

Science and Technology Committee

Oral evidence: [Forensic Science Strategy](#), HC 959

Tuesday 12 April 2016

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Written evidence from witnesses:

- [Dr Gillian Tully, Forensic Science Regulator](#)

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Members present: Nicola Blackwood (Chair); Jim Dowd; Chris Green; Dr Tania Mathias; Graham Stringer; Derek Thomas

Questions 1-104

Witnesses: **Dr Anya Hunt**, Chief Executive Officer, Chartered Society of Forensic Sciences, and **Dr Gillian Tully**, Forensic Science Regulator, gave evidence.

Q1 Chair: I welcome the panel to our session on the forensic science strategy, which is a follow-up to our predecessor Committee's work on forensic science in 2011-2013 and in the legacy report in 2015.

Can I open by asking quite simply, Dr Tully, what has your involvement been in the development of this strategy and what are your views? I have here the written evidence that you sent to the Committee and some of it is quite trenchant. You put at the outset of your evidence: "The Strategy misses opportunities to enhance the quality of forensic science provision by setting out a clearer vision as to the nature of a more inclusive, joined-up approach to forensic science." I assume that there are some good bits in the forensic science strategy as well as some bad bits. Could you start off by giving a sense of what the Government have got right and what you think they need to improve?

Dr Tully: Yes, of course. I was part of two of the working groups that were initially set up to start providing background evidence for the strategy. Those were into legitimacy, which covered regulation, governance and ethics, and skills and knowledge. I also had a session with the person leading on digital forensics. In terms of other involvement, I have been a member of the forensic policy group, so I had the opportunity to comment on two of the drafts of the strategy as it went forward. I commented in detail on the draft at the beginning of October last year and then again in the middle of October on the later draft.

On the good points in the strategy, from my perspective, the commitment to put regulation on a statutory footing is the high point. That is a very important move forward in terms of how we are able very clearly to impose standards for forensic science across the board. I am disappointed that the timescale for that is not specified earlier than the end of the

Parliament. In general terms, it is a very positive thing for there to be a more joined-up approach to forensic science, with a more national approach. It potentially will reduce complexity and duplication, particularly when it comes to standards; for example, there are in the order of 60 different parts of policing all applying for accreditation for digital forensics at the moment, and if we could have a more national approach it would make a lot more sense from that perspective.

However, the strategy as it stands gives no clear vision for what that national approach looks like or how it involves other players in the criminal justice system, so I am concerned that it states that policing will design and deliver the national approach. Policing has an important part to play in this, but it is one of a number of stakeholders in forensic science across the criminal justice system. We can consider that, in a way, forensic science has a bifurcated customer base. It is the police who commission and pay for forensic science, but ultimately it is the courts who are the end users of forensic science, so the whole criminal justice system needs to be involved. If we are to build a sustainable and effective future for forensic science that maximises the value that it brings, we need to look from the crime scene right through to the court. That means involving policing, forensic science professionals, the CPS, defence lawyers, judges and the Ministry of Justice more widely.

Dr Hunt: Our involvement as the Chartered Society of Forensic Sciences was limited to being part of the education subgroup, but certainly my membership of 3,000 people has fed into the responses that I will give today. I support the statement that the most positive aspect of the strategy is the development of statutory powers for the forensic regulator, and I agree that that needs to be addressed now rather than looking towards the end of the Parliament.

There needs to be a joined-up approach, with less focus on policing. Overall, the strategy feels very police focused, and introducing and involving the Ministry of Justice is key to ensuring that there is equality for prosecution and defence, and that that is definitely seen in the strategy. We were very keen and interested to see that ethics was being raised as an issue going forward, and that is to be encouraged and supported. It was also felt that research, development and innovation, and how they are managed going forward, is something that needs to be developed. It is felt again that the joined-up approach should be introduced right the way through from crime scene to court and that the innovation and research part of that should also be joined up. Encouraging support and differing the thought process of research councils is critical to ensure funding for forensic science research.

Q2 Chair: Thank you. Before my colleagues go on to ask you in detail about some of those points, Dr Tully, in your evidence you note the fact that paragraph 51 of the strategy “refers to contingency plans for exits, but no strategy to avoid loss of niche capability or of critical mass of scientific expertise is presented” by those individual specialisms. There were concerns raised all along the line by our predecessor Committee about the potential for loss of skills in the forensics workforce through the various strategies that happened under the last Parliament. Can you say whether you think this actually happened and whether you think the current strategy is necessarily as robust as it needs to be to make sure that the skills needed in the workforce are going to be there?

Dr Tully: I do not have a complete national picture about what the loss of skills has been, so I cannot give you a full picture. However, in the last year we have seen at least one small company exit the market, and that company dealt specifically with fibres evidence. That reduced the levels of fibres expertise available in the UK. Having said that, they went out of business because they were not getting enough fibres evidence coming through, so there was clearly a lack of demand that led to that closure. The question is whether that lack of demand is because fibres evidence is no longer needed or whether it is no longer valued because it is a more expensive and time-consuming sort of evidence. I do not have a full answer on that, but there are certainly indications that there are some cases that would benefit from more detailed analyses where they are not currently being asked for.

There has been some exit of skills. There are still enough people with enough skills performing forensic science at the moment. If one of the three main providers of forensic science were to exit the market and take most of the staff out of the market, there would be a very serious concern as to whether we still had enough skills at that point to carry on doing forensic science effectively, but I have no indication that that is going to happen. Looking at the strategy, it does not seem, from my reading of it, that it provides stability or certainty for forensic science providers going forward, but that would be something on which it would be very interesting to hear from the Association of Forensic Science Providers and the commercial sector—whether there is anything in the strategy that would enable them to make investment decisions. At the minute it seems a little thin on where the future lies for the balance between forensic science in policing and forensic science in the commercial sector. They both need to work together.

Dr Hunt: On the point about the loss of the organisation that did fibres, there are other non-framework organisations involved in niche work that are extremely concerned going forward that they will be picking up only the scraps as and when they are available, and that that cannot always be a supported commercial model for a small organisation. While there has been some loss already, there is also the risk that that will continue to happen for smaller organisations specialising in small areas. It has perhaps currently not been as substantial as may have been envisaged, but certainly there are a number of our members working independently who are concerned about the flow of the work that they are receiving, so it is only a matter of time before that has more of an effect.

Q3 Chris Green: The UK previously adopted EU requirements for accrediting DNA and fingerprinting work. The forensic strategy tells us that a timetable has been agreed for accreditation of police in-house forensic services. Dr Tully, could you sketch out the key dates and milestones of the timetable?

Dr Tully: Yes, certainly. The timetable applies to all forensic science providers, not just in policing. It applies across the board for anyone who is doing forensic science. Having said that, a lot of the large commercial forensic service providers have had that accreditation for some time already. The key dates remaining for the areas that are not already under accreditation are that most of digital forensics is required to be accredited by October 2017; fingerprint development is already accredited, but fingerprint comparison is required to be accredited by 2018; crime scene investigation, including collision investigation and fire investigation, all come under the requirement for accreditation by 2020.

Q4 Chris Green: Some of the evidence submitted shows that police forces are making progress on getting accreditation for fingerprint and DNA work—good progress has been made there—but few police forces are suitably accredited in other areas, such as toxicology. How challenging is it going to be for the police to make progress to achieve accreditation by those deadlines? Is it achievable or is it quite a challenging target?

Dr Tully: There are a couple of points. First, as far as I know, no or very few police forces do any toxicology work, so they would not hold accreditation for that. Achieving the other deadlines that I set is a huge challenge, particularly the digital forensics challenge. We now have a programme of work that is led within policing by DCC Baker from Staffordshire, who is doing a good job of corralling police to try to achieve that 2017 deadline, but, unfortunately, that work started late. He has done a great job since it started, but originally my predecessor set a date of 2015 for digital forensics to have accreditation and no progress had been made, so in 2014 he adjusted that timeline to 2017.

Now we are all bunched up, coming up to 18 months from the deadline, and it is a tremendous challenge to get everybody through in time. I am sure that some will not make it, but, having said that, there is now a big effort to get people through by that date. On digital forensics, I am also concerned about the small commercial providers, particularly sole traders and very small SMEs, who do not appear to be making the progress that I would want to see on digital forensics at the moment.

There is a little more time for fingerprint comparison, but it is quite a big challenge. It is both a cultural challenge—“Why do we need these standards in the first place? We have been doing this for years”—but it is also a practical challenge. There are steps to go through to get to the level of quality that enables you to get accreditation. Accreditation is only the final step; it is only the external validation of the fact that, yes, you are doing things to the correct standard. You have to put all the work in first of all to get to the right standard. We are certainly making progress on fingerprints, and we have started on crime scene investigation and have already held several workshops with all the providers of crime scene services.

Q5 Chris Green: The expectation would be that accredited private providers will fill in before police forces are up to speed.

Dr Tully: Where there is capacity to do so. In digital forensics, there is not sufficient external accredited capacity to take on all the work in policing, but I am hopeful that the vast majority of policing will get through on time.

Dr Hunt: I absolutely agree that it is a challenge. The fact that there has already been some slippage demonstrates that, but in order for it to move forward it needs to be challenging in the fact that, if we move the benchmark, it will slip even further. I would agree that there is a lot of activity now within the police forces to move forward, but there is also a lot of panic and feeling that it is not achievable. Certain forces are already moving much more quickly towards that. It is achievable if they put the effort in and move forward, but it is a challenge.

Q6 Chris Green: If police forces start using private providers, and if private providers are going to invest in the resources to provide these services, they will need some kind of certainty on the return on their investment over time. Will private providers be able to upscale to take on this work?

