



HOUSE OF LORDS

Science and Technology Select Committee

Corrected oral evidence: Forensic science: follow-up

Tuesday 18 November 2025

11.25 am

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Members present: Lord Mair (The Chair); Lord Berkeley; Lord Lucas; Baroness Neville-Jones; Baroness Northover; Lord Ranger of Northwood; Viscount Stansgate; Baroness Walmsley; Baroness Young of Old Scone.

Also attending: Lord Burnett of Maldon.

Evidence Session No. 3

Heard in Public

Questions 30 - 42

Witnesses

I: Dr Des Vanhinsbergh, Managing Director, Key Forensic Services; Dr Mark Pearse, Director at Eurofins Forensic Services.

USE OF THE TRANSCRIPT

1. This is a corrected transcript of evidence taken in public and webcast on www.parliamentlive.tv.

Examination of witnesses

Dr Des Vanhinsbergh and Dr Mark Pearse.

Q30 **The Chair:** Welcome to the second session of today's inquiry on forensic science and the criminal justice system. I am very pleased to welcome two witnesses: Dr Vanhinsbergh, who is online—he is managing director at Key Forensic Services—and Dr Mark Pearse, director at Eurofins Forensic Services. We invited you both to get some insight into the market for forensic science services in England and Wales. Perhaps you could each start by introducing yourselves and telling us about your company and the types of services that you provide. What provides the majority of the income for each of your companies? That would be useful to know.

Dr Mark Pearse: Thank you for welcoming me back to give an update since the last report in 2019. I have been in forensic science for 33 years. I started my career in the Metropolitan Police Service as an expert witness on questioned documents, and I then moved to the Home Office Forensic Science Service—the agency that obviously closed in 2011-12. I moved to the private sector shortly before that agency closed to join LGC in its forensics division, which was then acquired by Eurofins in 2017 to create Eurofins Forensic Services Ltd as a legal entity and a limited company registered in the UK.

I guess you will be aware that, in 2024, Orchid Cellmark Ltd, which trades as Cellmark Forensic Services, got into financial distress. Through a formal process overseen and investigated by the Competition and Markets Authority, Eurofins acquired Orchid Cellmark Ltd last August. So I am now currently a director of both Eurofins Forensic Services Ltd and Orchid Cellmark Ltd, which from now on I will call Cellmark. Those are my specific responsibilities within Eurofins.

I am chair of the UK and Ireland Association of Forensic Science Providers, which is a non-commercial body. Its members are the Scottish Police Authority, Forensic Science Northern Ireland, the Metropolitan Police Service, the MoD Department of Science and Technology Laboratory—DSTL—and Forensic Science Ireland. Des and Key Forensic Services are also a member of that body. We work together for the good of forensic science. We have nine working groups by subject, we run a quality collaborative exercise programme and we share best practice.

I am also a board member of ENFSI—the European Network of Forensic Science Institutes—which has over 70 state members across the Council of Europe. It is wider than just the EU. Again,

ENFSI has a collection of 17 working groups with fees and a working budget of over £400,000. It receives roughly £1 million a year from the EU to do special projects to further the cause of forensic science across Europe. The UK is an active player in ENFSI. Not only am I a board member but the UK chairs three of the 17 working groups—Eurofins specifically chairs one of those.

On Eurofins's background, you are probably aware that we are a global scientific services company that operates in what is called the testing, inspection and certification sector, broadly. That is where testing is required to certify, authenticate or vouch for quality. Obviously, forensics would sit in that. The global company turns over €7.5 billion a year. So it is an enormous company of scale, with 65,000 employees across 62 countries and 900 separate legal entities or businesses, Eurofins Forensic Services and Orchid Cellmark being two of those. It was founded in 1987 by the current CEO and headquartered in Brussels.

From a forensics point of view, forensic science represents only 2% of Eurofins's entire global business. In fact, forensics is focused on Europe only. We have labs in the United Kingdom obviously—England and Wales more specifically—the Netherlands, Germany, Belgium and France. Some 67% of our work is done from our UK base, reflecting the history of the market in the last 15 years, with the closure of the FSS. But we have significant businesses in the other markets too. The other markets are very different.

In 2019, we set up a company in the Netherlands. It is quite interesting that, in the Netherlands, we now provide two-thirds of all the DNA profiling for the Dutch police and justice system, working with the Netherlands Forensic Institute. We do a third of all the autopsies that are provided in the Netherlands. We are working hand in glove with the Netherlands Forensic Institute to provide what is a very new way of working over there.

On scale, just to give you a feel, the combined Eurofins Forensic Services and Orchid Cellmark Ltd turn over just over £90 million a year collectively. We provide services across the range of traditional forensics. We do not do digital—for the prosecution, at least. So that includes biology casework, which is forensic science to support violence against the person, by and large—that could be homicide, assault or sexual offences. We provide DNA services in support of that and also for subject sampling.

Toxicology is 20% of our business, so it is far from the niche service that was being described; it is a key subject area with many thousands of cases processed a year, so I would not

categorise toxicology in the way it has been so far. Drugs and marks and traces would probably sit in this broad category or niche, and there are a few other service lines as well.

The relative scale of our operation, and the percentages I will read to you now, reflect the market proportions—I hope Des will support this view. Biology casework is about 35% of our activity in terms of revenue—that fits with cases as well in terms of people commitment. DNA is about 21%, toxicology is 20% and drugs are 7%. This marks and traces area, which we have referred to so many times today and previously, would include things such as fibres, which you mentioned, as well gunshot residues, glass, paint, et cetera. That is about 4%, so it is a very small area. Our businesses that contribute to forensic science in the broadest sense, outside of core police, are about 9%.

It is worth pointing out that we have around a thousand people. People are the essence of our business. We bring expertise to the table to do the casework that has been described both today and previously, developing case strategies and working with the police to make sure that the points we are going to prove in those case strategies are followed up by the right tests and are assessed appropriately, and to make sure that proper deductive inference and scientific method is applied. That is our heart, and over 50% of our cost, or our revenue, we spend on people; I say that just to show the scale. We are a people-led business. We will come to some of the tensions around budget, what that means for staff retention and what we need to pay qualified experts to keep them in the forensic science sector.

The Chair: Thank you; that is very helpful. Just to clarify, are you saying that the forensic science side of Eurofins's operation is about £90 million a year, of which about two-thirds is the UK?

Dr Mark Pearce: No. Overall, in Europe we are talking about €150 million, and then the UK part of that is £90 million. So Eurofins Forensic Services and Orchid Cellmark Ltd are two separate entities working in partnership as sister companies within Eurofins, with a turnover of about £90 million a year at the moment.

The Chair: Thank you. Are we right thinking that the majority of that if not all of it is from the police forces?

Dr Mark Pearce: Yes. As I say, we can look, and it is probably 9% that comes from non-police work. Most of that is also law enforcement, HMRC and that kind of thing, and providing services for the criminal justice system. Some of it is providing services to corporate clients, with workplace drug testing, where the essence

of the test still results in a sanction on somebody and so the principles of forensic science still apply.

Q31 **The Chair:** Dr Vanhinsbergh, would you like to introduce yourself and tell us about your company?

Dr Des Vanhinsbergh: Good morning. I have been involved in forensic science for about 25 years. I have been a director of Key Forensic Services for 10 of those years. I was formally a practitioner and expert in biological evidence and DNA interpretation, and I was trained by the Forensic Science Service. I then left it in 2006 and moved to Key Forensic Services.

