



Forensic Services Committee

30 October 2023

Minutes of the Forensic Services Committee held on 10 August 2023 via MS Teams.

Board Members present:	Paul Edie (Committee Chair) Jane Ryder (Committee Member) Fiona McQueen (Committee Member) Katharina Kasper (Committee Member)
Board Member apologies:	Caroline Stuart (Committee Member)
In attendance:	<u>SPA Forensic Services</u> Fiona Douglas, Director of Forensic Services Alastair Patience, Head of Function Helen Haworth, Head of Function Craig Donnachie, Head of Quality and Assurance Joanne Tierney, Head of Change & Development Derek Scrimger, Head of Function <u>Crown Office</u> Ruth McQuaid, Procurator Fiscal High Court <u>Police Scotland</u> Suzanne Chow, Detective Chief Superintendent <u>HMICS</u> Craig Naylor, Chief Inspector of Constabulary <u>SPA</u> Barry Sillers, Deputy Chief Executive

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	Amanda Coulthard, Head of Strategy and Performance Scott Ross, head of Change and Operational Scrutiny John McNellis, Head of Finance Audit and Risk Eleanor Gaw, Governance and External Relations Lead Graham Stickle, Audit and Risk Lead Colette Craig, Governance Support Officer
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1. Introductions and Welcome:

1.1 Chair’s Opening Remarks

The Chair welcomed attendees.

1.2 Apologies

None

1.3 Declarations of Interest and Connections

There were no declarations of interest or connections.

1.4 Decision on taking business in private (Item 8 – 10)

Members **AGREED** to take items 8-10 in private.

2. Minute and Actions from previous meeting:

2.1 Minute from meeting held on 4 May 2023 for approval

Members **AGREED** the Minute from the Forensic Services Committee on 4 May 2023 was an accurate record of the meeting.

2.2 Rolling Action Log and Matters Arising

The Chair noted concerns around the proposed closure of some actions. Members **NOTED** and **AGREED** that the following actions remain ongoing until further information was made available to members:

- 20222504 – FSC – 003
- 20230405–FSC – 005

There were no matters arising.

2.3 Decisions since last meeting

There were no decisions since the last meeting.

3. Performance

3.1 Forensic Services Director's Report

FDouglas provided an overview report which informed members on recent key activities across Forensic Services. During discussions the following matters were raised:

The Chair noted that he had attended the Fire Investigators Research and Training and thanked staff that had arranged such an interesting event. The Chair also commended the team on the noticeable progress identified by UKAS since their previous visit.

Jane Ryder (JRyder) referred to benchmarking methodology and asked that some of the comparators looked at include private providers as there will be some comparability between inhouse and outsourcing. Members encouraged SPA Forensic Services staff to look at this area strategically with organisations across the UK (e.g. university partners) and seek support of SPA Corporate colleagues on this piece of work. Members also sought clarity on a timescale for this activity. Derek Scriminger (DScrimiger) advised that there is a need to reach a steady state with the New Operating Model before benchmarking data can be looked at, it is expected that a steady state will be reached at the end of the year, however, some benchmarking on processes and priorities could be done before then. FDouglas advised that benchmarking can be developed further, particularly with drugs driving toxicology and outsourcing, however, some commercial organisations are not keen in sharing that information.

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

20231008-FSC-001: Fiona Douglas to ensure that when addressing Benchmarking, consider organisations from across the UK (e.g. university partners) and ensure this is supported by SPA corporate performance.

3.2 Forensic Services Performance Report – Year-end Report

FDouglas provided an overview of the Forensic Services Year End Performance Report for 2022/23. During discussions the following matters were raised:

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The Chair referred to the transfer across from Post Mortem Toxicology and sought clarity on why performance in that area had dropped and when an improvement would be seen. FDouglas advised that there were a number of issues to be addressed following the transfer of staff in December 2022, such as cleaning and prep of samples, testing and validation of new instrumentation, bringing new instrumentation on to the policing network and training of transferred staff on new instrumentation. This programme of work continues, and it was recognised in planning for the transfer that there would be an increase on the turnaround of time, although it has been longer than planned. FDouglas advised that colleagues at Crown Office have been kept well informed of the increase in turnaround times and that a return to 5 week turnaround for non-priority work will be delivered by the end of October. GHolcroft advised that the validation of tests was now complete allowing them to be fully operational with industrial leading testing.