Dr Hunt: One issue with digital forensics is the rate at which it is growing and the rate at which technology changes, and that in itself is a challenge. Some of the larger private providers certainly will be able to cope with that better than others, but, as Dr Tully mentioned, there are a lot of sole traders and SMEs also working in this field and we are looking to try to support them to get them accredited to be able to plug the gap more effectively.

Q7 Chris Green: Dr Tully, to what extent are other areas of the criminal justice system working towards accreditation, such as digital forensic providers and those providing services for defence barristers? To what extent are they procuring outside the national arrangements?

Dr Tully: All the areas you mentioned are procured outside the national framework; digital forensics has never been within the national framework and neither has procurement of defence expertise. When I have set standards I have been very clear that they apply to all providers, no matter what their sector or whether they are instructed by prosecution or defence. The difference is that I have had fewer levers to enforce compliance in some areas than others.

The national forensic framework gave a lever to enforce compliance, because everyone who wanted to be part of that framework had to be accredited. Outside that, I do not have the same lever, but I am still working both to make the case for why it is important to have accreditation and to point out people's obligations under the criminal procedure rules to be very clear on the limitations of their evidence and so on. There is some movement. This year, I hope to run a pilot with the accreditation body UKAS on how we might accredit defence review of evidence or just review of case files, and that fits in with what Dr Hunt was saying a moment ago about what we are doing to try to encourage small providers to go for accreditation. My office, the chartered society and other small business organisations are working together with UKAS, the accreditation body, to try to map out a more cost-effective route for small bodies to gain accreditation. We have a workshop next week in fact with individuals from the small organisations to try to move that forward.

Dr Hunt: Picking up on that, I am hopeful that it will also help to support and lessen the loss of some of the niche areas. Many of those small businesses are working in niche areas, but it is key that the three organisations work together to ensure that the capacity that is given by the small businesses is at the same quality standard and that there are measures in place to support that process, because there is definitely the feeling that one size of accreditation does not necessarily fit all. All three organisations are clearly agreed that the quality standard must be the same, but the way it is achieved may look slightly different for different sizes of organisation. This is a huge step forward, and the fact that it will encompass casework review, which is largely part of the defence element, is key to the engagement of the correct level of standards within prosecution and equally in defence.

Q8 Chair: Dr Tully, you said your predecessor moved the date for digital forensics providers being accredited from October 2015 to 2017 because there had been no progress on accreditation. Has there been progress since then?

Dr Tully: Yes, there has.

Q9 Chair: Progress has been made.

Dr Tully: To be fair, there was a level of “Let’s wait and see, and test the mettle of the new regulator before we start putting too much time and effort into this,” if I am honest, but from the start we had some very constructive meetings with those in the leadership of digital forensics in policing, and they are working very hard towards getting that accreditation now. As I say, it is going to be very tight. Everyone is bunched up towards the end. I have come under quite a bit of pressure from a lot of practitioners to relax that date again and I have said no. We cannot just keep moving the date because it has not been achieved.

Q10 Chair: The strategy focuses very strongly on the need to expand digital forensic services, and on the backlog that is already in existence and the increased demand. In your view, are there solutions offered by the strategy, or do more need to be proposed?

Dr Tully: I cannot comment on the backlog and the operational capacity other than to say that I recognise that trying to achieve the standards takes out some operational capacity, but I do not think that that can be delayed or compromised. We will support the operational capacity as much as possible, and we have done quite a lot of work, held workshops and helped people along the way, but I do not think we can relax the standards just because it is a difficult thing to achieve. It would be for policing to answer more about the backlogs and their operational capacity.

Q11 Dr Mathias: Dr Tully, you said at the outset that you are happy the strategy will give the regulator statutory powers, but you also—fairly, I think—were upset that the timescale may be just by the end of this Parliament. Have Ministers shared with you any plans for how and when those statutory powers will come in?

Dr Tully: There is a draft document as to what the statutory powers might be that has been shared with me. Originally, there was a hope that it might be in the 2016-17 parliamentary session, but I understand there is no suitable legislative vehicle in that session. So beyond that I do not know what the plan is for legislation.

Q12 Dr Mathias: Do you think there will be any consequences of further delays in giving statutory powers?

Dr Tully: My concerns centre around the areas that we have discussed: for example, small businesses doing digital forensics is one area, and also the area of defence review. It is very difficult for a small business to make the business decision to move towards gaining accreditation when there is not a line in the sand by when they absolutely must do it. There is not a clear, “What if I don’t?” That is what concerns me. With the date of October 2017

coming up for digital forensics, it is highly likely that a number of small providers will not move forward in time to make that date, because they know that there is no statutory underpinning.

Q13 Dr Mathias: Thank you. Dr Hunt, I noticed you nodding.

Dr Hunt: I would absolutely agree. The comment we have had already, while trying to organise a workshop to try to take this forward, is, “What’s going to happen if I don’t?” Until that stick is in place, it is very difficult to enforce that. In order to increase capacity in line with demand in a time-effective manner, those statutory powers would benefit from being brought in as early as possible.

Q14 Graham Stringer: It has been about four years since the Forensic Science Service was closed down and about five and a half years since our predecessor Committee visited that. What has been the impact of closure on the quality and conduct of forensic research in the United Kingdom and forensic science generally?

Dr Tully: The vast majority of forensic research—forensic science—that has been carried on has been at a similar level of quality. There was perhaps more risk when large volumes of work were transferring. There is always more risk when there are large volumes of work and therefore people have to transfer about, but the vast majority of the work has been done to an equivalent quality, largely because all the commercial providers were accredited to the same level ahead of time. There was a bit of a gap between the police, who were doing some DNA recovery and fingerprint enhancement, getting their accreditation, but that is now in place for those areas. The quality, largely, is similar. What is difficult to see is whether we always maximise the value of the forensic science that we could be providing. Again, I do not think that is related to the closure of the Forensic Science Service specifically. It is an issue of making sure that we choose the right analyses and that we interpret them correctly.

There is less research and development done in the UK since closure of the FSS, because you cannot lose that number of researchers with that level of budget and not find that there is less research and development carried out. People differ on what impact that has had. For me, the gap in research and development is around the underpinning science and the data needed to support the interpretation of evidence, because that is something that does not have a commercial return on investment and it is also quite difficult to gain funding for in an academic sense. There has been a diminution of that kind of research.

Q15 Graham Stringer: When you were before Committee last time, in fact, both times, you were concerned that the commercial sector could provide very high quality accurate DNA analysis—repeat things—but they were less good at looking at the context of the forensics. Has that been borne out in practice? It was partly because the people commissioning the work were not commissioning that contextual analysis.

Dr Tully: It was not that the commercial sector were not good at doing that. As you said, it was not always being commissioned, and I do not think that is as a consequence of closing the FSS. It was happening to the FSS as well; that sort of work was not necessarily being

commissioned. I have had quite a number of individual cases brought to my attention where it looks as if the strategy in the case has not been optimal, so the best analyses have not been chosen, or they have not been looked at in the best way to get the maximum value or have not brought in all the contexts that they could.

In order to get a clearer view of that, to see whether it was the odd anecdote or whether there was a more systemic issue, I commissioned a pilot study to look at reviewing a small number of cases from the initial report of the crime all the way through to court, looking at what decisions were made, by whom and why, what analyses were commissioned, what the results were, how they were interpreted, how they were communicated and whether fragmentation of any of that had an impact or whether it all worked well. I am looking at the minute at a number of rape cases in two police force areas, and those forces are working constructively with us on that, but it is very early days.

Q16 Graham Stringer: When do you expect the report you commissioned to be available?

Dr Tully: It will probably be another six months or so.

Q17 Graham Stringer: Would you expect it to confirm, or otherwise, your view before this Committee last time you were here that the changes to the Forensic Science Service would lead to rapists and murderers getting off?

Dr Tully: I am not certain that I actually said that the changes to the Forensic Science Service would lead to rapists and murderers getting off, but we did have that discussion, I recall.

Q18 Graham Stringer: I do not have the exact quote, but it was close to that.

Dr Tully: We were talking about whether the right analyses were being commissioned and whether they were being commissioned in a way that was effective and maximised the value of the evidence. That is what this small study will start to give us an answer to. It is looking at rape cases specifically for the reason that there is not as much investigative resource available to rape cases as there is to murders, and the forensic evidence is often difficult to interpret and is complex.

If I can give a very early indicative figure, we have seen so far that, from 13 cases, 10 of them had forensic evidence carried out and only four went forward to prosecution. We need to get under those figures and work out why: whether the forensic evidence was not there, whether it was not communicated effectively, whether the right analyses were not done or whether, as I said, the evidence just was not there in those particular cases.

Q19 Graham Stringer: Or whether the right questions were not asked.

Dr Tully: Exactly, yes.

Q20 Graham Stringer: We were also concerned about the break-up and lack of care to the national archive. Has that been a problem?

Dr Tully: It is not something where I have had a great deal of visibility. The forensic science archive is still there. I do not have a great deal of visibility of what is happening in archiving from other areas. One thing we agreed as part of the review of the forensic archive is to develop a standard for the retention and archiving of forensic material. We have a draft of that and there is going to be a further meeting in May to try to get it finalised.

Q21 Graham Stringer: You have been clear that probably not as much research has been done as was done or could be done. What policy would improve that situation?

Dr Tully: It would be very valuable for there to be a bit more long-term certainty for forensic service providers so that they knew what sort of income they were going to have and what sort of return on investment they could potentially make. That is in one sector. In the university sector there has been some good news recently, in that the University of Dundee has been funded to set up a centre of excellence that will be funded for 10 years to the tune of £10 million. That is a very positive step forward. I would like to see some other centres of excellence in academia.