Key Forensic has been around for about 20 years, so I have been with it from close to the start, if not the very start, of the business. It was founded by an ex-FSS employee. I have been on that journey from then until now, involved at various levels. I have been a director for 10 years, I was promoted to managing director in October 2022, so I have been managing director for three years.

Our business is a very different one in some ways. We are part of a larger group. We were bought out of administration in 2018 by an acquisition company based in the north-west of England called CorpAcq, which still owns Key Forensic and over 50 other businesses across the UK, so it is quite a large group.

We provide a very broad range of services at Key Forensic. We are quite small compared to Eurofins—we are an SME, with fewer than 250 employees. We have about 235 employees at the moment, the majority of whom are scientists, including some very experienced forensic scientists who have been in the job a very long time. We provide a full range of services, including DNA testing, biology services—around body fluid examination mainly, and blood pattern analysis—and drugs testing and toxicological testing. We also provide firearms services and marks and traces services.

On the revenue that those different activities generate, about 50% of our revenue at Key Forensic is generated from biology and DNA services. The majority of the rest is split between toxicology testing and controlled drugs testing. Firearms makes up about 4% and marks and traces makes up about 1%. We do not provide all marks and traces services; up until recently we were providing gunshot residue services, and for glass, footwear and fibres—so not a full suite of marks and traces, but we are doing our best to support those different disciplines.

The turnover of our business is roughly about £18 million per year. Most of that is generated from the submissions that come in from

police forces. Up to £2 million a year comes from His Majesty's Prison and Probation Service, where we have a contract for drugs testing. That is it.

Baroness Walmsley: I would just like a little clarification before we move on. From the list that you have both provided of the service that you offer, Dr Pearce you said in terms that you do not do digital—and I did not hear Dr Vanhinsbergh mention digital either. Who does it?

Dr Mark Pearce: We do digital for defence, but perhaps we will come on to that later. The vast majority of digital work is done in-house by the police, supported by a host of smaller SME private sector companies.

Baroness Walmsley: I see. Thank you.

The Chair: That is very helpful. Thank you very much, both of you. That is a very interesting introduction. We have quite a number of questions for you both.

Q32 **Baroness Young of Old Scone:** How are you feeling about the market at the moment? It must be quite strange—if I could put this to Dr Pearce—to be such a big share of the market. It must be quite nice to be such a big share of the market, but on the other hand you cannot help feeling that it is not much of a market.

Dr Mark Pearce: That is right. To cut to the chase, we have to review where we want to go with this market and what purpose a traditional, commodity-based, tender-procured market serves for forensic science. Now is the time to take stock.

To go back to the beginning of your question, you asked how it feels. Your report in 2019 highlighted some of the issues that were perhaps most acute at that point, when funding was such that the market was probably £60 million or £65 million in total for the type of work that we are talking about. I am pleased to say that that has increased, so now we are talking about a market for traditional forensics in England and Wales of probably £100 million to £110 million, which has increased primarily not because of increased volumes necessarily but because we have rebased pricing in response to incidents in the market, due to the negotiation of better and more sensible and commercially viable terms and conditions, which would include indexation on contracts.

Clearly, on how it has felt in the past two years, it has been dominated slightly by the incident with Orchid Cellmark Ltd, which suffered from a number of factors. Covid did not help, and then profile of work and demand changed through Covid,

understandably, which affected the business model. Cash flow was an issue, although we are grateful to the Government for ensuring prompt payment from police forces. But that and legacy—toxic, to use the word that I used last time—pricing left Cellmark struggling, where its cost base vastly outstripped the revenues coming in. Then we had simple business dynamics and economics that led to its demise.

Cellmark worked with the police at a national level, and the Home Office. A new organisation called BlueLight Commercial, which was set up a few years ago to oversee procurement across the police sector to make sure that it did not leave the market in an unmanaged way. The NPCC guys quantified the cost to the taxpayer of an unmanaged exit to be about £30 million—and I think that is probably understating it in terms of disruption to policing and the amount of recovery needed. More importantly, there is the impact on courts and investigation dates, which would have been severe. We stepped in, we worked with the CMA to do a phase 1 investigation, and we purchased the company in August last year and have been working on a turnaround plan ever since—and that plan continues and will for some months.

It is not all bad. If you will indulge me a little bit, from a Eurofins perspective, since 2020 we have invested £50 million in infrastructure in this sector. We have built a whole new building in Tamworth, which has a state-of-the-art centre for marks and traces and purposely built laboratories with excellent leading process design for biology casework and drugs. We have repurposed a building in Feltham to be our centre of toxicology, where we have introduced world-leading methodology for the extraction of drugs from whole blood in an automated way. We have repurposed our DNA unit in Warrington to be a consolidated DNA centre.

We have innovated methods—and I can think of two off the top of my head that are transformatory in terms of DNA success rates from fired ammunition; we have taken that from 4% to 54%. We have just developed and launched body fluid identification that will help the police prosecute and work in the area of violence against women and girls and in support of prosecuting sex offences. We have implemented the statutory code on time, as Des will say. We invest in a quality culture such that we feel that we work very well with the regulator. As I say, we play our full role with the AFSP and ENFSI and we fund PhD students. So it feels like a dynamic environment.

I have to say, to be fair, from a police and governance perspective, since your last report the Home Office launched the Forensic

Science Reform Programme. Others have mentioned the four priority areas of: police capabilities; court capability and understanding; innovation; and regulation. There have been some successes, but not enough. The BlueLight Commercial organisation has brought consistency of approach to procurement, with better terms and conditions and standardisation of products, and we are starting to work with it now on more effective contract management—baby steps on that one—with a strategic supplier relationship management programme.

The Forensic Capability Network run by the NPCC has initiated, and we are almost at the final stages of starting, a Y-STR database, which will be class-leading, certainly in the UK and across many countries, and obviously the code of practice with the regulator. The recently introduced director of forensic services and the potential of the national centre of policing to include forensics are all positive, I think, but we have not achieved enough. All this good stuff on paper has not resulted, in practice, in enough material difference. The harsh reality at the moment is that the funding—the revenues, however you want to describe the cash in the system—is too low overall for the numbers of forensic scientists we need, with the skills that they have got, to pay them enough to keep them in all areas.

As for the contracts that we have with the police, we focus too much on the contracts, and the attitude of public versus private means that we do not work collectively and closely enough in collaboration. It does contrast with Scotland. There are issues with the Scottish model that I could talk about for a long time, but we need to work together more strategically. We need to plan a business plan together, and it feels that we do not do enough of that at all. There is no strategic alignment of our capacity with policing demand. We do not work enough at the practical level, or the contracts do not enable the conversations at the practical level to support this process, as I think you heard last week, of case assessment analysis to carry out the strategy we have done the case assessment on and then the interpretation of the results. We do that, and we do it very well with our passionate and very skilled scientists across all AFSP members, and I hope Des will support this, but we do it despite some of the way the contracts are set up and despite the relationships, I think, and we need to enable that a little bit more.

We have just gone through and come out of the other side of the most recent tender, which was a tender for about 35% of the police forces in England and Wales put out in the new BlueLight Commercial-style tender. It was well meaning and good, and I

appreciate and value the move to standardisation, but the structure of the tender was such that we, the sector, fell at the last hurdle, because it was a £40 million tender, with the work divided across the 12 lots for all the work areas that Des and I have described. For those 12 lots, we needed to describe our capability. There were, I think, 18 questions and not one question was specific and allowed us to describe our capability. Effectively, it was too generic a classification of a procurement event.

