

**FORENSIC SERVICES COMMITTEE
8 AUG 2022**

**Minute of the Scottish Police Authority Forensic Services
Committee held by MS Teams on Monday 8 Aug 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
Jennifer Muir, Head of Strategy and Business Performance
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
Scott Ross, Head of Change and Operational Scrutiny

Police Scotland (PS)
Assistant Chief Constable Bex Smith
Gordon McCreadie
Chief Digital Information Officer Andrew Hendry

COPFS
Ruth McQuaid

1.1 Welcome and Apologies

The Chair noted this as his first meeting as Chair of the committee and also welcomed Katharina Kasper and Fiona McQueen as new members to the Forensic Services Committee. The Chair noted that Item 21 Forensic Toxicology Oversight Group – Update from Meeting Held 4th August 2022 was a late addition to the agenda.

Apologies were noted from;
DCC Malcolm Graham

1.2 Declarations of Interest

There were no declarations of interest.

1.3 Forensics Services Committee minute of meeting held 25 April 2022 for approval

Members **AGREED** the Minute from the Forensics Services Committee on 25 April 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 12 - 21)

Members agreed, in accordance with paragraph 20 of the SPA Standing Orders, to consider items 12 – 21 on the agenda in private for the reasons set out in the agenda.

2. 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;

- Much time has been invested by the Senior Management Team (SMT) with regards to drugs driving and toxicology casework and the issues that surround that following the announcement that 386 drugs driving toxicology cases were unable to progress to prosecution as they had succeeded the statutory time limit.

- The SMT restructure within Forensic Services is now complete following a period of consultation. FDouglas congratulated those within new posts.
- Following approval at the JNCC in June 2022, Forensic Services are now in the process of advertising a number of posts as part of the implementation of the new operating model.
- FDouglas welcomed the Cabinet Secretary for Justice to Junction 24, Post Mortem Toxicology Laboratory which allowed for some discussion around the processes and equipment in place.
- Members were advised that a draft of the Equality, Diversity and Inclusion (EDI) Strategy had been discussed extensively with staff association groups, EDI staff groups and staff within Forensic Services. FDouglas advised that she would be seeking views of committee members to progress this through to a paper at the next committee meeting in order to approve the strategy for implementation.

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

- The Chair congratulated SMT on their new promoted posts.
- Members asked for a breakdown of the 41 new posts as part of the implementation of the change programme. FDouglas advised that none of the posts related to change noting that they were all scientific or support posts, some being temporary although a majority permanent. The posts are new in the context of the operating model with redesigned roles with different activities in comparison to some existing roles. It is hoped that many of the posts will be filled internally, however, none of them relate to professional change roles.
- The Chair sought clarity on whether or not the 41 posts were over and above the current establishment. Vicki Morton (VMorton) confirmed they were 41 additional support and scientific roles which are budgeted for. FDouglas added that she was very cognisant of the risks around flat cash and noted that discussions are ongoing with the Accountable Officer with a workshop taking place later in month to discuss the impact on the new operating model project. FDouglas added the need for her to understand the broader picture across Police Scotland and SPA as a corporate body to understand where Forensic Services sits within that as part of the wider policing budget. To date approximately half of the 41 posts have been advertised and prior to making any appointments there is a need to be clear that any decisions made in relation to recruitment this financial year does not create pressure on next year's budget.
- Members referred to the EDI Strategy and sought clarity on where it linked across Police Scotland and SPA Corporate. In addition members

were keen to be more aware of what the protected characteristics were within forensic services and what key areas they would be looking to make more visible. FDouglas advised that the EDI Strategy was an action through the sub-group of the People Board who are active in ensuring progress in this area. FDouglas advised that she keen to have feedback from members to incorporate ahead of the next committee meetings. It is hoped that there will be clear indicators of areas that forensic services seek improvement in and how progress will be tracked against those indicators. Members noted the importance of knowing that the actions being taken would achieve the desired results.