How we can use policy to stimulate that is more difficult. I saw the submission from the Engineering and Physical Sciences Research Council, and that is certainly one area that is more interested in forensic science research, but there is a fundamental misunderstanding in that all research in forensic science is not to do with the development of new analytical techniques; it is also to do with underpinning basic science and with development of data. In this particular area, where there is not a strong academic pool and not a strong commercial pool, it would be valuable for the forensic policy group to look at what could be done to stimulate innovation and how that compares with other funded areas of research.

Dr Hunt: Could I pick up on this? I think a joined-up approach is key. There are definitely feelings that there are challenges, both contractual and commercial, in research being carried out within the commercial sector, particularly given the tendering process of working within contracts and how difficult it might be to introduce new innovations within the terms of contracts. Picking up on the point about the EPSRC as a funding council, certainly there are some funds available for forensic science, but it is not always clear how forensic research fits into that. There needs to be more thinking within the research councils about how that can be clearer and more funds made available.

The stability point is very well made in the fact that the commercial organisations are looking more short term, and I think a lot of the research in recent times has been about faster—about quality and getting things more quickly—but it stifles real blue-sky innovation when there is no longevity of the tendering and contractual processes. For the fundamental science to be underpinned, there needs to be more work done at research council level to ensure that forensic science continues to develop and the underpinning science is there.

The fragmentation of work being done in the police and in the commercial sector does not necessarily feed into where the universities may have resource to do some research and the actual underpinning of the work that is required, and then feeding it back for everyone to benefit. A joined-up approach would certainly help that to move forward and to have a more concrete base for the forensic sciences.

Q22 Graham Stringer: Is there anything at all in the strategy that would incentivise the private sector to do more research?

Dr Hunt: Honestly speaking, the overarching feeling that the strategy is very police focused is not that encouraging for the private sector, and more could be done to support that, which would carry forward research and development with a sounder underpinning.

Q23 Chair: Are some providers more research focused and innovative than others? I would have thought that digital forensic providers, for example, had to keep innovating to keep up with the challenges they were trying to resolve, whereas in other areas it must be more static.

Dr Hunt: There is a difference between the requirement of innovation to keep up with technology and real blue-sky thinking research and development. The two things should not be confused.

Q24 Chair: So there is some innovation going on, but not fundamental research.

Dr Hunt: I think that is the case. The providers who will speak after us are in a better position to answer that question.

Q25 Jim Dowd: Dr Tully, in your most recent annual report you state: “No uniformly adopted interpretation standard is yet in place, and there is a paucity of structured data to interpret evidence most effectively. The interpretation standard is being developed, but a lack of research funding impacts on the availability of data.” Is this, in your estimation, having an impact on the effectiveness and fairness of the criminal justice system?

Dr Tully: Yes, it is, I think. I can give you the example of some cases that were referred to me—I was looking at them only this morning. I do not know how many times in those reports the scientists said, “In my opinion this, that or the other,” or “In my opinion, this means that.” Reading those reports, it occurred to me that it should be more than the individual’s opinion; it should have been based on some structured data, because it was to do with the transfer of trace evidence and its persistence. Those are the sorts of things that one can study scientifically. You cannot answer every possible scenario in every case, but you can certainly have more underpinning basic data and good interpretation methods to help you put those data to good use.

Q26 Jim Dowd: If there is a lack of data available because of the cut in funding, how far away is the achievement of this standard, or is it for ever disappearing into the future?

Dr Tully: No. The standard will be produced. The standard will set out the minimum standards for how you go about interpretation and will attempt to bridge the gap between how scientists see evaluation of evidence and how the courts have sometimes seen evaluation of evidence. That is why we are working with the judiciary on it, to try to bring together those two constituencies in a common understanding of the framework for interpreting evidence. The standard can proceed whether or not more data are produced, and the standard way of interpreting can be used with large datasets or smaller datasets, but I still feel that the value of forensic science evidence can be enhanced by having better data to underpin that interpretation.

Q27 Jim Dowd: Fine. The Leveson review—not the more famous one, but the one into forensic science last year—stated that more research is needed into “the more esoteric areas of science” to ensure the credibility of some forensic disciplines, and it cites particularly facial mapping and gait analysis, which is the study of human motion. What is being done to ensure that forensic evidence is considered admissible and is understood by the courts?

Dr Tully: There are a number of things. On one, I would like to refer back to the new centre that is being set up in Dundee, which is going to try to focus on underpinning science for a number of these areas. In addition, the criminal procedure rules, together with the criminal practice directions, linked with the standards that I have set, together make a very robust framework to evaluate the validity and the strength of forensic evidence. The majority of the recommendations, for example, of the Law Commission’s 2011 report have been implemented through the criminal procedure rules and practice directions. That gives a very strong basis for evaluation and giving the courts confidence in what is good science and what is not underpinned by a proper level of rigour.

Q28 Jim Dowd: You have anticipated my next question, which was on the recommendations of the Law Commission. Although the Government rejected most of it originally, they have, as you say, subsequently incorporated them in various directives. Do you think there is anything further the Government should be doing in that area?

Dr Tully: In forensic science we see it as an end-to-end process; we see it from policing, through forensic science professionals, into courts and beyond, and I think that is where, from a policy perspective, getting everybody around the table is important—having oversight from all constituencies involved.

The other thing we need to do, and something that I need to do, is increase the visibility of the quality standards among lawyers, because it appears that there is little knowledge of the quality standards among lawyers. I need to increase that. Next week I am going to a seminar to help do that and I will be publishing a number of papers and trying to get increased knowledge among lawyers of what the quality standards are and what they mean. That will give lawyers better ability to challenge science that does not reach the appropriate quality standards, because that is important as well.

Q29 Jim Dowd: Finally, do you think the strategy sufficiently addresses the issue of the continuing impartiality of forensic providers, particularly when we are in the position where

the police commission evidence themselves, or indeed the forensic providers become part of the police?

Dr Tully: This is an interesting area in which there are quite a lot of different schools of thought. I do not have a fundamental objection to forensic science being done in any particular organisation as long as the right safeguards are in place. It is extremely important that forensic scientists are allowed the independence to come to their conclusions without being unduly influenced by investigators, but that can happen even within a police environment as long as the right organisational, procedural and cultural safeguards are in place.

One of the things that accreditation brings is that the accreditation to the international standards that we use includes an assessment of impartiality. When UKAS go in to assess any organisation providing forensic science, they look at what safeguards are in place to ensure the impartiality of the evidence.

There is still a major risk around unconscious bias—the unconscious cognitive types of bias—and in the last year I published guidance on ways to avoid and to minimise it. We all need to be extraordinarily aware of it. The crime scene, what evidence is collected in the first place and then what tests are commissioned are the areas where we need to be most clear about that. It is very important that, as we go forward, the accreditation is not all in little disjointed sections but covers the whole procedure, so that strategy, decision making and commissioning are all part of an organisation's accredited scope.

Q30 Derek Thomas: The strategy talks about reviewing the governance structure of forensic science. Could you set out the pros and cons of the existing governance structure and maybe what changes you would both like to see as we go forward?

Dr Hunt: It is key moving forward that the Ministry of Justice should be included to a greater extent, and I think it is also key, to pick up on the last point, that there is a joined-up approach, that there are not gaps and that everyone within it is fully engaged. There needs to be clear equality; governance needs to manage equality, both in the prosecution and the defence. There needs to be independence, in some aspects, given to the Ministry of Justice by taking some of the lead for putting that governance fully into the hands of the police.

Dr Tully: The majority of the governance groups at the moment are police led. I am generally invited to attend them and I have good relationships with those groups, but they deal primarily with policing issues and not with forensic science as a whole. The forensic policy group is the only one of the existing groups that could potentially be the overarching governance mechanism. To be really effective it would need representation from all stakeholders. It would need clearly defined terms of reference and an ability to act, and it would need to meet more regularly. Those are the things I would say.

Q31 Derek Thomas: You have slightly touched on my second question, but it is still worth asking. Our predecessor Committee wanted ministerial oversight of forensic science to lie as much with the Ministry of Justice, which you referred to, as with the Home Office. Have the

needs of the Ministry of Justice and the wider criminal justice system been sufficiently understood and incorporated in the strategy?

Dr Tully: The strategy focuses too much on policing as the leading body. That is not an anti-police sentiment. The police have a great part to play in this, but they are one part of a wider stakeholder base. There is mention in the strategy—I welcome the mention—of MOJ involvement with the governance, whatever the new governance system will be. It is very important that we think of the courts in the terms that we think of the Ministry of Justice, the CPS, defence lawyers and the judiciary. It is important for all of them to have a say, and the current Lord Chief Justice is certainly very interested in forensic science issues; following the publication of Sir Mark Walport’s report into forensic science, he has arranged a meeting with the senior judiciary, which I will be attending as well, to try to draw together the various constituencies and make sure there is better understanding across the board.

Dr Hunt: There is a feeling that the overall report is very police focused. Certainly in my view the Ministry of Justice has a key role to play, but, as we have said a few times about many of these issues, a fully joined-up approach from crime scene to court and also the perception that it is not just police focused, and that there are a lot of other bodies involved, is key to its success.

Dr Tully: Perhaps it is important to say as well that there were people from the CPS and the MOJ and so on involved in the early stages of the formulation of the strategy, in those early work groups, but while those work groups did a lot of useful background, not a lot of that work actually made it into the final strategy.