FMcQueen noted that when she asked in February 2023 when the service would revert to no backlog, she was assured that it would be done in good time, however, was not advised that there would be a backwards step before improvement. FMcQueen noted that from a transparency point of view, it would be helpful for members to be updated between meetings on any delays such as this. FMcQueen advised that it would be helpful to have a matrix which detailed real-time work reducing, whilst highlighting the lag of work being reported. FDouglas advised that the 5-week turnaround time is to record the cases (receiving sample to providing analysis). It was noted that the service prioritise cases based on information from the Crown Office, which can cause fluctuations with timeliness of reporting. FDouglas advised that she would review what was previously reported, however, going forward she would highlight any slippage in relation to performance improvement for future meetings.

Katharina Kasper (KKasper) referred to demand vs capacity, given that 5-year trends show that demand is at its lowest, seeking clarity on how flexibility of capacity is build in to planning for the target operating model for the service. FDouglas advised that the future operating model is about improving the speed of the provision of forensic results, not about growing capacity and in time the intention is to multi skill staff to allow them to be more efficient and faster, an area that currently requires most improvement.

The Chair referred to post-mortem toxicology outsourcing, which is due to end in August 2023, seeking assurance that this would be the case. FDouglas advised that the contract expires in August 2023, and that no further financial resource is available to support continued outsourcing within a balanced budget. While internal provision should be sufficient to

meet demand in line with agreed timescales, it may be prudent to extend the contract as a contingency measure for a further few months.

The Chair sought clarity on the practical impact of an increase on the turnaround time to the public. FDouglas confirmed that increased turnaround times can delay issue of death certificates and have other emotional impacts on families. The Chair sought assurance that if there are any further delays in reaching the 5 weeks turnaround that it would be reported to members. FDouglas committed to providing members with a monthly update on this area.

FMcQueen referred to the demand increase in relation to sexual crime and sought clarity on the involvement of forensic services in wider activity in this area such as development of the Violence Against Women and Girls Strategy by Police Scotland. FDouglas advised that the service would seek to be more involved in the development of such strategies that may have an impact on service demand, with discussions underway with Police Scotland on how strategic direction within policing may impact on forensic service demand. Ruth McDaid (RMcDaid) advised that it is not clear that strategies are the cause for an increase in demand, and provided some insight from a crown office perspective.

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

20231008-FSC-002: Fiona Douglas to provide monthly updates in relation to post mortem toxicology performance given current pressures including progress in returning to the committed turnaround time cases of 5 weeks.

20231008-FSC-003: Fiona Douglas to provide an update to members on the expected improvement in performance in Volume Crime DNA casework as a result of actions taken and reported to the Committee.

3.3 Forensic Services Performance Report – Q1

FDouglas provided an overview of the Forensic Services Performance Report, Q1 2023/24, the first of a new format of reporting in line with the performance framework for the service. During discussions the following matters were raised;

The Chair noted his disappointment that comments provided by committee members had not yet been incorporated into the report template and drew attention specifically to the need for enhanced protected characteristic data for the workforce, more insights to support data in the report and a simplification of performance metric reporting.

FDouglas noted that there was insufficient time to reflect comments into the report however, the report will be redesigned to incorporate feedback and further development. The Chair stated that he is concerned that the report format seems to be more directed at compliance with the MoU rather than a wider service performance report. The Chair also noted concerns around performance in a number of the priority two and three areas. In addition the Chair sought clarity over the 39% open casework. FDouglas advised that the 39% was an improvement on previous years of forensic services, however, timeliness remains an issue.

JRyder referred to volume crime showing demand vs MoU delivery and the need for that to improve and sought clarity how/when that would happen and what was the difference between Priority One and Priority Two. Helen Haworth (HHaworth) advised that there had been a slight increase in demand on volume crime and explained the differences between Priority One and Priority Two, noting that all volume crime are priority two cases. Members were advised that the priority levels and timescales were set out within the MoU. The Volume Crime DNA Unit was established to quickly turnaround simple crime samples within 21 days, that turnaround time is currently at 40 days due to the capacity of reporting cases. It is hopeful that will be reduced within two months. JRyder asked that data on this area be included in the agreed monthly reporting.