- The Chair asked if the EDI Strategy was linked into the Police Scotland EDI Strategy and whether or not there had been any engagement with Stakeholders. Alastair Patience (APatience) advised that they had linked in heavily with the Police Scotland Strategy and Innovation Team in relation to the development with the strategy. All feedback that was provided by them has been incorporated and although there had been no sight of the PS Strategy, APatience believed there would be good linkage based on the feedback provided by the team.

Members **noted** the report.

3. Forensic Services Performance Report – Q1 – Fiona Douglas

Members considered the Forensic Services Performance Report, Q1 2022/2023. FDouglas highlighted key areas within the report;

- With the exception of biology and the volume crime unit and drugs, there has been a reduction in demand across many areas of forensic services.
- The caseload within drugs, mark enhancement and toxicology are still higher than they should be, however, there are specific actions in place to reduce these caseloads over coming months.
- Toxicology continues to be a cause for concern with many actions in place to address the backlog of work in this area. Toxicology performance continues to be discussed in a number of forums.
- A subgroup of the People Board are placing focus on the reasons behind the absence rates and looking at opportunities to provide increased support in the right areas to reduce levels of absence within the organisation.

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

- Members asked for future reports to include more narrative to support the data to allow a better understanding of trends. FDouglas

advised that there is an ambition to develop the performance report quarter on quarter and noted that there was work to be done to ensure the report was fit for purpose and ensuring that it fits with the performance framework discussions.

- Members sought clarity on whether there should be any concerns around accreditation not being continued within labs. FDouglas advised that there was a routine schedule of work associated with maintenance of accreditation which works on a 4 year cycle. UKAS are involved in different parts of the accreditation and it is a large scale exercise with no cause of concern within the annual accreditation services. Work is ongoing with UKAS with regards to challenges within toxicology and around the Section 4 and Section 5a analysis. A further additional review within toxicology will take place on Thursday 11th August with regards to accreditation to that area. There are a number of challenges following the recent publication of additional guidance and the application of the international standard to toxicology analysis, with the need for additional work to be done in order to demonstrate compliance.
- Members sought clarity around scene examination and the expected percentage standard. FDouglas advised that they endeavour to attend 90% of scene within 24 hours of incidents being reported which is what they endeavour to achieve, however, there are a number of reasons that stop that from happening and it is hoped that this information will become available within scene deployment evidence management system in due course.
- Members sought clarity over the absence rate reported and the physiological support being offered to staff. FDouglas advised that a lot of focus had been given to physiological support with formal diagnoses of PTSD and other mental health issues as a result of work. Forensic Services are in the process of setting up a pilot in order to have proactive physiological supervision built into professional practise. It is hoped that this will help staff not to break, rather than having to step in once they have broken. The pilot will be run on front line scene examination staff to begin with, however, there are other areas of mental health that will require to be addressed.
- Brian Johnston, HMICS (BJohnston) sought clarity on whether there were any plans in place if UKAS were to remove accreditation. FDouglas advised that they have detailed plans around what is expected by UKAS within the laboratory. FDouglas are keen to see the plan in respect of the age of the backlog of cases for analysis within toxicology and there are concerns around the timeliness of cases ensuring that there are no further cases that will fail to progress to prosecution. FDouglas has written to both Police Scotland and Crown Office with regards to the risk of suspension to

