



Meeting	Forensic Services Committee
Date	10th August 2023
Location	MS Teams
Title of Paper	Forensic Regulator Code of Practice Update
Presented By	Fiona Douglas
Recommendation to Members	For Discussion
Appendix Attached	No

PURPOSE

To provide an update to the Forensic Services Committee Members on the activity in England and Wales to implement their Forensic Science Regulators Code of Practice.

1. BACKGROUND

- 1.1 The Forensic Science Regulator (FSR) ensures that the provision of forensic science services across the criminal justice system in England and Wales is subject to an appropriate regime of scientific quality standards.
- 1.2 Statutory powers were granted to the FSR in the Forensic Science Regulator's Act 2021 which also set out the requirement for the regulator to develop a Code of Practice.
- 1.3 Version 1.0 of the Codes of Practice (CoP) was the first attempt to create a supporting document that reflected the good practice that forensic providers with accreditation were already capable of demonstrating through achieving/maintaining accreditation.
- 1.4 The CoP added the UK context to the relevant ISO International Standard, including ISO 17025 which is the internationally accepted laboratory testing standard for the forensic science sector.
- 1.5 The document included greater direction for topics that the FSR felt required improved standardisation, such as validation, contamination control and information security.
- 1.6 This edition of the Codes focused on laboratory activities in order to create a level playing field across all providers - but with the intention to cover crime scenes and ISO 17020 at a later date.
- 1.7 The main principle of the FSR CoP is that all activity undertaken will be accredited by the United Kingdom Accreditation Service (UKAS) to ISO 17025/17020 and assessed against the CoP and is a core requirement through the tendering process for forensic science work in England and Wales, driving consistency and compliance in commercial forensic laboratories.
- 1.8 The FSR remit and associated CoP does not apply to the devolved jurisdictions in Scotland and Northern Ireland and unlike previous versions of the CoP, Forensic Services have not been involved directly in its creation.

2. FURTHER DETAIL ON REPORT TOPIC

- 2.1 Whilst the FSR powers do not extend to Scotland there have been a number of constructive meetings with the regulator to discuss the ongoing work on the documentation and approach to implementation of the CoP in England and Wales.

OFFICIAL

- 2.2 All organisations that undertake forensic science activities that are listed in the CoP will need to declare their compliance to the CoP in reports from the date of implementation. The code comes into force on 2 October 2023.
- 2.3 A number of the larger forensic providers have undertaken a self-assessment of their compliance to the code which is being reviewed by UKAS at the current time with a view to confirming their compliance prior to the date of implementation.
- 2.4 Where there is partial or non-compliance with the code from 2nd October a section will be required within forensic reports to state how risk has been mitigated (such as having a robust and comprehensive quality management system). Discussions are ongoing with the Crown Prosecution Service and other justice system stakeholders to provide appropriate guidance prior to implementation.
- 2.5 There is a risk that previously acceptable forensic evidence will not be accepted by the court (or cases not proceed to court) as a result of non-compliance to the new code.
- 2.6 On 5th June 2023 the FSR visited the Scottish Crime Campus to discuss progress with the implementation of the CoP with key stakeholders including colleagues from Police Scotland primarily focussed on digital forensics. The Chair of the Forensic Services Committee also participated in this discussion.
- 2.7 From a Forensic Services perspective whilst the new code does not apply in Scotland there is no appetite for divergence in quality standards from those in England and Wales. As such a gap analysis is already well underway to establish any areas where further work can be undertaken to be compliant with the CoP.
- 2.8 A further discussion with Police Scotland is scheduled to establish a shared position in relation to declaring future compliance with the CoP and whether a Scottish version of the code should be developed.

3. FINANCIAL IMPLICATIONS

- 3.1 There may be financial implications associated with compliance to the code of practice and any accreditation activity required to assess this.

4. PERSONNEL IMPLICATIONS

4.1 There are no personnel implications in this report.

5. LEGAL IMPLICATIONS

5.1 There are no legal implications in this report.

6. REPUTATIONAL IMPLICATIONS

6.1 There are reputational implications where there is a perception of different standards for forensic science activities undertaken in Scotland compared to England and Wales.

7. SOCIAL IMPLICATIONS

7.1 There are no social implications in this report.

8. COMMUNITY IMPACT

8.1 There are no community implications in this report.

9. EQUALITIES IMPLICATIONS

9.1 There are no equality implications in this report.

10. ENVIRONMENT IMPLICATIONS

10.1 There are no environmental implications in this report.

RECOMMENDATIONS

Members are invited to discuss the information provided in this report