Q32 Derek Thomas: The forensics science strategy has now been published, and we await a separate biometrics strategy. However, the forensics strategy referred to plans for a joint forensic and biometric service and the expansion of the national DNA database ethics group to cover both forensics and biometrics. Would you say that the Government’s approach is right in producing separate strategies?

Dr Tully: This went back and forward a lot of times. Personally, I do not have strong views on whether they are separate or together. It is probably easier to write them separately, but when it comes to implementation, it is clear that there must be a level at which implementation is joined up. I cannot say anything more on the joint forensic and biometric service because I do not really know at this point what it is going to look like.

Dr Hunt: I welcome the expansion of the organisation and the involvement of the ethics. As I raised earlier, focusing on ethics—the fact that it is mentioned—is very positive. I have no strong view on whether or not it should all be done together.

Q33 Chair: I have one final question. The strategy talks about scoping work that will now happen and has been commissioned by policing on how best to deliver a more consistent national approach, but, Dr Tully, you go on to say that as regulator you have not been asked to provide any input into the scoping work, and you are not aware that any other criminal justice service partners have been asked to do so either. Has that changed since you submitted this written evidence?

Dr Tully: No, it has not.

Q34 Chair: In your view, any such scoping work would be incomplete without the co-operation of the wider criminal justice system and yourself.

Dr Tully: There needs to be good oversight of whatever is being developed and that needs to include all criminal justice partners.

Q35 Chair: Dr Hunt, have you been involved in any way in the scoping work?

Dr Hunt: No, not at all.

Chair: Thank you both for the evidence you have given today and for coming along and taking the time. We may have some follow-up questions, so we might contact you; if you could drop us a line in response to that, we would be very grateful to you. Thank you very much.

Examination of Witnesses

Witnesses: **Tom Nelson**, Director of Forensic Services, Scottish Police Authority (representing the Association of Forensic Science Providers), **Chief Constable Debbie Simpson**, National Police Chiefs Council lead on Forensics, **Gary Pugh OBE**, Director of Forensic Services, Metropolitan Police Service, and **Dr Mark Pearse**, Commercial Director, Government Services, LGC Forensics, gave evidence.

Q36 Chair: I welcome all of you to the panel. You have been sitting in the room during the first panel of evidence, so you will have heard what kicked us off with this forensic science strategy session. Could I start with you, Mr Pugh? Do you agree with the views of the previous panel that policing has been over-represented in the strategy? Do you think there needs to be more attention paid to the wider criminal justice system and do you think that will undermine the effectiveness of the strategy going forward?

Gary Pugh: I would hesitate to say “over-represented”, as clearly a lot of forensic science happens in crime investigation undertaken by police forces, and we have an important role to play in that. Certainly, along with my colleagues in NPCC, we recognise that it is important that there are a variety of stakeholders who need to contribute to the strategy. If I pick up specifically the point about the MOJ, of course once someone is charged, the baton passes to the criminal justice system, so it is important that they are involved.

I would make two points in that respect. First, certainly as director of forensic services of the Metropolitan Police, a lot of the requirements on us are driven by the criminal justice system, not least the recent better case management initiatives. The courts are trying to be much speedier in what they do, which in turn has a demand on us in how quickly we produce results and expert evidence. I also think that the involvement of the criminal justice system is important in this strategy, as highlighted by Dr Tully.

There needs to be—I have written on this previously—a meeting between the criminal procedure rules and practice directions that go to the judiciary and the regulatory environment. If we have statutory powers for the regulator, how will the courts deal with that? There will be situations when perhaps someone is deemed not to be competent and there needs to be a much more joined-up approach. It is very important that the MOJ and the criminal justice system are involved in the development and implementation of the strategy going forward.

Q37 Chair: Chief Constable, that sounds very sensible—an integrated system between policing and the wider criminal justice system. Is it properly reflected in the strategy? Do you think the strategy will deliver that for forensics?

Chief Constable Simpson: The strategy is a good start in helping to deliver that. As my colleague says, it is no surprise that the police feature as prominently as they do, given our share in this particular area of work. But, as with everything, we do not work in isolation. We must work with others and it needs to be an end-to-end process, as Dr Tully eloquently described, from crime scene through to court, if that is applicable. All stakeholders need to be engaged. The strategy allows for a direction of travel that I think will allow us to help

to understand what each and every one of us can do in ensuring that the strategy becomes the reality of the service in the future.

Q38 Chair: The strategy sets out that the next step will be scoping work that has been commissioned by police on how to deliver a more consistent national approach. We have heard from the regulator that she has not been asked to take part in the scoping work and she is not aware of any other criminal justice system partners who have either, as yet. Can I ask, first, how do you understand such a national approach manifesting itself, and, secondly, what is going on with the scoping work?

Chief Constable Simpson: The scoping work has been undertaken in relation to a series of workshops. I do not think all of those workshops have taken place yet; my understanding is that the final one is in a couple of weeks. We have yet to see the result of that work, because clearly the workshops are just taking place. From our point of view, a position will be put to us, and we will have been involved in it, as to the options that we take forward in the future. We are still in the very early stages as a stakeholder of developing that approach in the future. At the minute, it is still undergoing the preliminary elements of workshopping and understanding what we want to achieve for the future.

Q39 Chair: Sorry, I did not understand. Have you invited the regulator to the workshops?

Chief Constable Simpson: They are not my workshops; they are not police-led workshops.

Q40 Chair: Mr Pugh, what is your view of how this scoping work and national strategy should go forward?

Gary Pugh: To echo my previous answer, much of the delivery of forensic science from the crime scene through to the expert evidence happens within the policing environment, whether that is in digital, in things like facial identification, which is growing, or in some of the chemical development of fingerprint enhancement. There is a lot of operational business that takes place in policing and therefore we would expect to be involved in the initial discussions about looking at what a forensic and biometric service, which you referred to earlier, would look like. Echoing comments from my colleague, that will broaden out, I am sure, as the strategy gets developed in terms of how we involve and draw in other stakeholders.

Q41 Chair: But you would certainly expect the regulator and the wider criminal justice system to be involved in scoping work on how such a national approach would be developed.

Gary Pugh: Absolutely.

Q42 Chair: Dr Pearse, you represent the commercial side of the picture. What is your impression of how such a national approach would develop? Do you think that the strategy is too police focused? Does it give a sensible way forward, and have you been at all consulted on implementation?

Dr Pearse: We have not been consulted on implementation yet. We welcome the recognition that is mentioned in the strategy of the contribution of the private sector in the last four years since the closure of the FSS. There have been sea changes in the service levels and prices of services offered to the police, but, fundamentally, our employees and colleague organisations are providing the expert witnesses who give evidence up and down England and Wales so we would expect to be part of the discussions on the developing national approach. As yet, we have not been engaged, and because we have not been engaged and because there is a lack of clarity on what the national approach actually means for the private sector in the strategy as it stands, there is some uncertainty at the moment. There is a leap of faith for the private sector that the good work and partnership approach that we have tried to foster will continue and will play a prominent part in the delivery of the strategy, but we need some follow-up discussions about what our actual specific contribution will be.

Q43 Chair: Were you consulted at all on the development of the strategy?

Dr Pearse: We played our part in the workshops. There was a series of five workshops, as Dr Tully has already mentioned, and the AFSP—the Association of Forensic Science Providers—was represented in the majority of those work streams, but our involvement since then has been minimal.

Q44 Chair: Mr Nelson, involvement since the strategy has been published has been minimal. Has that been your experience as well, or is there something going on behind the scenes that we have not unearthed yet?

Tom Nelson: No. We welcome the strategy. It is certainly a way forward and gives us an opportunity to move forward together. We would really want to encourage that moving forward together, because crime scene to court is the overall forensic strategy that we want to develop. To do that, you need everyone involved and everyone at the table, and we would certainly welcome the opportunity to begin to shape the future.

Q45 Chair: You have not had the opportunity yet.

Tom Nelson: Not since the strategy was developed, no.

Q46 Chair: All right. Can I just ask a little bit, finally, before my colleagues come in, about digital forensics? I want to ask about policing because this was an issue that I asked the regulator about and she said I should direct it to you. It is the question about capacity. The strategy focuses significantly on the size of backlogs and the need to expand capacity and how this is going to be addressed going forward. Do you think the proposals in the strategy are sufficient to address the current problems or do you think that more needs to be done? Do you have any other comments around that, Chief Constable?

Chief Constable Simpson: The strategy allows us to ensure that the national approach that develops will ensure that every force takes on the best practice, as opposed to some taking on best practice and not others. Backlogs have been a problem for some years, and, as the

world of digital evidence-gathering expands, the backlogs do not go down. Some forces have very small backlogs, if any; others have a considerable amount.

We need to ensure via this strategy that those that are able to manage the backlogs are using or sharing their techniques with others. The strategy allows us to move in the same direction, so it facilitates an ability, in terms of backlogs in particular, to minimise the issue; but this is a problem that has occurred over many years and it will not be solved very quickly, although we can make sure that what we do is the best we can, given where we have been over a number of years and the expansion of digital.

Dr Pearse: Again, the private sector have their part to play in this. Dr Tully mentioned SMEs supporting the backlog reduction exercise. LGC has invested six-figure sums in equipment development to support operational policing in this area, and we are happy to continue that development in what is a growth area.

Not having clarity on how we will perhaps be involved in this national approach, specifically in the area of digital, means that our planning for the future is a little bit stifled at the moment. I accept that the strategy gives the framework for the discussion, but we need to be involved in that so that our role in the digital services arena is clear. If it is a partnership between in-house capability development, organised on a national basis, and the private sector, that is all well and good, and we are happy to step up and play our part in that.