- accreditation in this area and work will take place with partners around what the impact of that could be. If accreditation is suspended it is hoped that it would be for a short period of time to allow forensic services to address any gaps which are highlighted by the new guidance. If accreditation was paused, there would need to work with partners, particularly Crown Office to address the matter.
- Members sought clarity on when the new regulation came into place and whether or not if further guidance publications were expected. Craig Donnachie (CDonnachie) advised that the Lab51 document came out in May 2021 and UKAS had a short timeframe where they were looking for compliance. Following discussions with UKAS on the gap analysis an assessment was undertaken in October 2021 with a reply expected within 3 months which included evidence. Due to some of the complexities of the analysis a further extension was requested and UKAS agreed. Evidence was then submitted to UKAS on 1st April 2022 and they have subsequently come back looking for further clarification and a request to meet with a forensic scientist to discuss some of the analytical detail. This has taken longer than anticipated due to resource, however, a lot of work has been undertaken to provide the assurance to UKAS. UKAS have a suite of supporting documents the forensic services are required to comply with and these documents are circulated on a regular basis to ensure full sight. CDonnachie advised that Lab51 is one of the most detailed documents published by UKAS in some time, with the analytical work required being unique in its nature making it slightly different from all other documents. FDouglas assured members that forensic services were not aware of any further guidance that would require significant work or have impact on any other areas of business. FDouglas added that the next area of focus will be around the new Forensic Science Regulators Code of Practise which will be discussed at the October Committee Meeting.
 - The Chair sought clarity around the increase on turnaround time relating to violent crime. FDouglas advised that this sat with Biology Volume Crime Unit that deal with crime scenes and they have a key performance indicator to turnaround a majority of the work within 21 days. Police Scotland have had a number of operations in place that has increased the demand which has had an impact of routine work done in that area. Helen Haworth (HHaworth) provided members with some further background to the increase and advised the Police Scotland operations require to be turned around between 7-14 days. HHaworth have done an excellent job and have managed to return to the previous standard of approximately 21 days.
 - The Chair asked for more information in relation to mark enhancement improvement work and FDouglas advised that an improvement plan has been put in place. HHaworth provided some

background around the increase of cases along with the increase in drugs work, therefore the team have had a discussion with partners in order to triage cases and reduce the number of samples required to be analysed. HHaworth added that there had been additional work to look at the number of cases and remove the ones with smaller amount of work to reduce those cases.

- Members sought clarity around the strategic intent around the amount of capacity that forensic services run with. FDouglas advised that work has been done around the strategic workforce planning and at the moment there is no headroom within capacity as it is fully utilised. Forensic Science is an area with a lot of specialisms and it is difficult to move resource between areas. In addition, the current operating model puts in place some unnecessary structural boundaries with other areas of the organisation unable to offer resource and this is one of the key points within the new operating model which will allow staff to become multi skilled and more flexible and response to peaks in demand. Further work is also required with partners in relation to demand forecasting in order to identify a more sophisticated way to project demand. FDouglas added that there was no backlogs in relation to instrument capacity at this time.

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

20220808 – FSC – 001: Fiona Douglas to ensure that future performance reports include more narrative to support the data and assist members with identifying future trends.

4. Performance Framework Development – Fiona Douglas *(Verbal)*

FDouglas advised that there is a recognised need for forensic services to report performance in a more meaningful way and link that to outcomes and also link in with Police Scotland Performance Framework. This is a piece of work that forensic services intend to deliver by the end of this financial year. FDouglas added that she was keen to have committee members involved in the development of that to ensure that therefore future workshops will be planned to take this forward.

Members **noted** the verbal update.

5. Forensic Services Change Programme Update – Vicki Morton

The committee considered a report which provided an update in relation to the Forensic Services Change Programme. Vicki Morton (VMorton) provided

members with an overview of the report and highlighted progress in relation to the various areas within the Change Programme. In addition to the submitted report the following points were raised and discussed;