We had ecology, for example. Yes, niche is the right term for ecology; it is a very small, specialist discipline, but it is a very complex discipline. You can imagine the type of crime scenes that an ecologist attends. There was so little space and so few opportunities to describe capability in ecology that, effectively, we commoditised ecology down to a price alone, and that is terrible. We must move on from that kind of model.

Baroness Young of Old Scone: I am sorry to keep asking, Dr Pearse, but from your experience as part of an international company, do you think there are models elsewhere that are more conducive to that more strategic approach than your experience?

Dr Mark Pearse: Yes, I do. It is not an issue of public/private. Whatever you do, whether you work in the private sector or the public sector, you have to deliver to a budget. Science costs, people cost, you have to pay people, you have to invest in quality and invest in methods. If you create an institute that delivers work in the public sector, that will cost as much, and I would argue more, because one of our private sector strengths is to be lean and efficient in processing. That will still cost, so the funding has to be there. I see models like the Netherlands Forensic Institute, for example. The Netherlands is one of our most dynamic markets in terms of change, not only through ENFSI but directly through Eurofins and the Maastricht Forensic Institute that we operate from Maastricht.

Last year, the Netherlands Forensic Institute, one of the best funded forensic institutes in Europe—the Netherlands has a population of 18.3 million—had a budget of €114 million. It overspent by €29 million, so it had a €138 million spend. That is a matter of fact. We cannot afford—

Baroness Young of Old Scone: It is a service provider, not just an oversight body?

Dr Mark Pearse: The Netherlands Forensic Institute is a service provider. It is similar to the FSS. The scope of work is a little bit more, because it does pathology, and for the last six years, we

have been working together with it in a delivery model that is for the good of the Dutch criminal justice system, because every forensic institute that I see across Europe, through my board position at ENFSI, has backlogs, has too much work for the people, et cetera. We have worked with it in partnership, in tandem. The journey we have been on has not been quite the same, in the sense that the police have very much appreciated some of the services that we provide—we do DNA in two days, for example, in the vast majority of cases over there, and we set up pathology too. So, we are just finding our feet in terms of the market there.

I am an advocate of robust state infrastructure working in partnership with the private sector. What all forensic science labs do well is the science. What private sector forensic science labs do well, in particular, is focus on the right performance measures that deliver forensic science efficiently. That is a balance, because you cannot then create an environment where the pressure to deliver stifles the science and the need to have appropriate forensic strategy. That is the balance we have to have.

The Chair: Can I ask a question about your tender? You mentioned the £40 million tender to a group of police forces. What form does that take? Is it essentially like a framework agreement, where you are pricing for certain tests and pricing for certain individuals to do those tests? My question really is: when there is a particular crime and a particular police force is invoking that contract with you, who decides? Does it decide what tests it wants and then say to you, “We now have your prices for those tests”? Is that how it works?

Dr Mark Pearse: That is a crucial question and the nub of an issue that really is important and that we need to get right for the good of forensic science. On the general question around contracts and procurement, at the moment, most police forces—all police forces from April next year, except the Metropolitan Police—will be working with BlueLight Commercial, which has bought what is called Next Generation Procurement in forensics using a dynamic purchasing system of procurement. That is underpinned, as you say, by describing the tests in terms of product codes and those tests are then commissioned.

That is not a bad thing to have service level-specified, but it is then how you deploy those tests. If you then just have the model where a non-scientific expert or a non-scientist, a police officer, asks for lists of tests, then that is not very good, because that is not a scientific way of approaching the right science to address the investigative need. So, let us do what we do well. The police do

investigations well, we do science well, and our experts are trained to be able to present science in court, to say what the findings mean in the context of the investigation.

The way we express forensic science is that we have two levels: we call it source and activity. Source would be, "This is Mark Pearce's DNA; this is some handwriting; this comes from this person". Activity would be, "How did that DNA get there?" You could say, without trivialising the DNA process, that the simple thing is to get the profile and say it is Mark Pearce's DNA. What is useful to the court, to the judge and the criminal justice system is how that DNA got there, and that is what our scientists do. So let us make sure that cases are commissioned in the best possible way, so that the right items are submitted, the right questions are to be addressed, and we use forensic science appropriately.

Q33 The Chair: When the police commission you for a particular crime, they do not necessarily ask for all the things you have just described, about source and how and the wider investigation; they tend to specify the tests they want. Is that right?

Dr Mark Pearce: Exactly. They do. And what has happened in the five or six years since the last inquiry is that forces have developed submissions units that are in charge of the interface between supplier, between Eurofins or Key or whoever, and the investigating officer. Typically, an officer on the case will ring the submissions unit internally and say "I've got these items. This is the crime", and then the submissions unit will interface with us. They do a great job. Again, what price justice? There is a price on justice: the budgets that are given to police forces. They have a very difficult job to manage budgets when they are, in real terms, being cut. We do not argue with the principle of submissions units. In fact, we embrace them. But we must have a contract structure that takes away the scientific discussions and the strategy away from those people, so that we can talk properly around the good of the case with a model, because you effectively commoditise it if you do not have one.

The Chair: Dr Vanhinsbergh, does the same apply to you? Do you have these contracts with a police force or a group of police forces, in the same way that Dr Pearce has described?

Dr Des Vanhinsbergh: Yes, we do. We compete for the same contracts. I understand Mark's view, but we came out of the most recent tender rather well, so for us the current structure works well, but it is by no means perfect. The biggest challenge we have is getting access to the market. This goes not just for Key Forensic, but for any SME, start-up or medium-sized business that is trying

to break into this market. The barriers are very high. Sometimes the barriers are high for a reason. On the quality side, we need to ensure that we are providing the quality of service that the police and the criminal justice systems need. But, sometimes, it is just down to the structure of the procurement.

The most recent tender was more flexible than some have been. In recent years we have seen a rise in what they call “managed services”. This is when one large provider looks after the entire contract, and it provides those services either directly to the police forces or it subcontracts them if it cannot provide the services itself. The problem we have with managed service contracts is that we cannot bid directly for them, so there is no access to that part of the market. The only way would be for us to provide the full suite of forensic services required, which is just not practical or commercially viable for us to do. Although we have some accreditations in many areas and we deliver a broad range of services, we are excluded from bidding for managed service contracts.

We have seen a domination of those contracts by the bigger providers—obviously, Eurofins and Cellmark—and those contracts are locked down, so there is no access for several years once those contracts start. It is a real problem. We really encourage greater access for SMEs into the market. It is important that we look at the investment that we could attract into the market. Mark has talked about Eurofins’s investment as a business, but there are many businesses out there that would enter this market if it was more accessible, if the barriers to entry were not quite so high, and if they could secure a return on their investment. In order to secure a return on their investment, they need to be generating sufficient revenue.

In recent years, Key Forensic has managed to stabilise the business—we have restructured the business a couple of times to be able to achieve that. We have a very healthy and profitable business. But the issue with investment is that you need a level of certainty, and one thing we do not have is certainty. We are still dealing with very short-term contracts. For example, the tender that Mark has just been discussing is a three-year contract. We celebrate because we have done well in that tender, but we have only got that work secured for three years, with a possible two-year extension. Talking to stakeholders about that creates a level of uncertainty for our investment plans. While managed services are in existence, they will act as a significant barrier to growth for SMEs such as us. Those barriers need to be removed. We need to encourage further investment from the private sector into the

market; that will allow the market to breathe, grow and act as a proper competitive market.