FMcQueen referred to the need for evidence and assurance and the need to explain complexity in a simple and straightforward way along with providing measurements of improvement and suggested that this would be worthy of a deep dive. FMcQueen referred to the people element and advised that it would be helpful to see protected characteristics in total, understand if it is an issue for those working over 30 hours. FMcQueen sought clarity on whether the Employee Assistance Programme and Occupational health Service sufficient to support staff. FDouglas advised that she would develop the data around protected characteristics, flexible working and nature of work to be reflected better in future reports. FDouglas advised that there is an increased focus on sickness and absence and noted a good service provided from Occupational Health, there are a number of complex issues and pockets within the organisation of disproportioned high sickness levels with interventions taking place, this information can be provided to members.

The Chair sought clarity on the priority 2 toxicology figures presented at page 20 and was provided a detailed explanation around the data presented. In addition, FDouglas advised that once they have reached stable state, capacity will be included within this data.

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The Chair asked that the report was developed in line with members expectations. FDouglas agreed the need to adequately capture what members are expecting offline to ensure there is a product that meets members expectations.

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

20231008-FSC-004: Fiona Douglas to undertake a deep dive to inform the next iteration of the performance report and framework.

20231008-FSC-005: Fiona Douglas to ensure that the Deep dive provides evidence and assurance and explain complexities in a simple and straightforward whilst also providing measurements of improvement.

20231008-FSC-006: Fiona Douglas to develop further detail around people data for future performance reports, which will be part of the agreed performance deep dive.

3.4 Drug Driving Update

FDouglas provided members with an update on progress on the Drug Driving Toxicology Service. During discussions the following matters were raised;

JRyder sought assurance on discussions and contingency around the implications of the return to 6 months from 12 for the statutory time limit. APatience advised that it is front and centre of their thinking and all planning is focusing on the reduction of this timescale. JRyder sought clarity on whether they required greater capacity or a dependency on outsourcing. APatience advised that there is constant dialogue with the outsourcing partner on capacity and they have emphasised the significant challenge the revised timescale would cause. The outsourcing partner have provided assurance that they are building increased capacity through investment in equipment, staff recruitment and training to ensure they are able to meet service level demands in Scotland. JRyder noted concerns around the funding for outsourcing. APatience recognised those concerns and advised that there would be a requirement for future funding with discussions on detail of this yet to take place FDouglas highlighted key risks in this service area but noted that the recent HMICS assurance review and resulting recommendations provide a more strategic context for improvement activities. The Chair noted concerns around the risk of an imminent change in statutory timescales or wider legislative framework. FDouglas noted that the outsourcing partner were managing a complex set of circumstance and advised members of the

likely repercussions for forces across England and Wales if SPA Forensic Services enforced contractual obligations onto the outsourcing company. FMcQueen advised that it would be helpful to understand what further action would be required to meet a return to the 6 month statutory timescale and what planning was underway for this. FDouglas assured members that in-house provision is already compliant with the 6 month statutory time limit, however, the issue is around the outsourced work. FDouglas advised members that around 300 drug driving cases would become time-barred if the statutory time limit reverted to 6 months on the 1st December 2023, and that Scottish Government had been made aware of this. FMcQueen and JRyder requested a better understanding of what action could be taken to reduce that potential time barred case number and what, if any, further actions and investment could be explored. FDouglas advised she would provide some further information on the matter. KKasper sought clarity on when those 300 cases should have been fed into the outsourcing system to enable it to meet the time limit. FDouglas advised that there is little that could have been done, as there is insufficient capacity in the marketplace.

The Chair noted concerns around in-house provision and sought clarity on how that was progressing. FDouglas advised that the focus was around growing capacity and doing preparatory work for the next financial year to ensure ability to resource the 2700 capacity. That requires new instrumentation, development of improved methods, training of new staff and growing the reporting capacity of the function. This where staff capacity is focused at the current time which was detailed in the business plan. FDouglas advised that capacity increases over time and by July next year members will see the service at full capacity based on 2700 annual cases.