- Members referred to the current pressure on resource and sought clarity on what contingency thinking had been placed to the risk of there being no resource available. VMorton advised that it was important to note that 4 of the key projects are very much in flight in terms of the operating mode, access to labs, scenes deployment project weaver. Access to labs and scene deployment are almost at the phase in terms of implementation with recruitment ongoing. VMorton added that there is programme manager and project manager and a business change analyst are the types of staff in place to monitor progress and ensure that projects are running efficiently and effectively and delivering what they should be. VMorton agreed that consideration needed to be given to the wider in relation to Police Scotland projects also. Howard Kennett (HKennett) added that it would be difficult to have complete assurance at this stage within Police Scotland and their resources, however, back in December 2021 there were 4 members of Police Scotland supporting the programmes and since then there are approximately 14 staff members. HKennett advised that Police Scotland were very cognisant of the volume of work being carried out and the need for it to continue. HKennett noted that Police Scotland also have their own projects underway and have a need to prioritise, however, HKennett believes that forensic services remain in a reasonable position. Members welcomed this reassurance.
- Katharina Kasper (KKasper) advised that she is mindful that the full business case would have perhaps had some assumptions around all elements of the change programme progressing at a certain pace, however, 2 projects have now been delayed, therefore sought clarity on what the dependencies were on those 2 projects particularly in relation to the delay with IT. FDouglas advised that to some extent it was benefit that the core operating project is running behind the operating model as it allows them to ensure that the requirements for the new operating system are fit for purpose. The main issue with regards to the delay within the core operating system is the efficiencies that would bring. If demand continues to increase like it has done over the past 5 years there will be a need for the new core operating system in place to offset the efficiencies that it will deliver. FDouglas agreed that it was a key project that needed to be progressed and it is hoped that the initial business case for that will come to the next forensic services committee meeting. KKasper asked for an indication of the new timeline. FDouglas advised that it was a

lengthy project with the need for a broader discussion around capital and funding with regards to the core operating system.

- Chief Digital Information Officer Andrew Hendry (CDIOAHendry) advised that Police Scotland were very aware of the position within forensic services and are supportive of the resourcing models, however, ongoing prioritisation work is going to have implications for everyone. CDIOAHendry advised that the future cost of operating the organisation will shape the ambition with regards to transformation. CDIOAHendry assured members that the prioritisation work that is currently ongoing includes forensics.
- The Chair referred to data migration and governance and asked why they were assessed in red. HKennett advised that the work had only started therefore was assessed in red and there is a need to identify what the benefits will be.

Members **noted** the report.

6. Demonstrating Value – Fiona Douglas

FDouglas provided the committee report which provided an update demonstrating the work to assess the value of forensic science. In addition to the submitted report the following points were raised and discussed;

- Members welcomed the update and agreed with the approach to progress and report around the autumn 2023. Members further noted the importance of identification of different lenses ensuring that forensics are not just looking internally.
- Members referred to added value for Scottish society and advised that there would be benefit, when progressing the EDI Strategy there was a look at what could be done around attracting woman and girls into science and engineering. In addition, there is also a need to consider if the drug driving work could also contribute to this piece of work. FDouglas agreed there was a large amount of drugs intelligence information within forensic services, knowing that the power of intelligence is greater when it is fresh. FDouglas advised that there was opportunity to make a positive contribution in terms of particular drugs that come into the market. Once the Post Mortem Toxicology Service was in place and full picture in terms of toxicology analysis in place there would be opportunity to feed into a range of different areas, particularly public health. FDouglas advised that Forensic Services has a predominately female workforce with some initiatives in place to encourage boys and men into biology. FDouglas added that she was keen to improve the diversity of forensic science in general and a key avenue into doing that would be looking at apprenticeships and sponsored and partnership degrees.

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

20220808 – FSC – 002: Fiona Douglas to ensure when progressing the EDI Strategy there is a look at what can be done around attracting woman and girls into science and engineering in order to improve the diversity of Forensic Science.

7. Biometrics Landscape and Governance Update – Fiona Douglas

Members were provided with a report which set out the current position to consolidate the SPA FS Biometrics Strategy. The current primary focus relates to Fingerprints and DNA -biometric samples with which SPA FS has direct engagement. The report covered the following key areas;

- Key principles of our SPA FS Biometric Strategy
- Police Scotland Approach – SPA FS Integration
- Home Office – SPA FS Collaboration
- SPA FS Biometrics Working Group