We can compete against Eurofins and Cellmark, but it is not easy. It is a very difficult thing to do. We must invest heavily in our R&D ourselves—we have got many different R&D projects going on—and we also invest heavily in our accreditation to ensure that we are at least on a par with our competitors. There is constant investment going in. We invest about 10% of our annual revenue on research and development. Our turnover is about £18 million, and we invest in the region of 10% of that. Even though we are an SME, we are trying to support the sector as much as we can, but there are too many barriers for SMEs and it is getting increasingly difficult. We are in a good place now, but there is a lot of uncertainty going forward.

One of the biggest pressures, which Mark has mentioned already, is the pressures on police budgets. We have seen those pressures increase recently. We are being told by our police customers, in conversations with some individual forces, that they need to cut their budgets by 10% to 15%. They are in an incredibly difficult place, and my concern is not just about the impact on our revenue as a private business, but—as Mark has alluded to—the impact on the cases themselves and, more importantly, the victims in those cases. The job of forensic science should be focused around victims, and forensic science can also prevent further victims going forward. There is lot of work done by forensic scientists which means we can be more responsive in responding to crimes and we can prevent perpetrators committing more crimes. For example, particularly in the area of sexual offences, apprehending the offender early prevents further victims in the future.

I would like to see a review of how the police is dealing with its budgets and how it is dealing with the situation where it is being squeezed in terms of spend. How is the money spent within a police force? How is it allocated across the different areas that it must look after? I do not envy police forces the task of doing that. I know it is incredibly difficult, but we are certainly now seeing an erosion in our margins, which seems to be largely caused by a reduction in submissions coming in from police forces. Some of that work may be being done in-house, but there is no way that all of it is being done in-house. That is inevitably going to have an impact on some case outcomes, because cases are not being examined in the depth that perhaps they should be, and that they were previously.

Q34 Baroness Neville-Jones: Does defence ever ask for your

services? I have heard the word police, police, police—which is presumably likely to be the prosecution—but do you get requests? Is defence on your radar? Does it have the resources to commission you?

Dr Mark Pearse: Yes, they do. In the acquisition of Orchid Cellmark last year, part of its business portfolio is a company called Keith Borer Consultants, which operates in a sterile corridor from the rest of the business. It is a defence company, which turns over around £2.73 million a year. It is difficult to estimate the size of the defence sector from an expert point of view, but I suspect it has between 20% and 30% of the market share across a range of forensic disciplines, reviewing statements, et cetera. This is relatively new to me, and I cannot quite believe how the process works in commissioning a defence expert. Having been in the sector for 33 years, and having not done much defence work, it has been a revelation to me as to how clunky and amateurish it is.

We all know that, first, a solicitor must get three quotes in specialist areas where there are not many people providing the service. Secondly, the Legal Aid Agency negotiates fees down; we are talking about expert witnesses that will affect somebody's liberty, and we are negotiating fees down. Third, they do not get paid until the trial is complete, so it can be a year or two before people get money. We are talking about individual experts in many cases. Keith Borer has some scale, but the cash-flow issues for somebody wanting to come into this sector are terrible. The worst part of this, and the most jaw-dropping thing for me, is the rate itself. Right now, we have the Ministry of Justice that oversees the Crown Prosecution Service on the prosecution side, which pays north of £130 an hour for the services of an expert to do work for it, specifically in court preparation. It also oversees the Legal Aid Agency and pays £83 an hour to an expert providing somebody with defence. That is hardly equality in my view; it stinks.

The Chair: Dr Vanhinsbergh, would you like to comment?

Dr Des Vanhinsbergh: Key Forensic Services used to do defence work, and the reason we moved away from it is because it was not economically viable for the business. Mark has already mentioned some of the reasons why. For example, prompt payment does not exist in that area. As a forensic science provider working for the defence you tend not to get paid for a very long time and are forever chasing debts and debtors. That takes up a lot of time and effort.

The other area is around legal aid. Clearly, there has not been sufficient funding for this area for quite some time, and that certainly needs some attention.

It would not be attractive to us now, as it currently stands, to re-enter this part of the market, but it would be something we would consider if it became more commercially viable. That is about streamlining the processes that Mark has alluded to, which are very complex. It is also about supporting defence solicitors and defence science companies more, not just on a financial level but looking at the whole process from end to end and streamlining that process. It is about giving them access to what they need in an efficient manner as well.

There are a number of challenges there in defence. There is a caveat attached to that. It is also important that the defence scientists who are involved in cases work to the same or very similar levels of quality that we as forensic science providers do. The bar is very high, and it should be very high, and at the moment I am not sure how that is governed. The regulator probably has a role to play in that to ensure that forensic scientists operate to the same quality.

Baroness Neville-Jones: You both used the words “defence company”. How does this operate? It is not the barristers’ chambers. How does the system operate? Do they go to a company that specialises in defence evidence? Do they come to you? How does this work?

Dr Mark Pearce: As I understand it, a solicitor representing somebody will identify the need to do a defence examination in a particular area of specialism, and then they will go to experts or companies that provide services in that particular area.

The Chair: Lord Berkeley, we have covered procurement extensively. Have you any further questions about procurement?

Q35 **Lord Berkeley:** One thing I have picked up from both witnesses is the importance of having long-term contracts so that they can continue their work in and out of different clients. My worry is that, having heard Dr Pearce’s response to the Chair’s question about the type of contracts, I get the impression that the police, who are letting many of the contracts in this country, give out a framework contract and then the contractors, be they one of you two witnesses or other people, basically say, “Yes, we can do that, and we’ll tell you how to do it and how much it’s going to cost”. Is there any competitive element between the different contractors bidding as to how they will deliver? I find this a little bit confusing. Or is it

really just a cost-plus basis?

Dr Mark Pearce: You bid for regional contracts. Typically, several forces will be part of that consortium. You have already qualified. You have demonstrated your competency to bid for this competition or tender. After the tender is finished, then you are awarded an amount of work for the police forces in that consortium. You do not then have to bid on each case. As Des said, after the last tender you are awarded the work for three years, the amount of work you will have and the forces you will work with are prescribed at the beginning, and you carry on transacting. The amount that you charge and how you charge is determined by the specifications and the products that we described earlier, which are set in stone up front.

The Chair: The police in question decide how much of your services they want?

Dr Mark Pearce: At the moment, BlueLight Commercial is leading police procurement. But yes, they do.

Dr Des Vanhinsbergh: It is worth also saying that the volumes within contracts are not guaranteed. There are no guaranteed volumes of work coming to forensic science providers within those contracts.

Baroness Northover: Dr Pearce, you mentioned BlueLight. I just want a little clarification of what that is and what it does. Is it a sort of middle man, or does it manage the contracts as they go along?

Dr Mark Pearce: It is a not-for-profit organisation that has been in place for two or three years, or maybe three or four, and is wholly owned by the Association of Police and Crime Commissioners and the National Police Chiefs' Council. It is responsible for procuring things for the police service. Forensic science is a category of services that is, I would guess, a small part of the overall things that are bought for the police, which could include helicopter and air services, stationery, uniforms et cetera. There will be a lead category manager for forensic science and a number of people within the forensic science category who will ensure that contracts are adhered to.