Gary Pugh: If I could expand on that, as we recognise, there is a big growth in the volume and complexity of the digital devices we examine. I hesitate to push what the Met is doing—we are not alone in this—but we will see a sea change. This is unlike traditional forensics. It is quite possible that you can enable front-line investigators with a device or a kiosk where they can extract data themselves, based on a short period of training and then a competency test.

We have moved to more of an enabling model because we see the volume of these devices growing. In the Metropolitan Police we anticipate that in four years' time we will be examining a quarter of a million devices. The current operating model is not sustainable. We cannot keep building bigger and bigger units. The solution we have found is an enabling solution that pushes the technology and the ability to access data on digital devices to the front line, backed up by hubs at level two that do more complex work, and then a central unit. At the moment, we have put out a tender for a commercial partner to work with us to provide technology and capability where they have strength and for us to partner with them to deliver that solution. In digital, to deal with the challenges in that area, we will see quite major transformational change over the next five years.

Q47 Chair: What would you provide? What is the impact on your backlog?

Gary Pugh: The impact of what we have done has removed our backlogs, because front-line officers are now able to extract the data from phones themselves. We have a series of units now, and we anticipate in the autumn getting up to 90 kiosks, which investigators will use under our control, and certainly under the accreditation of the regulator, to access data quickly and make quick decisions, particularly for people who are in custody.

Q48 Chair: Did you say it will remove them or it has removed them?

Gary Pugh: It has removed a large part of the backlog of mobile phone examinations in the Met.

Q49 Jim Dowd: Before I come on to the substance of my question, following on from Mr Pugh, does that include encrypted data on phones? We all know about the case with Apple in the United States.

Gary Pugh: It can access some encrypted data. Certainly we have means of extracting data from devices that are password protected. I invite the Committee to come to see one of the units that does this and how front-line officers use this technology to make quick decisions in an investigation; that is probably a better illustration of the technology.

Q50 Jim Dowd: Sure. Mr Nelson, in Scotland, of course, the single police authority is providing forensic services for the whole of the Scottish police force. Are there any lessons to be learned from that experience that can be applied in any plans in England and Wales, and are there any shortcomings or disadvantages that should be avoided in your experience?

Tom Nelson: In 2007, in Scotland we moved to a national forensic service delivery model, which brought together the eight scene of crime departments, four fingerprint units and then four forensic science laboratories, all previously working independently of one another. We have very much a national process in Scotland from crime scene through to court. That sits outwith policing, but supports policing and the Crown Office completely. We have a delivery model that allows us to have four main centres to provide that forensic service to the people of Scotland. It provides impartiality for the scientists and in some ways protects them and the scene of crime officers whenever they are doing their forensic examination.

Obviously, in moving to that, there have been a number of challenges for us. Probably one of the biggest is the cultural challenge of moving people from working for originally a police force to a national forensic science service. That has taken a considerable amount of time. There is accreditation as well. Our services are accredited, and I would not underestimate the cultural and accreditation challenges that coming to one service bring. However, with that there are significant advantages as well. Instead of trying to do eight things differently for each of the different forces in Scotland, we now have very much a joined-up, consistent approach. We work together with Police Scotland and the Crown Office to develop a three and five-year strategy for forensic services and that is ongoing at the moment, so we engage with our partners to make sure that what we are doing in forensic science meets the needs of the criminal justice system and the police service of Scotland. There are a lot of opportunities for us to share that learning with our colleagues in England and Wales, and I will certainly do that through the association, but also in engagement with any of the working groups that are going to take place.

Q51 Jim Dowd: Thank you, Mr Nelson. On that point, to Ms Simpson and Mr Pugh, do you feel that there is any connection or read-across from the rationalisation of forensic services

into the broader question of the rationalisation of police forces, as they have done in Scotland?

Chief Constable Simpson: I do not think it is dependent on it, but, clearly, a national approach helps us to decide whether or not that is a model we would choose to develop in England and Wales. I do not think one is dependent on the other, but a national approach to forensics helps with the debate and how far we want to take that for the future.

Gary Pugh: I agree. I do not think it is linked to the number of police forces. This is a capability that the police service and the criminal justice service need. We need to start by being very clear about what the requirements of that service are, how it is then delivered and under what model. With the potential changes we will see in science and technology—whether that is rapid DNA devices, the ability to find a finger mark at a crime scene and scan, transmit and search it in 10 minutes, or whether it is evidential drug testing done locally—there are potentially enormous transformational changes, and a national approach would seem sensible, albeit that the challenges are significant. But it is certainly not dependent on the number of police forces.

Q52 Dr Mathias: The strategy notes a decline in spending on most types of forensic work, except for digital forensics. Do you think that trend will continue?

Gary Pugh: I can speak from a Metropolitan Police perspective. Clearly, as part of the austerity, we have made reductions in headcount and we have had to make savings while delivering the same service effectively or better. The challenge on me is to use science and technology to do that. Within that overall landscape, we have certainly seen a decline in some of the traditional areas of forensics; fibres was mentioned earlier. I think that is in part due to the changing nature of crime and the changing nature of perhaps how we use forensic science.

For example, with the wide use of CCTV now, we may well see the event or the incident occur. In the past we would have looked for a fibre transfer between people, but we can actually watch it on CCTV, so there is an element of replacement in that. But I echo Gill's point: have we fallen too far and is there some evidence that we are not maximising? We certainly do not take cost-based decisions up front. We take a decision about what is the best way to apply forensic science in a case, but there is an opportunity to re-look at some of the traditional methods. It is pretty inevitable that some of them—handwriting, for example—as we have seen not just in this country but across Europe, will decline as we invest more in digital technology, CCTV and new areas.

Q53 Dr Mathias: Dr Pearse, from LGC's perspective, do you see that trend?

Dr Pearse: Yes. Forensic spend is down; there is no doubt about it. The markets have shrunk from well over £100 million to probably around £60 million, as it stands, in England and Wales. We all recognise the pressures on the police, with budget cuts and comprehensive spending reviews. We have seen the quite intrusive and professional approach to submissions of cases—individual police forces developing infrastructure and policies to submit the bare minimum on a particular case to get the desired outcomes.

The danger is that that goes too far and—Dr Tully has already alluded to this—if you miss opportunities to maximise the forensic evidence, it would be a bad thing for the criminal justice system as a whole. We are probably now bottoming out on that. Certainly the discussions LGC are having with all the customers around the country—who have adopted slightly different approaches, I have to say—show that the trends are probably now on the stabilisation side of things, but we look, hopefully, to start to work more collaboratively with forces to redress the balance of minimising the submissions on a case in favour of a joint approach to maximising the strategy and getting the most out of the evidence. The pendulum has certainly swung towards minimising submissions to save costs rather than open dialogue.

Q54 Dr Mathias: I understand your point. Are you able to give an illustrative example where you would say the minimum is not enough and you would collaborate and suggest something?

Dr Pearse: It is difficult to say on specific cases. Dr Tully's studies on sex offences will help with that thinking. We see understandable but sometimes frustrating requests to examine items in sequence where you might expect that examining all the items together would give a balanced view. Don't forget that at the end of the day we are talking about expert witnesses who have to give opinion-based evidence on what they think happened and led up to the findings. We have talked about the studies that need to be continued on the backing data, on the databases, if you like, that underpin some of that decision-making process, but we also need to make sure that we are examining the entirety or the minimum required—there is some debate about what is the minimum—in each case submission.

Q55 Dr Mathias: I understand. It would be easier with an illustration, but I understand your point. For the private sector, is the issue a need for a stable market, or is it just to have a clear projection of future trend, whether it is up or down?

Dr Pearse: Stability is utopia, so obviously we would favour stability. That goes without saying. We would probably accept the practicalities and the reality that stability is not always possible if spending cuts are introduced or a game-changing crime type appears. We have to respond to that, up or down, but we have to understand that the forensic infrastructure is around a very highly skilled, highly trained quality workforce that it takes time either to train in or to move out of the industry. We take that responsibility seriously.

We cannot just launch inexperienced people on serious casework, so the more discussion and dialogue we have around the trends in the market or the trends in the industry, the better. It needs to be a mindset change of inclusive behaviours towards the partnership we have. We accept the commercial contracts underpinning the relationship we have, and that delivers best value and improvements across the board, but unless we work together and plan for the future, the infrastructure we have at the moment will be fragile.

Q56 Dr Mathias: Chair, I should have declared an interest because LGC is in my constituency so I am aware of the apprenticeships and the graduate programmes there, which I have publicly supported. Mr Nelson, have the police and crime commissioners had any impact on forensics work?

Tom Nelson: I find that very hard to answer, obviously, being based in Scotland, but I am happy to pass it on to the chief constable.

Chief Constable Simpson: Throughout their tenure, they have clearly had to balance budget requirements with priorities. Some PCCs have definitely indicated the protection of front-line services, which means savings have had to be made elsewhere, whether that is middle office or back office, some of which forensics will fall into; and some will see themselves as very much front-line services. Therefore, it is inevitable that areas not classed as front line, whether or not that is visible policing, have had to make significant savings, and we have seen that through various areas of collaboration and getting best value from what we have. In my own area in the south-west we have made 18% savings, while still delivering the same service, in order to ensure that the budgets balance at the end of the comprehensive spending review. There has been rationalisation within forensic science services, but as a result of ensuring value for money and the most effective and efficient way of doing business.

Q57 Derek Thomas: Where did you say you are in the south-west?

Chief Constable Simpson: I am in Dorset.