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

- The Chair sought clarity on whether or not the Biometrics commissioner had provided guidance or feedback. FDouglas advised that forensic services had worked with the new Biometrics Commissioner to develop some of the initial documentation, however, no further feedback as yet and would be expected following the publication of the code of practise being published. The Chair sought clarity on whether there had been any external audit and assurance activity on this. FDouglas advised that the external audit is carried out by UKAS as part of the ISO17025 accreditation includes inspection in relation to these matters.
- The Chair referred to there being no reference to a data ethics framework within the report and sought clarity on whether there would opportunity for further integration with the data ethics framework. ACC Bex Smith (ACCBSmith) reassured members that she chairs the Biometrics Oversight Board along with being the Biometrics Data owner for Police Scotland, therefore regularly links in with FDouglas and the Biometrics Commissioner in this work. ACCBSmith added that they were very cognisant of the human rights aspects and ensuring that is handled correctly.
- The Chair referred to paragraph 2.19 and sought clarity around staff having to facilitate the timely weeding of Scottish fingerprint records from the UK fingerprint database – IDENT1. FDouglas explained that

fingerprints held on the IDENT1 fingerprint database are compliant with the Scottish legislation, so when removed from that database they are "weeded" which is the term used. The weeding for Scottish records must happen in England and there is a process in place to allow suitable access for SPA Forensics to weed Scottish records for the IDENT1 database within Scotland.

- Members sought clarity over the timeframes of these projects. FDouglas advised that she believed the code of practice would be issued within the next 2 months. In terms of reporting compliance against that, FDouglas would report after the meeting.

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

20220808 – FSC – 003: Fiona Douglas to report the expected timeframes for delivery of projects noted within the report.

8. Refreshed 2 Year Business Plan – Fiona Douglas

Members were provided with a report which informed the progress in relation to the Forensic Services Business Plan for 2022/2023. In addition to the submitted report the following points were raised and discussed;

- Members welcomed the report and advised that they will welcome the detail of the transition journey in relation to the previously present plan.
- Members sought clarity around when they would have sight of the revised forecasts for this plan and the impact of flat cash. FDouglas advised that this will be taken forward with the Accountable Officer in the coming month. The scenario planning piece of work which will follow that discussion, however, it is hoped that a fairly clear picture will come to the next committee meeting.

Members **noted** the report.

9. Drug Driving Update – Alastair Patience

APatience provided members with an update on progress on the Drug Driving Toxicology Service. In addition to the report, APatience provided the committee with a high level description of the end to end process in relation to Drug Driving whilst highlighting that the bottlenecks to that process were in relation to reporting, however, there is an intention to develop the reporting (outputs from scientific instruments) capacity within the toxicology team. In addition to the submitted report the following points were raised and discussed;

- Members referred to the processing of samples and sought clarity on what basis were they processed and how were they prioritised. APatience advised that under normal circumstances it would be first in first out, however, exceptions were made for cases that required prioritisation. Prioritisation requests come from either Crown Office or Police Scotland and once received testing requirements are adapted to meet those priorities.
- Members sought clarity on what percentage of cases were priority requests. APatience advised that he would return that information. FDouglas advised prioritisation cases was given to cases involving repeat offenders, fatalities or serious incidents and at the current point in time it was a disruptive way of working due to trying to ensure that cases do not exceed the statutory time limit.

The Chair advised that the organisation were committed to resolving issues that surround the Drug Driving Toxicology Service. The Chair advised that a short life working group had been established to address the matter, whilst FDouglas attended a gold group, chaired by ACCBSmith along with the silver improvement group which sits below that. FDouglas noted the tireless work by staff within Police Scotland and Crown Office in order to resolve the matter.

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

20220808 – FSC – 004: Alastair Patience to report back on what percentage of cases being carried out are priority cases.

10. Forensic Services Financial Monitoring Report (Q1)

Members were provided with a report updating them on the financial position of Forensic Services for quarter one (three months ending 30 June 2022) of the financial year 2022/23, as well as forecasting the full outturn to 31 March 2023.

Members **NOTED** the report.

11. Forensic Services Committee Workplan

The Chair advised that he would be keen to link with SPA Officers in order to make the work plan more meaningful. Members discussed the need for an additional committee meeting in order to address certain areas of work.

Members **noted** the report.