We are just finding our feet as to how we work with BlueLight Commercial and how we manage contracts and, for me, this is where the model comes in. Lord Berkeley is right that longer-term contracts are important, and I understand where Des is coming from—that it is not great for an SME to have a lockout.

We have to come to an agreement where we can have a long-term relationship in which we have certainty of volume—because, as Des has again rightly said, the volumes are not guaranteed—and we can put together a set of commercials that are robustly managed by BlueLight Commercial. Our profitability can perhaps be challenged and audited to make sure that we are providing fit-for-purpose services at the right pricing for a public service.

We can then focus on getting the best out of forensic science, working with investigators, working with academia on R&D, and introducing a concept of strategic governance where we sit down with the NPCC, the Home Office, and perhaps the Crown Prosecution Service, and say, “What are your policing priorities? What are your unmet policing needs from an R&D perspective? What are our quality risks in the round? What are we going to do to work together for the best of forensic science in the criminal justice system? How are we going to manage that on a contract-by-contract basis with BlueLight Commercial? What does that mean for case management, where our expert scientists can go to a scene and work with SIOs to develop an appropriate case strategy?”

That threesome of strategic, contract and case governance is what Scotland does very well because it is enabled by the infrastructure. But we can do that in the private sector as well because we do labs very well and very efficiently. We just need unleashing in a proper governance framework so that we get a proper collaboration that works for the long term.

The Chair: As you have probably both gathered, we have lots of questions on the commercial aspects that we are talking about. Lord Berkeley, I think you want to come back in.

Lord Berkeley: Yes, thank you, Chair, I just want to ask Dr Pearce a question. We had a very interesting answer from Dr Vanhinsbergh about how the industry deals with defence. Could you comment? Is defence dealt with fairly and comprehensively, or is there something that needs to be done there?

Dr Mark Pearce: I described to you the process as I see it. As somebody relatively new to the governance of a business in defence, I described to you the process of having to commission three bids, haggle with the Legal Aid Agency and then not get paid for several months, and the contrast between the rate for a prosecution witness from the Crown Prosecution Service for court preparation, which is typically £130 per hour, while the typical rate for a defence expert is £83 per hour. As I said before, that is not equality of arms by any means, in any way, shape or form. That is

not where we want to be, in my view, with regard to what we do and how we support defence examinations.

The Chair: Dr Vanhinsbergh, do you have anything to add to that?

Dr Des Vanhinsbergh: No, I have got nothing further to add. That funding situation really needs to be sorted out.

Q36 **Baroness Neville-Jones:** You described how you get work on a contractual basis. When the police come to you on a given case, am I right in thinking that they say to you, "We want you to do the following tests", or do they say, which I have not heard you say, "We want to discover the following"? What I am getting at is: do they tell you what their problem is and you then apply the necessary resources to try to solve whatever the issue is that they are trying to get to the bottom of, or do they have a preconceived notion of the information they need for their case and they tell you what tests they want in order to verify that particular thesis? Which way round is it?

Dr Mark Pearse: Again, the answer may be a bit disappointing from your perspective, because it is a mix of the two. If we wound the clock back 10 or 13 years, to just after the closure of the FSS, it would be very much more towards the police telling us that they want test 1, 2 and 3, and then stop. In fact, they would restrict and limit the items that would be submitted to ensure that we took a staged approach to help manage budgets.

Baroness Neville-Jones: And they can save their budgets?

Dr Mark Pearse: Yes, but let me be clear: that was the situation probably 10 or 15 years ago. The situation has moved on. Professionalism is shown by submissions units working against tight budgets across the country and police forces. I admire the guys in those teams, and we try to establish an effective relationship where we can develop strategy.

However, there are always tension points, because the scientists want everything that they can get that will possibly contribute to the investigative question being asked, but there is a price to forensic science, and it is the budget. So it is about that balance. The crucial thing is that we do not compromise the interpretation of the evidence, and the expert can discharge their responsibility as an expert witness to confidently say that they have seen all the things that could be relevant to this case and their interpretation of the findings. We work hard with all our forces to make sure that that is in place and is as efficient as it possibly can be.

The Chair: Dr Vanhinsbergh, do you want to add anything to that?

Dr Des Vanhinsbergh: We are the same. We operate in a similar way. We encourage and train our scientists to ensure that there is a conversation before any examination starts. A proper case assessment is done, and that case assessment is peer reviewed, so that we are really focused on achieving the best evidence.

We also consider value for money in our approach. We are sympathetic to the pressures that the police forces are under, and we try to get the best value out of the information that we can glean from the exhibits that are submitted. There is a large variation between police forces. There is not a standardised submission policy across policing, and that is one problem that perhaps needs to be addressed. I know that the Forensic Capability Network, which works on behalf of the NPCC, is looking at this and has a project running to try to look at submissions policy. But that is certainly something that could be more standardised because, as Mark said, we are all working to the same scientific principles. We are trying to achieve best evidence while being sympathetic to the enormous pressure that police budgets are currently under. There needs to be a rather urgent piece of work on submissions policy to ensure that a high-quality standardised approach is used across all police forces.

Q37 **Baroness Northover:** Do you feel that you are now competing with police forces, and taking forensic science in-house to cut costs?

Dr Mark Pearce: Yes, we are, to a degree. Again, this is where we need a consistent and robust strategy at government level. The Government decided that the Forensic Science Service was not the delivery vehicle back in 2012, in the final stages of the closure of the FSS, and decided to use the private sector. Given that strategic decision, we then need consistency or else we get a very destabilising and uncertain business model to work with.

Des has already pointed out that the volumes of work we are given in the contracts are estimates and not guaranteed. So, when we are building our capacity and investing in infrastructure, it is very hard. If you then get the police, for whatever reason—it can be all sorts of reasons but typically it is a cost-saving issue—deciding to do it themselves, then that is a destabilising position.

There have been several attempts, including one very recent one that I will not go into detail on, to set up scientific process. That is what we do well. We are scientists and science managers, and we deliver robust, quality forensic science. The police are investigators who can recruit scientists but then do not have the infrastructure and general organisational culture to support the implementation

and achieve the necessary quality hurdles and barriers that are rightly in place to make sure that the science meets the needs of the criminal justice system.

It is a mess. It really is a mess, a mixed message and a mixed strategy when forces start to insource. But when they do, yes, they are in competition with us.

Baroness Northover: Dr Vanhinsbergh, do you agree?

Dr Des Vanhinsbergh: Yes, I do, and I will expand on that a little bit. The true cost of insourcing—that is, police setting up their own laboratories—is poorly understood and, to my knowledge, is not really published. Again, we would benefit from a piece of work on that to really understand what it costs to set up and accredit a forensic science laboratory.

Doing something in-house can sometimes be perceived as being cheaper because you are not sending it to a private provider. But I do not believe that that can be the case. The reason I say that is because we have a handful of laboratories and Eurofins has a handful of laboratories covering the whole of England and Wales, and beyond, and we handle tens of thousands or hundreds of thousands of tests every year. There are economies of scale within that. We need sufficient volume to achieve our margins, but we can also achieve those margins by ensuring that we implement the efficiencies by doing large-scale analysis and investing in automated processes and data-handling processes.

It cannot be cheaper for individual forces to carry out these tests themselves, because they do not have the same economy of scale. I appreciate that some forensic science perhaps needs to reside with the force for operational reasons, but it would be interesting to establish and see what the true cost of insourcing is.

Q38 Lord Ranger of Northwood: You mentioned economies of scale. Surely, the level of skills and services that you provide would be hard to replicate insourced by each force. How does conflict of interest get managed?

