisation with many of the activities for the business plan will become beneficial to have rather than critical to the next two years.

Members **noted** the report.

4.1 Forensic Science Regulator Code of Practice - Scotland – Fiona Douglas

Members were provided with a report that provided considerations relating to the Forensic Science Regulator's Act 2021 and regulatory outcomes for forensic science in Scotland. FDouglas highlighted key areas as noted within the report. In addition to the submitted report the following points were raised and discussed;

- The Chair sought clarity on what circumstances would the organisation not want to comply. FDouglas advised that there would be areas from a legislative perspective and having a different legal system in Scotland the organisation would be unable to comply.
- FMcQueen advised that she was surprised that the regulation had been put in place in England and Wales and not Scotland and sought clarity if the reason was because it was devolved. FDouglas advised that was the case and whether it was progressed in Scotland would be a political decision and would require a change in the law to be applied in Scotland.

- JRyder noted the complexity of activity and legislation and asked for a briefing that brings these areas together.

Members **NOTED** the report and **AGREED** the following action;

20222408 – FSC – 005: Fiona Douglas to provide the committee with a briefing that brings together both activity and legislation.

4.3 Forensic Services Committee Work Plan – Committee Chair

Members **noted** the report.

Draft