Derek Thomas: I thought I recognised you and—

Chief Constable Simpson: I do not recognise you, if that is any help.

Q58 Derek Thomas: I am not known to the police as far as I am aware. The current procurement arrangements under the national forensic framework—Next Generation—expire at the end of July. What will replace it and how will the new arrangements differ from the existing ones? I do not mind who answers this.

Dr Pearse: From our perspective, we have been working closely with the Home Office forensic marketplace management team over the last four years on the framework and—this links back to a previous question about how submissions have changed—I think we have seen the need to have such a framework, perhaps to standardise the approach to procurement and give the police the option to realise the vast savings that have had to be made. Chief Constable Simpson has already spoken about the 18% savings, and so on. That is just the tip of the iceberg with some forces.

There has been a need to drive price reductions and cost savings within the police, which we relate to, albeit that it cannot be at the expense of quality and of not maximising the best in forensic science. We have got to the point where that has bottomed out, as I said, so the police service are now saying to us, and we are saying back, “We’ve got to do this differently. We’ve got to talk more. We’ve got to work over a longer period of time. We will invest in this sector, but we will only do so if we are doing it in partnership with joint business cases with mutual return and benefit.” The framework does not provide that. It is a short-term, commodity-based procurement infrastructure vehicle that has had its day in that style of procurement.

It is a little unclear as to what is going to replace it. I do not think what will replace it will be a standard way of procuring. Police forces in each region, or separately, will choose

something that suits their policing needs, and that may be different in London from the north-east or the south-west, and we hope to work together to meet those needs. The downside is that if you have bespoke contracts you move away from standardisation, so we have to be careful that we do not introduce inefficiencies in how we manage our science, but the benefit of working together over a longer period brings stability so we are happy to live with the short-term disbenefits of different contracts.

Gary Pugh: As Mark says, the current framework has perhaps come to the end of its useful life. It served its purpose by providing clear definitions of what was being purchased. Picking up on Mark's point, we certainly recognised that in the Metropolitan Police. We were in a two to three-year tender cycle based around that framework. We are now moving—in fact we are in the middle of a tender process at the moment—to more of a partner arrangement that could be a seven plus three, a 10-year contract, and very much built into that is partnership and maturing the commercial relationship to work with the partner to develop new technologies and new services, and we will do that jointly. We are clear about that.

We recognise that now it is time for a different approach to engaging the commercial sector, who have a very important role to play in terms of their knowledge, their agility in developing services and even their capital. We certainly see the need now for a longer-term relationship with the commercial sector, to build and certainly to manage change. We will not bring in the changes that I think are due in the current framework situation.

Q59 Derek Thomas: Will digital services be included in the new arrangements? Given that the deadline for accreditation of digital service is not until October 2017, how can you be sure that digital services are used in an appropriate way before that date, before you can all become accredited?

Gary Pugh: We have a separate tender for digital forensic provision, as I described earlier. The operating model we have moved to is a radical change. It is about enabling the front-line officer, which is very different from having centralised hi-tech units. It is a big change. Again, it is on a similar basis—a seven plus three contract—and we do not want to be in the business of buying the kiosks or providing the support for that; the commercial sector are far better at that and, clearly, have the equipment to do it.

As well as the commercial sector, particularly in digital, as I think has been mentioned, there are a number of niche providers who develop software that will deal with encryption and with particular operating systems. They are quite small, so the approach we are taking by having a managed service provider is that we will go through our commercial partner to access those specialist organisations and companies. Again, it is very much about maturing that relationship to achieve long-term development and transformational change to deal with the volume and complexity of devices.

On accreditation, the model we are moving to will be capable of being accredited to ISO17025. We have ensured that we have built in necessary safeguards in terms of validating the equipment and certainly control over the way it is operated, which will be dealt with centrally and managed by my staff in forensic services. We can see a solution in

terms of the regulation or the accreditation of that model that will meet the standards of the regulator.

Q60 Derek Thomas: Does anyone else want to add to that point?

Chief Constable Simpson: From my point of view, I absolutely agree with Mr Pugh that this is a mature approach, that one size fits all does not necessarily work for all forces. Some will still be on the framework and use the framework until July, whereas others, given their current set-up and the collaborative processes they are in, may choose to do other things. It is important, given the accreditation landscape, that we understand what we need to work towards and what safeguards that will have for the criminal justice system, very much as Mr Pugh has just said.

Dr Pearse: On the digital side, the rate of growth in the number of digital requests on the forensic side is growing so fast that we need to act together to keep up. What Mr Pugh described is very specific to the Metropolitan Police and does not necessarily reflect the direction of travel as it stands for the rest of the country, and the strategy alludes to a national approach. We are in that zone of a bit of leadership from the Metropolitan Police Service, with everybody else doing some overspill work in the private sector. We are not sure whether that overspill work is going to dry up because the work will be taken in-house with a national approach, once accreditation has been reached.

We are about to sign off investments in new technology, expanding the number of people we have in order to keep pace, but we wonder if we should do that because we are uncertain whether we will get the demand over the medium term. Digital services are one area where we can work together better for the sake of stability versus certainty, which you asked about. This is one area of certainty where it is not stable at the moment; it is unstable in the sense that it is going up—like this. We need certainty on how we will work as the private sector with police colleagues.

Tom Nelson: That is why it is so important to have longevity of the contract, because that would allow providers to invest in that particular area. It will also allow us to benefit from the research and the innovation that they actually bring to the party, because at the end of the day the Association of Forensic Science Providers does a lot of work, which is probably unseen, in innovation, research and development, which then adds to the benefit for the criminal justice system. We want to try to keep as many of those providers engaged, and longevity of the contract will improve that.

Q61 Derek Thomas: Are you confident that with the kind of challenges you have talked about you have the resources and the skills to make that transition towards a more digital approach to forensics?

Dr Pearse: Yes. From our perspective, with planning, yes. But we are pedalling hard to keep pace in this particular area because, obviously, common sense suggests that digital devices are being used more and more in existing crime as well as to perpetrate new crimes. We are pedalling hard. Given that you have to put your experts through a period of training and you have constantly to refresh the technology that underpins the examinations and downloads they do, it is not easy to keep pace, which is why a more orderly and

collaborative approach to manage resources across the country, be it private sector or the police, is a better strategic way of doing things for the good of the criminal justice system, I have to say.

We have mentioned that digital services have never been part of a national framework; the national framework brought the discipline of procurement that I have talked about, albeit it has reached its sell-by date. We are seeing police forces and other law enforcement agencies outside the police service commissioning tenders that do not necessarily even require accredited providers; they are almost like reverse auctions in price terms, with totally the wrong set of drivers for something that is ultimately going to affect somebody's liberty.

Q62 Derek Thomas: That touches on my final question. In the past there have been some concerns about procurement arrangements producing a fragmented forensic service, where different types of tests are sent out to different providers and no provider has an overview of the entire case. Will the new arrangements make that less or more likely in the future? Whatever the answer is, does it really matter?

Dr Pearse: It does matter. Absolutely, it matters. What we have seen, probably if we wind the clock back four or five years, is that fragmentation, from a provider's point of view, in some regions and some forces, was quite extreme and damaging to the quality of the work that could potentially be achieved. As a market, we have matured together in that respect, so most forces, maybe not all, would now make an attempt to send a whole case to one provider, certainly within a particular evidence type.

Where we have some work to do—Dr Tully mentioned the study on sex offences, for example—is in a typical sex offence forensic investigation, where you have some biological work looking at body fluids but you might have a toxicology aspect if mind-affecting or date-rape drugs were used, that kind of thing. Sometimes you get the biology case submitted to one particular organisation and the toxicology to another. Therefore, you end up with a bit of separation in terms of taking an overarching whole-case view from the expert witness perspective, but I think it is improving in terms of case fragmentation. Some regions of the country, in their procurement, have been ahead of the curve. The north-east region, for example, has chosen to work with one organisation, as we see in that particular case, and one reason they would cite is that they get a joined-up approach so that the expert who is allocated a particular case can take a whole-case view and give an opinion based on all the facts.

Q63 Chair: The strategy does not say exactly what the framework will be—you mentioned uncertainty—but it mentions as one option the partnership approach, which you have just outlined, giving the north-east as an example. Dr Tully said that she thought it would be helpful if there was more partnership going on, for exactly the reasons you have outlined about having more overall views of cases. Do you think that that would be a positive way for the framework to progress—having more of an emphasis on partnership—or are there other priorities you would like to see? Would you like to start, Mr Pugh?

Gary Pugh: I would say partnership, because we are doing it.

Q64 Chair: Does that work for everybody?

Gary Pugh: In one form or another. I agree with Debbie that there will be people who move at different speeds on that particular model. There is a different model in the north-east where they have an embedded provider within a facility. We have different operating models across the country. The key elements of this are maturing the commercial relationship, so that we do not get into bean counting, if you like, and in doing that, working collaboratively with the commercial sector. Also, there is Tom's point about longevity; short tender cycles do not assist us in making change or improving the efficiency of services, so there are some general principles that apply to the commercial relationships that we are all signed up to.

I would make one other point, about recognising within the strategy that a stable market is not an end in itself. At the end of the day, forensic science, in whatever form it takes, needs to support efficient use of science in the criminal justice system. In some areas, that may mean that we reduce capability and increase it in others. The market, and certainly the organisations within police forces, may have to change substantially as science and technology change.

Q65 Chair: Dr Pearse, on the issue about whether the framework should be very specific about requiring partnerships as part of a national approach, do you think there will just be different needs for different police forces?