Dr Des Vanhinsbergh: Where we often find ourselves is that when a police laboratory is established—and we have experienced this relatively recently—there is obviously a recruitment drive by the police force that is establishing that capability, and it will often be a case of staff moving from a private company such as ours to the police laboratory. The reason they move is because the police laboratories typically pay quite a bit more in salary to those scientists, and obviously there is a pension on top of that. They

make it very attractive for scientists to move over to the police laboratories. It is very difficult for us to compete against that in the current climate because our margins are very thin. We cannot just pay everybody more. It just does not work economically.

Can you remind me of the second part of your question, please?

Lord Ranger of Northwood: Thank you for highlighting the cannibalisation of your organisation through this insourcing. But regarding conflict where the force itself is doing the work, is there not a conflict of interest there? Should that not be the whole reason it is sent to an outside body? For independence?

Dr Des Vanhinsbergh: We carry out a proper case assessment and interpretation. Integrity is the number one thing for us in the values that we work to. It is very important that we maintain a level of independence. I am not saying that it is impossible within a police force to implement those processes, but it would be very challenging in that sort of environment where there is a real focus on prosecution work.

Our scientists are highly trained in being impartial in their approach. That is why proper case assessment and interpretation, done up front and throughout the entire life of the case, is so essential. The principle behind that needs to be maintained: you look at things by considering both versions of events, if you like—the version of events of the prosecution and the version of events of the defence—and you assess the strength of evidence based on competing propositions. That is a well-established technique; it has been used for years and is a very effective technique. My concern, which echoes some of Mark's comments, is that a CAI approach, as we call it—a case assessment and interpretation approach—is not necessarily adopted to the same level in police laboratories.

Having said that, some police forces operate very high-quality forensic science units that have the same level of accreditation and are also compliant with the forensic science regulator's code, as it is now known. So, in theory, they operate to the same standards as us.

The Chair: Dr Pearce, do you have anything to add?

Dr Mark Pearce: I have little to add to that; Des has covered it. It is all about public confidence in forensic science. Having a sterile corridor between the organisation doing the investigation and independent scientists is a good thing. Having said that, I worked for the Metropolitan Police and gave evidence as its employee. You are constantly juggling, as Des said, integrity—that is, the

deployment of the scientific method as an independent-thinking scientist versus the cognitive bias of working for an organisation that is prosecuting a case. There is no right answer to that. The overarching things should be cognitive bias and public confidence.

- Q39 **Viscount Stansgate:** I want to turn to your ability to provide a range of services. One of the concerns that has been brought to our attention is that the financial problems and funding squeeze, to which reference has already been made, will lead to the extinction of specific specialisms such as—I will give some examples—fibre analysis, blood pattern analysis and toxicology, as both police forces and companies focus on fewer services and types of test based on what it is sustainable to provide. Have you seen that contraction take place? Do you feel that it is leading to the possible loss of specialisms of the kind I have just mentioned? If so, are there any ways of preserving the specialist disciplines within your companies?

Dr Mark Pearse: For clarity, I will go back to the list that you provided, because there is a danger of us creating some wrong sentiment here.

For me, toxicology is not an area of work that falls into this category. There is a paucity in the country of experienced casework toxicologists who look at complex compounds involved in suspicious deaths, but we are not talking about those services being uneconomic and not viable at the moment. That is pretty much the same with blood pattern analysis, to be fair, so I would strike toxicology and blood pattern analysis off your list.

I would certainly include fibres and anything else in the marks and traces group, which includes physical marks such as tool marks and footwear marks—albeit that is being done in police forces—and traces of evidence such as glass, paint, fibres and gunshot residues. History has shown that the vast majority of those have tended to be used in acquisitive crime in quite some volume, so the number of cases per year to support the investigation of acquisitive crime has historically been high in the marks and traces category. Obviously, the evidence types get used in serious crime in a mission-critical way, as has been described previously in other people's evidence.

We have seen over the past 10 years an increasing reliance on DNA, fingerprints and CCTV for the investigation of acquisitive crime, as well as a collapse in demand for marks and traces services, which are often perceived to be corroborative—I will not say "inconclusive"—in nature because they are supporting a

proposition, rather than necessarily providing a person's name that will be useful in an acquisitive crime investigation.

We end up with a volume of marks and traces work—it is, as we discussed previously, 3% or 4% of our business—where the volumes are suboptimal and the costs of delivery, the maintenance of accreditation and investment in the infrastructure is not justified by the revenue that is brought in. Yet the police customer will tell us, quite rightly and understandably, that those services are still crucial to provide support to investigations of serious crime and threats to national security, as was discussed earlier.

So we are in this strange limbo. Our response, from our perspective—I will let Des comment on what Key Forensic Services has done—has been to do a couple of things. One is to address the shortfall in revenue through the two levers that we can pull. The first is pricing; we have worked with police forces to raise the pricing in these areas significantly, but the downside of that is that, unless you then have a paradigm shift in the culture of investigations and the use of these evidence types, raising the price just means that the volume falls further and you get into a worsening situation. That is one lever that we have pulled, so we are in the middle there.

Secondly, through the acquisition of Orchid Cellmark—with Eurofins Forensic Services working together with Orchid Cellmark as sister companies—we have been able to take advantage of a consolidated, more efficient model. With our new lab in the Midlands, which I talked about, we have got to a position where we now have a workable model that will not lose any of these evidence types and will safeguard each of the “ologies”—fibres, glass, et cetera—but we are just making a loss. We need to fine-tune the model, not so that we increase pricing and have demand going down further but so that we sit down and say, “There's not enough work here to justify multiple providers. There's not enough work here to have a normal business relationship of supply and demand, as we have with road traffic toxicology or a DNA sample”. We need to ask: “What do we value?” In 2021, with Cellmark, I put forward and proposed different models for the Government and the police to consider. We need to take those models seriously now because we are on the brink of losing some of these evidence types. We need to take action quickly.

Models such as having a national retainer fee for critical services such as these, which are suboptimal in terms of volume, would guarantee revenue and allow us both to make investments and to safeguard those disciplines for the future. At the same time, we

would work together at a strategic level with policing and BlueLight Commercial to start doing continuous professional development with crime scene investigators and investigating officers in order to make sure that they are aware, and are reminded, of the full potential evidential value of these disciplines. That will, in itself, kick-start discussions on the use of those methods and make sure that the demand is pump-primed, if you like. I am suggesting that we use them not in areas where the value for money in the case and the case type suggests that the case would not be commissioned but where we give this evidence the chance to flourish.

We need another model because it is not going to continue at the level it is now. We have not lost any service types, but we have certainly downsized, consolidated and got to the point where the service lines, particularly in marks and traces, are not making profit and are not, therefore, sustainable.

Viscount Stansgate: Would it be right to say that, as a result of this, you fear for the future because there may be miscarriages of justice that cannot properly be rectified because of the loss of the services to which you have referred?

Dr Mark Pearce: Ultimately, yes—I would need to walk you through exactly how a miscarriage of justice might arise but, if the miscarriage of justice arose because a defendant did not have access to forensic science that would have exonerated them, then yes. That is equally so for investigations that could be threats to national security; these are often serious crime investigations. Evidence types such as fibres, fibre-plastic fusion, hit and runs and terrorism incidents have been critical evidence complementing the DNA evidence; they have been part of six-figure investigations that have led to the prosecution of some of the most notorious criminals.