The Chair asked for demand data to be included into monthly reporting. FDouglas advised she would add this to future reports. The Chair asked for the text and colour in charts to be made clearer. APatience advised that he would review the presentation of charts.

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

20231008-FSC-007: Fiona Douglas to provide members with further information as to the impact of the return back to a statutory time limit of 6 months.

Item 4 was provided before Item 3.5

4. HMICS Assurance Review of Forensic Toxicology Provision – Improvement Plan

Members were provided with the agreed SPA Forensic Services and SPA Corporate improvement plan based on recommendations made in the HMICS Assurance Review of Forensic Toxicology. During discussions the following matters were raised;

Craig Naylor (CNaylor) advised that he was happy with the improvement plan and thanks the SPA Forensic and Corporate teams for their work to produce it. It was noted that there are some areas that require some clarification, which he will take offline. HMICS are keen to see improvements in in-house capacity and capability within forensic services, and for improvements to the processes for Police Scotland providing samples for analysis within agreed timescales; both key issues identified through the review. HMICS also welcomed the draft MoU, which supports delivery of key recommendations. As with all inspection and review recommendations, decisions to discharge will be progressed based on submission of sufficient evidence of delivery. FMcQueen asked for a detailed timeline for delivery of improvement actions to be developed to allow members to monitor progress. FDouglas advised that as the broader action plans are being progressed a report can be provided to members.

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

20231008-FSC-008: Fiona Douglas to provide a timeline for delivery which will allow members to monitor progress against the HMICS Improvement Plan.

The committee took a 5 minute comfort break.

3.5 Forensic Services Financial Monitoring Report Q1

John McNellis provided an update on the financial position of Forensic Services for quarter one (three months ending 30 June 2023) of the financial year 2023/24, as well as forecasting the full outturn to the year end. During discussions the following matters were raised;

Members were updated on the operational impacts of the current underspend on staffing. In addition, members also considered the efficiency plan, focused on areas that have yet to deliver and were assured that there is active ongoing management of savings to deliver on budget.

Members **NOTED** the report.

5. Forensic Services Change Programme Update

Joanne Tierney (Jtierney) provided members with an overview of the Forensic Services Change Programme Update. During discussions the following matters were raised;

The Chair sought clarity around the timeframe in which the framework would be finalised. JTierney advised that they are working on a draft framework for discussion at October change board.

JTierney advised that the Core Operating System initial business case was discussed at the most recent Resources Committee (RC) and they supported progression of a full business case, however, the RC want to see a strategy for on and off ramping. JTierney updated members of concerns the RC had around affordability. JRyder sought clarity on a timeline for the full business case. JTierney advised that they are looking to bring in some support to produce the full business case to ensure it is robust, the intention is to have the full business case by the end of the financial year. JMcNellis assured members that the asks from the RC in relation to the business case are normal, however, there are concerns around funding for a majority of business cases coming forward due to financial challenges around what can be funded.

FMcQueen referred to the need for further detail around costings and sought clarity on whether this would put this programme at risk. JTierney, advised that some initial costings have been looked around data governance project and there is some capital set aside for this. JTierney advised that the level of investment around the operating model is not as anticipated therefore there is a phasing element to the operating model. FDouglas added that they have delivered two key projects and already starting to see the benefits of that, as will members with a forthcoming benefits tracking dashboard.

Members **NOTED** the report.

6. Regulator Code of Practice Update

Members were provided with an update on activity in England and Wales to implement the Forensic Science Regulator Code of Practice. During discussions the following matters were raised;

JRyder noted that this was applicable in England and Wales and sought clarity around the risk of non-compliance. Craig Donnachie advised that this is an unknown risk at present but work is being done to provide assurance. FDouglas advised that there has been much discussion around compliance

with the code of practice with detailed work being lead by the Ministry of Justice to see how they can support the courts to understand what this means in practice and provide a level of assurance about what non compliance means. FDouglas advised that that work would continue with England and Wales on the matter or cases not being progressed due to non compliance to the Code of Practice.

Members **NOTED** the report.

7. Memorandum of Understanding

Members were provided with a final revised Memorandum of Understanding (MoU). During discussions the following matters were raised;

Members welcomed the final revised version and commended all partners involved for reaching this point.

Members **NOTED** the report.