Dr Pearse: There will be different needs. It is difficult to prescribe a mindset. The partnership, collaborative approach is a mindset. That has then to be linked to the achievement of common goals, be they detection of crime or a stable profit-making business for the private sector, and the success of the whole sector will depend on whether those two can come together. If we can provide value-for-money, crime-detecting services and a profitable sustainable business for us as suppliers, that is sustainable as a business in the sector.

We are not there yet, but the step towards partnership, the step towards longer-term contracts where there is gain-sharing and a more outcome-based focus rather than the price of a test, will take us there. We will perhaps come on to innovation in a minute, so maybe I should not stray into it now, but innovation is key, and we innovate. It is just that the route to market for some of our innovations needs refining, and we need to do that together.

Q66 Chris Green: Chief Constable, a timetable has been agreed for the accreditation of police in-house forensic services. How much of a challenge is it going to be to get all the services up to speed in the regulator's timetable?

Chief Constable Simpson: It will be a challenge, and Dr Tully expressed a view in relation to her predecessor having to put dates back. We are fully sighted on the dates. We know what we need to achieve but it will nevertheless be a challenge, because at the same time as we work towards accreditation in the various areas—not all, by the way, sit under forensic science as a discipline, of course—while we can learn from those that have gone

before us, and many forces have been accredited in various areas, we also have to have an ability to deliver operationally for today's crimes, and so on.

There will be pressure on resourcing to ensure that accreditation, especially around digital, actually achieves the timescales we have been set. Every force understands the timescales that we are now working towards and, accepting there will be pressures on resourcing, this is not necessarily an easy process when you are trying to deal with the day-to-day business and the pressure on the assessment services as well. Combine those together, and we do not underestimate the challenge that has been set, but we are fully sighted, fully engaged and intend to do our best to deliver.

Q67 Chris Green: The impression I get is that not all areas, not all police forces, will be up to speed by the deadline, so there might be some role for the private sector in that.

Chief Constable Simpson: There may well be, although many forces—I could not say all—have some form of accreditation, and not all police forces operate their own forensic science departments or divisions any more. Many have collaborated, so you will find regional collaborations whereby not everyone is accredited, but there will be sufficient in the region to share functions in order to allow for day-to-day delivery while perhaps one of the areas catches up on accreditation.

Q68 Chris Green: Dr Pearse, do you have any concerns about the capacity of the private sector to take on this work, and the nature of the work? It might be for a very short period, and if the private sector has to invest in equipment and in training people in that short period it might be quite challenging.

Dr Pearse: Very. We would have to work together. We could not be an overspill facility. A private sector organisation could not support a short-term surge in demand by investing in people, platform or equipment, so that is something we would have to work on together. It goes back to certainty versus sustainability. It is the certainty side. If there is going to be a short-term requirement placed on the private sector, let us talk early; let us talk about appropriate, underpinning commercial arrangements, and let us talk, maybe, about joint investment. That is the dialogue we need to have in that sort of situation.

Q69 Chris Green: Obviously, it creates challenges for the innovation side of things as well.

Dr Pearse: Absolutely, yes.

Q70 Chris Green: Short-term horizons.

Dr Pearse: Yes.

Q71 Chris Green: Chief Constable, if the forensic science regulator is given statutory powers, do you think they would make much practical difference for police forces?

Chief Constable Simpson: I think it is the only way to ensure compliance and to ensure that standards are achieved. For police forces, we probably operate under an ability to understand what standards mean and therefore, while we may not feel like it, we are a compliant organisation in the main when standards have been set. From my point of view, not only in policing but the wider marketplace, statutory footing would help with the compliance debate and we could all be assured of the standards, safeguards and mechanisms for the whole of the criminal justice system.

Tom Nelson: It certainly protects the criminal justice system—the whole process. It is important that all organisations are accredited—both large and small, and the police as well—and it will give the regulator powers to deal with poor performance. Where standards are falling or dropping, the regulator can stand in and make the decision maybe to close a facility or a particular line or practice. It is important that the regulator has that power.

Q72 Chris Green: Do you think accreditation of in-house police services will increase the costs and therefore make external providers more attractive, or will it increase the standard of in-house work and thereby make it more difficult for external services to win work?

Tom Nelson: There is no doubt that it will increase the cost. For laboratories like ourselves, who are fully accredited, it has increased our costs significantly, so there is a cost to accreditation. However, on the other side of the coin it means that the work that is going into the criminal justice system is of a very high standard and therefore has some credibility associated with it. There is a cost but there is a downstream benefit as well. I suppose, as police forces look to see whether they want to enter the in-house market, they need to weigh up those costs and see whether it is beneficial to do the work in-house to the same standard as the external providers.

Dr Pearse: There is a point, a strategic decision to be made; if the police are going to accredit themselves to do exactly what the providers do, quite clearly there will be competition and the external market will struggle to compete effectively with its customer, which is an incredible position to be in. We would always hope for a level playing field from a quality perspective, because that protects commercial interests but also protects the criminal justice system.

Secondly, if the police are going to consider doing work in-house in accredited new areas, we would hope that a fully costed business case is put forward in every situation, in the same way as we would have to do for an investment internally. If the economies of scale within an individual police force are such that they can justify savings, even over and above using the private sector, we have to look at ourselves, because the private sector has the economies of scale for providing services to a number of police forces. Our processes are honed to be efficient, effective and, hopefully, cost-effective across the board.

Q73 Chris Green: I have a final question for Mr Pugh. In the absence of a universal standard for interpreting forensic data in the courts, does the strategy do enough to address any misperception about the impartiality of police in-house forensic providers?

Gary Pugh: Interpretation and impartiality are slightly different issues. I would certainly wholeheartedly agree with Dr Tully's comments about the databases and the information we need to interpret forensic evidence, and to put it in context and arrive at an evaluative opinion that an expert can give in court and be confident in. The impartiality is covered within the codes of practice and conduct and, just to put it on record, we thoroughly support their being put on a statutory footing.

The element of the codes of practice that requires demonstration of impartiality is one we absolutely accept in the Metropolitan Police, and in fact we have laid down in our own policy that I am the only person in the Metropolitan Police in forensic services who reports to a police officer. We are organisationally independent, and we provide the necessary safeguards and evidence that the evidence produced by forensic staff is impartial. We take that duty very seriously and it is set out in the criminal procedure rules as well, so I think, not to take those lightly, that there are safeguards in place. They need to be there and they need to be reinforced through the codes of practice and conduct.

Q74 Chair: I have a final question before we move on to the final panel. The strategy notes that there are some gaps in the research in forensics. We heard the same from the previous panel, who said that there is some innovation going on in the private sector and in other areas but that blue-sky thinking has shrunk since the FSS was closed. Can I ask you first, Dr Pearse, where you think the main gaps are and to what extent you think that the strategy, which has outlined some priorities, is favouring more short-term priorities that perhaps favour the needs of the police over longer-term more strategic needs for the future of forensics for the whole criminal justice system?

Dr Pearse: I will speak from LGC's perspective, but I am sure others would say the same. It is not that we are not innovating. We are innovating. I can think of seven significant R and D projects going on at the moment to take forensic science to the next level of effectiveness and keep pace with the rest of the world in DNA profiling, front-line services and technology supporting real-time policing. We are innovating. It is just that the governance around how those innovations are taken to market and the desire, if you like, from the police to embrace new technology, perhaps jointly funded for mutual benefit, is not there.

The system is not working particularly well together. That is what is missing from the strategy for me. I note that the innovation section is the only one without any black highlighted actions in it. It is very saddening to see that we cannot come up with any recommendations about how we can work together to foster some blue-sky research, which could be done in academia, but is being done in the private sector. I take issue with the fact that we are not innovating and that we are just focusing on the short term.

We are struggling with seeing and getting collective applications for research funding, be that in the UK or perhaps through European funding, and the joint writing of business cases to illustrate how we will both benefit in terms of detection, deployment of technology and creating a sustainable product development pipeline within the private sector. That is what is missing, and it is a real shame.

Q75 Chair: As a company, do you apply for R and D tax credits?

Dr Pearse: Yes, we do.

Q76 Chair: Are you able to access any funding streams through Innovate UK or EPSRC or any of those routes?

Dr Pearse: Yes. We have people in place to identify sources of funding. We are currently engaged with a number of police forces around the country on working together to form the right type of consortium to access funding for real leading-edge research on body-fluid identification and finger typing. In this country, we can do all the topics of the moment that are affecting and taking forward forensics globally, and we have the expertise to take that forward. We collectively need to buy into doing that, achieve the funding and make sure that there is a return on our investment at the end of the day.

Q77 Chair: What about partnerships with universities? Obviously, industry-university partnership is one of the ways in which the more blue-sky end of the research can be driven forward in a more cost-effective way.

Dr Pearse: Yes, absolutely. We see that in others. Fortunately, LGC provides science services to other sectors; we have 90-plus contractual-type partnerships with academic organisations and we are starting to see that happen in forensics as well, which is a really positive story. We are also seeing customers, police services, partnering with universities, so we all bring the relevant experience at each of the stages of a product development cycle. The academics are very good at the blue-sky method of development. We bring a commercialisation focus and a scalability expertise, and the end users, the customer, are advising all the way through about whether what we are trying to innovate and what we are developing is going to have practical application and is worth investing in. Each of those three parties cannot work in isolation.

Q78 Chair: Mr Pugh, you are nodding.

Gary Pugh: Yes. I very much echo that it is frustrating. We have a strategic alliance with King's College in London. We have made a number of bids to the research councils. One of the areas we are particularly interested in is biosensors, which is all about finding the DNA in the first place and attributing it to a body fluid, which, to us, seems a very important piece of strategic capability. We have lots of techniques, once you have found the DNA, to analyse it and produce the profile. We think there is real innovation needed in that area to take forensic science forward and we have been unsuccessful.