So we accept, I think, that it is really important to maintain those services. We need to stop talking about that and do something to put together an economic model to make them sustainable. What is such a crying shame is that the level of funding we are talking about is in the weeds. Overall, at the moment, our service in that line is, let us say, £3 million to £4 million. We do not need much more than that to unleash it—to let it loose and flourish, work on and develop the science, and maybe work with academia to identify better methods and instruments to keep our infrastructure and instrumentation up to speed in these areas. Particularly on the traces side, those often use a lot of spectroscopy and need a refreshing of methods and analytical equipment.

Viscount Stansgate: Dr Vanhinsbergh, is there something you could say on this general subject?

Dr Des Vanhinsbergh: We have tried to retain our marks and traces services for many years and, until recently, succeeded in doing that. The incentive for that was certainly not a commercial one. These disciplines do not generate any profit margin for us; in fact, they are loss-making. One of the main incentives for retaining these services was that they were often bundled in with another service, such as biology casework, and with many forces you could not bid for the work unless you had marks and traces and biology services.

I am pleased to say that that work has now been unbundled, which de-risks that situation for us. As I have said, biology services are one of our biggest revenue streams. We would not want things to return to that situation, recognising that if we do not carry out marks and traces ourselves, we have to have the competency to recover the trace evidence so that it can be sent on to another provider.

This year, we have seen a significant change in marks and traces. We were unable to bid for the recent tender that we have been discussing because all the marks and traces services were included in that lot. Because we could not deliver on every lot and would have been dependent on a subcontract, in effect with Eurofins, we were unable to bid, which means we no longer have a contract to deliver marks and traces services. Where we might look to retain some of those services to a degree, for example where we might apply them to cold cases or defence work, it looks less and less economically viable now to retain. The likelihood is that we will lose some experts in these fields, particularly in the areas of gunshot residue, glass analysis and footwear analysis.

We are in a worse state than we were. The frustration from my perspective is that we have not been aided by the procurement process, as I said, because of the tender structuring, but Mark and I, and others, have been highlighting this issue for several years. It is not a new issue. This has been a flagged up for several years and very little has been done about it. The attention at the moment seems to be all on digital forensics but, as Mark says, these evidence types can be absolutely crucial in solving cases—some of the highest-profile cases that we know. It would be a tragedy to lose them from the sector.

What are we doing about it? In other areas of what we might call niche services we have just partnered with an academic partner

and established a new forensic ecology service. We were successful in a recent tender, so that business will start trading. Our partner will not mind me saying that it will be run by the University of Exeter. I think maybe some of the answers to these questions lie in academia and partnerships with academics. We will see how that business model goes. But I have to say that when you look at the commercial side of it, it will be a challenge for the university to ensure that it is commercially viable.

We are trying to support these services as much as I can but, as Mark says, we are probably down to the final stages. I think it is the last-chance saloon for many of these services.

The Chair: We have a few more questions and we are coming to a close. I hope my colleagues can be brief and that you can be reasonably brief in your answers. It is a measure of how much interest we have in hearing from you that we have all these questions.

Q40 Baroness Northover: This follows on, in some way. Are forensic science companies able to invest significantly in R&D? Are you able to keep up with the cutting edge? Leading on from that, is there an opportunity to use AI for data analysis? You have both already said that you do not focus on digital forensics, but can AI be used in what you are doing at the moment and in terms of R&D?

Dr Mark Pearce: From our point of view, within the spectrum of R&D, you literally have blue-sky research at one end and development at the other. With the coming together of Cellmark and Eurofins Forensic Services last year, we now have well over 50 ongoing research projects in total, some of which are method developments for the sake of better service levels and some are more blue-sky projects.

We do blue-sky projects. We support King's College, in particular, but other universities as well, with PhD students and MSc students. We have done product development work in various areas where we see a potentially unmet need in the police. The issue in this area, though, is that, yes, we will invest to improve process for the good of service levels and sustainability within the business, but if we are to invest for new service offerings, we need to be able to get a return on investment—and to understand where that will take us for the upfront investment—because it is quite expensive and quite a lengthy process.

I can give you an example of one thing that we did, which I alluded to right at the beginning. We developed a method within Eurofins that is particularly effective at raising DNA profiles from fired

ammunition cartridges. We did that development work with two potential customers with whom we worked closely. They were two very different customers for different types of criminal activity, but on two firearms issues they said that if we were to improve success rates, we would see a significant upturn in usage of that method and their willingness to spend budget on that technique.

We did a bit of demand forecasting with them, which set the business case in stone and justified the investment. The demand forecasting suggested that those two customers would spend £1 million per year, or thereabouts, on this new method. We set about developing that method. A typical success rate of raising any kind of DNA profile from a firearms cartridge was about 4% prior to this and we raised that to 54%. Just two weeks ago, at the International Symposium on Human Identification in Florida, this method was independently analysed and evaluated by the University of Uppsala in Sweden and, compared with nine other methods globally, the technique came out way on top. So, we have a really top-drawer method.

That £1 million revenue forecast by that customer resulted in a spend of £10,000 in 2024. Where is that return on investment? That is a little example. I am not singing the praises of the technique, although it is great. The point I want to make is that how we identify unmet needs and innovate, working with academia, and how that leads to a return on investment, needs some work. Let us put it that way.

The Chair: Dr Vanhinsbergh, do you have anything to add to that?

Dr Des Vanhinsbergh: Yes, I agree with that. The focus tends to be on grant funding. It has been historically difficult for a forensic science project to be supported by grant funding, particularly when you are competing against genetics and the type of work that is done at, for example, the Sanger Centre—ground-breaking research that is leading to medical diagnoses. We are in the same arena when it comes to grant funding, really, and it is difficult to come up with a project that can compete.

However, there is an awful lot of funding in the private sector and we need to release it. The way we release it is by opening up the market a bit more. I think the market is too closed, as I said earlier. But also, as Mark has just said, we need to demonstrate that there will be a return on investment. There are investors out there who will put enormous amounts of money into forensic science, and not for hockey-stick growth or anything like that; they

are looking for reasonable returns on their investment. We need to establish a climate where we can really attract private investors. I do not think the current climate is in a fit state to do that.

Just to add to that, at the moment, Key Forensics carries out R&D but at a small scale. For any sort of blue-sky research, we would lean on our academic partners and support them in that. We are involved in knowledge-transfer partnerships and other areas to support our business and our academic partners. We are doing our bit but, as an SME, at the moment we can afford to invest, as I said, only about 10% of our annual revenue in R&D. That tends to be focused very heavily on the police.

We listen to our customers. We sit down with our customers on a regular basis, gauge their needs and introduce improvements in efficiency and reliability so that we deliver them better services and, ultimately, deliver better services to the criminal justice system. That is where the focus is.

- Q41 Baroness Neville-Jones:** Let me turn for a moment to regulation and accreditation. One of the changes that has taken place since the report that this committee wrote in 2019 is that the Forensic Science Regulator has been given statutory powers, which in principle one should welcome. The question I want to ask you really is: how do you assess the changes that have taken place? There are now codes of practice for forensic science providers, yet at the same time we hear that they are regarded as being very onerous, not necessarily very appropriate, expensive and potentially capable, because of cost, of putting small providers out of business. So my question really is: how do you assess the current regulation and accreditation, and do you think that they have actually resulted in higher-quality work? Have they been responsible for and contributed to the quality of the work as well as—presumably it is one of their functions—maintaining competition? Is the system proportionate? If it is not, do you have thoughts on what changes are needed? Subsidiary to that, there are obviously companies like yours, but should expert witnesses acting individually be subject to this regime as well, in your view? So there are a number of questions there about how well you assess the system as working in relation to its declared objectives.

Dr Mark Pearse: Personally, and from a Eurofins perspective, it is working as well as it can be. It was a very good initiative. What we were facing were expert witnesses going into trials and presenting themselves in front of the court with very little way of demonstrating compliance to a quality culture and a standard. This is good. It has done well in defining what forensic science activity is

all about and what standards are expected; that is detailed in a very lengthy and detailed code of practice. Generally, the private sector has embraced that—Des can comment but, speaking as Eurofins, certainly we have—and the private sector has implemented the code very quickly and effectively.

There was a suggestion earlier in a discussion that the nature of the market meant that perhaps the regulator had a light touch on the private sector. That is far from the case. We are fully subject to regulation, and we have a culture of self-referral. That is a very positive step, so that we can refer up to the regulator where there is a potential miscarriage of justice or something happens on a case that needs alerting to the criminal justice system. Most importantly, we need to learn what the corrective actions are and what process improvements need to be made.

That works very well. Clearly, there are issues around how ISO accreditation sits side by side with the code of practice accreditation. We have a new regulator now and the excellent work done by the previous regulator will be picked up by the new person, who will take forward working with UKAS on accreditation and what specific mechanisms should be used to demonstrate compliance with the code—is it ISO accreditation, or is it not? As a tool of risk management and as a reassurance around a robust quality culture, I think it is very good.

And not only do I think it is very good, but I know, because I work very closely with the NRGD, the Dutch register of forensic experts. I have hosted them over here together with the regulator, and they look at our system with some envy, because their system is based on an expert-led approach, as you allude to, and I do not think that is the right way forward. From the perspective of running a business, that would be incredibly difficult to manage, keeping personal records and looking at everybody's specific position. The system works quite well as it is, to be fair.

Dr Des Vanhinsbergh: I would agree with that. The code provides us with a really good framework—something that was absent in the past. Of course, it sets the bar quite high, as it should, and we strive to ensure that we maintain compliance for all the forensic science activities we carry out. There is also a code of conduct incorporated in that which we find extremely useful for our scientists; it details how they are expected to operate in the criminal justice sector. I would echo a lot of Mark's comments there.

It is worth mentioning accreditation as well. It does have an enormous value. Often we do get frustrated when we are having to entertain UKAS, the accrediting body, for many weeks every year, but in the round it does lead to a better maintenance of quality and sometimes an improvement in quality as well within our organisation. One comment I would make on that, though, is that sometimes the process does seem quite convoluted and inefficient; this is the process of assessment by UKAS. When we look to some organisations outside the UK—I point to Ireland, really—and what we hear about their assessments, they do seem to be a lot more straightforward and no less robust than the assessments we have in the UK. Something could be done there. Certainly for very small providers—I am not necessarily talking about Key because we are a medium-size company—I can see why they would be quite onerous.

The other comment I would make on UKAS is around the technical assessors that it employs. It employs a number of technical assessors that are experts in their field and that obviously provide independent assessment of how we adhere to our codes—our code of practice, the FSR code and the ISO standards that we operate to. There has been a shortage over recent years of experts working for UKAS in certain areas, particularly in toxicology, for example, and there are a number of problems with that. It causes delays in the system. If we are trying to improve methods, develop new methods and achieve extensions to our scope of accreditation, a shortage of technical assessors can delay that process. That is very important for us because sometimes we are sticking to a very tight investment timetable. Any delay is costly in terms of time, but it also prevents those new services and those improved services being delivered out to our customers. Sometimes that can cause delays.

The other problem with having such a limited number of technical assessors is that sometimes you can deal with situations where the opinion of one or very few people becomes the rule, and then that is applied across the sector. That has been problematic in some areas. We would like to see UKAS expanding its breadth and the raft of technical assessors that are available to it.

When I think about costs and what keeps me awake at night, it is not the cost of accreditation, to be honest with you, although it is substantial—for example, we are likely to spend up to £200,000 in 2026 on accreditation. That is not what keeps me awake in terms of costs; there are much bigger costs out there for forensic science providers, some of which we have alluded to already, including the cost of retaining a highly skilled workforce.

Baroness Neville-Jones: What would give them out of 10?

Dr Mark Pearce: UKAS or the regulator?

Baroness Neville-Jones: You can divide it.

Dr Des Vanhinsbergh: UKAS or the regulator?

Baroness Neville-Jones: Both.

Dr Mark Pearce: It is risky for me to go first on that.

The Chair: Maybe you can reflect on that. I am afraid we need to come to a close. We have one final question from Baroness Walmsley.

Q42 **Baroness Walmsley:** Thank you very much. There have clearly been some long-standing issues, and it is our job to make some recommendations to government to help to address them. We usually try and suggest things that are very urgent and need addressing straightaway and sometimes some longer-term—maybe infrastructure or other things that need addressing in the long term. I am hoping that you will both be able to give us some suggestions for both kinds of recommendations. I perhaps come to you first, Dr Vanhinsbergh. First of all, can I just say thank you for being the first witness who mentioned victims of crime, unprompted, today? Personally, I think that is a very important aspect of the work we are doing. Can you give us an urgent action for government and something more long term?

Dr Des Vanhinsbergh: Sure. We would like to see an alleviation of the pressure on policing and the police budgets, particularly that part of the budget that is being diverted to try and cover forensic science testing. That is the sort of work we carry out rather than digital. I would really like to see some action there—that policing receives the proper funding that enables it to freely submit exhibits that clearly need to be examined into the private sector labs. My concern, as I said before, is not just one about revenue. It is really about focusing on what we are here for and ensuring that criminal justice is delivered. That is my short-term plea. Connected to that, and without wishing to go on too long, I would like some proper examination of how police budgets are allocated as well.

Talking longer-term, as I mentioned earlier—I may appear a bit selfish here, but I feel I am representing not just Key Forensic, but also other SMEs across the sector—one thing I really would stress is that we need to have greater access to the market, particularly now we are dealing with an even larger monopoly than was in existence previously. It is important the market is opened up, and I

think that will bring added benefits. It will allow us to deliver additional services directly to forces. It will attract new business, it will attract new investment and that will also support innovation, research and development.

Dr Mark Pearse: Actually, there are two very quick ones for me because we have got two burning platforms, so it would be wrong not to mention both. We have touched on them already. One is marks and traces. We really need a new funding model that needs to be put in place, based on a retainer fee, reflecting the new market position and safeguarding the services in marks and traces, such as fibres, as we have talked about. Then the legal aid fee needs addressing and the whole commissioning process. It needs immediate attention. It is ridiculous really. It is not equality when the MoJ presides over a prosecution and Legal Aid Agency where the prosecution gets at least 50% more fees. That is wrong.

Longer-term, on the whole model of how we procure forensic science, I understand where Des is coming from. The market is not very big. We need to accept that. We need to accept the position, and accept the need for the involvement of SMEs and the variety of services that they bring to the table, where we work strategically with policing to do things like forecasting demand and aligning capacity and for the good of the case.

The Chair: Thank you very much indeed, both of you. That is a very good point at which to conclude. You have been extremely patient answering our many questions. It has been very informative for us and we are very grateful. That concludes today's public session.