Perhaps our bids were not very good, but it is frustrating that we are either too blue sky or we are not applied enough. I have even engaged directly with research councils to try to find the best route through this, but funding is limited and we just do not seem to come far enough up the list. I very much echo Mark's comment on our partnering; it is about trying to put more joint enterprise into doing that and putting joint bids forward, both within the UK and, as Mark says, to the very large fund that is in Europe.

Q79 Chair: The picture I am getting is that there is some innovation happening, but that partnerships between academia, policing and the private sector are nascent in research and innovation and they need time to mature, and that there is a need for clearer signposting to where the sources of funding are so that it is easier to access them.

Dr Pearse: I would say as well that we are used to launching pieces of kit to go to a crime scene—I guess police colleagues would support this—to detect something new that slips below the radar. When it comes to launching a new method that is then reported on by an expert in court, for understandable reasons we need to get that properly validated, properly accredited and pilots worked through. That can be a lengthy process, so the criminal justice system element of method launch, if you like, and the burdens in terms of the regulatory hoops we have to go through to launch technology, while they are right, mean that the return on investment can be quite lengthy and painful to go through.

Chair: Thank you very much for the evidence you have given today. I really appreciate your taking the time. This is something we have some concerns about—different aspects of it—so we may well come back to you with specific questions. I hope you will respond to us and help us with our inquiry. Thank you very much. We will now move on to our final panel and continue with this afternoon's hearing.

Examination of Witnesses

Witnesses: **Mary Calam**, Director General of Crime and Policing Group, and **Stephen Webb**, Director of Law Enforcement Programmes, Home Office, gave evidence.

Q80 Chair: Good afternoon. Thank you for waiting. I have seen you sitting patiently through the evidence, so you will have heard the views of your predecessors at the table. Can I start, Ms Calam, with a question about why it took so long for the strategy to appear? It was promised by the end of 2013, as a joint forensic and biometric strategy. We are now in 2016, we have a forensic science strategy and we are still awaiting the biometric strategy. Could you explain what happened and when we can expect the biometric strategy?

Mary Calam: Yes, of course. Thank you, Chair. Let me start by saying that we would all have liked to publish much more quickly than we did. I was quite struck listening to the previous speakers that the reasons that it took us so long to get to the point of publication came out quite clearly this afternoon. We set off very deliberately wanting to engage as many stakeholders as possible, recognising the complexity of the landscape and, frankly, it took us a long time to get a clear understanding of what the issues were.

As you heard this afternoon, there are some very strong views and not everybody agrees; we wanted to navigate through that. We wanted to make sure we had taken account of all the different views, and it took us some time to get to a place where we felt comfortable. As somebody said earlier this afternoon—I think it was Dr Tully—we did indeed go round the question of whether it should be a single strategy or two strategies several times, and again that is a reflection of just how difficult a topic this is. In the end, we concluded that it was more practical to have two separate strategies. We were all very struck by the fact that the biometrics in particular is still very much an evolving field that we are learning about and understanding the implications for the future, so for manageability we separated

them. I cannot give you a date yet for publication of the biometric strategy, but we are hopeful it will be imminent.

Q81 Chair: For manageability, you separated them, but you promised within the strategy the establishing of what it refers to as a “Joint Forensic and Biometric Service”, and expanding the remit of the national DNA database ethics group to cover both issues. They are so intertwined that it does not make sense to have them separately.

Mary Calam: Exactly.

Q82 Chair: I suppose in my mind, pulling them apart as strategies is a risky business because you need to make sure that the two strategies interrelate properly. How are you going to do that if you are not joining them together at this point? Are you going to publish the documents as volumes? How is it going to work?

Mary Calam: I suspect that, if we had put everything together, we might be having a similarly challenging conversation about, “This is all very complicated and there is duplication and gaps,” and so on. There may be no 100% right answer. The other point is that we intend neither strategy to be the be-all and end-all.

This is about setting out a framework and a set of principles on which, as you have heard this afternoon, a lot of further work needs to be done. For me, it is about that—setting out two sets of frameworks and principles on which further work can go forward. As you rightly say, there is quite a lot of overlap. We have a team of officials who work very closely together, and with the relevant stakeholders, who will make sure that we spot those duplications and make sure we have made the connections.

Stephen Webb: It is worth saying that there are areas where there is close linkage; you pointed out the JFBS proposition. Clearly in some parts of operational delivery this work is very closely intertwined. The policy implications of the two can be quite different. One reason why the biometric strategy has continued to evolve over the last 18 months is that the development of the Home Office biometrics programme, for which I am also the SRO and which is looking at the next generation for DNA fingerprint and particularly facial recognition, is throwing up a lot of quite interesting policy and ethical questions in itself, which are going to have to be covered in the strategy. There, the forensics and biometrics space is a little different and we think it makes sense to have them separately. They are both working in teams, both reporting to me, so we have close oversight in making sure they are aligned.

Q83 Chair: I suppose you heard some anxiety from the panel before. Individuals have been involved as stakeholders in preparation for the strategy and I think there was some feeling that that had been done well, but now there is the sense that they do not know what is going to happen next and no one in the private sector likes uncertainty like that. The framework is coming to an end in July. Nobody knows what that is going to look like, and quite a few people have sat in front of me and said they have not been consulted yet. If we do not know when the biometrics strategy is going to come and the contents of it are unknown, if there is a lot that has been left unspoken—and it has—in the strategy, if there are people who have not

been consulted yet and we have a framework that is coming to an end in July, what is the strategy for ending the uncertainty? Who would like to answer that?

Mary Calam: There is some. There is quite a lot of uncertainty that it is simply not within our gift to end. The other thing that struck me when I was listening this afternoon was the changing context in which we are trying to do this. Colleagues talked about the changing nature of crime, and therefore the changing nature of demand on forensic services. You heard about the increase in demand for digital forensics, in contrast to some other areas where perhaps demand is declining, so there are some areas of uncertainty and change that we simply cannot do anything about.

Going back to my point about the strategy being a set of principles and a framework, it is designed to help us work through that. As to the national approach that you have heard a lot about, and the joint forensic and biometric service that we have also touched on, there needs to be a series of engagements to work out what the options are. The chief constable talked about the scoping workshops. Absolutely, the stakeholders that you have heard from today and a range of others must be involved in that. That work is under way. It will take a bit of time for it to come to fruition.

Q84 Chair: The evidence we heard is that the last workshop is to be held shortly—next week or something—and stakeholders have not been invited, including the regulator, which does not sound optimum to me. Of course, the things that are in your control are consulting people for the framework—the new framework—which expires in two months’ time and setting a date for statutory powers for the regulator, none of which has been included in the strategy. I accept that the nature of the market is not within your control, but the nature of Government business is. What are the next steps for those aspects of the strategy?

Mary Calam: On the statutory powers point, Ministers have confirmed that the forensic science regulator’s powers will become statutory. We are in the process of looking for a suitable vehicle for that. As soon as the parliamentary timetable allows, we will push that forward, so there is work ongoing on that. I do not have, I am afraid, the details of the various workshops and who is leading those. Stephen, do you know?

Stephen Webb: It is worth stressing that the whole work on the joint forensic and biometric service is extremely early days; it has literally only been going on for a month or two. At the moment we have a joint Home Office and policing virtual team, if you like, that will come to policing and PCCs with a sense of what the options and propositions are. This is looking largely at the reconfiguration of work that is currently going on within forces. It is understandable that you would expect the first people working on it to be people within forces, but there are absolutely a lot of implications for other stakeholders that we will be picking up as the process continues.

I think we agree with the point the regulator made in her submission that one of the potential advantages of greater consolidation is an easier burden of accreditation as you consolidate. All the other stakeholders will certainly be consulted, but at the moment we are scoping out what is happening currently and where individual forces and groups are coming from, because it is ultimately their choice: how do they want to provide these services in the future?

Can I make one quick point about the framework? You are quite right that the framework is coming to an end in a couple of months. The way it works is that any procurement up to the point when the framework expires is valid and will potentially continue for some time to come. There has been quite a lot of procurement activity. It does not mean that people's contracts for forensic services are suddenly going to drop off in a couple of months' time.

Chair: Yes, but obviously that will stall private sector investment. A lack of clear direction from the Government will stall private sector investment in an area where we do not want to see that at all, because it underpins a large sector of our criminal justice system.

Q85 Jim Dowd: You mentioned already, Ms Calam, the extension of statutory powers to the forensic science regulator. Of course, the public consultation on that finished in January 2014. It took the Department 18 months to publish the responses to the consultation. What was missing completely was any indication of what the Government's position was. Why did it take 18 months? Was it because there were discussions going on that could not be agreed on, or was there just no clear idea of what the Government needed to do? You mentioned the parliamentary timetable. Five weeks tomorrow is state opening and the Queen's Speech. Can we expect something in the Queen's Speech referring to the statutory powers of the forensic science regulator, and, if so, what might that be?

Mary Calam: Clearly, it is for Ministers to decide the appropriate vehicle for this and when they want to do it, so I am not in a position to comment further than that. It did take us some time to go through the consultation process and reach a conclusion in relation to the statutory powers. In part, that was about the arrival of a new forensic science regulator and wanting to test with her whether she thought what was proposed was correct. That was part of the reason, but I agree with you that it has taken a long time.

Q86 Jim Dowd: You have no idea—I do not expect you to know—what is in the Queen's Speech and I suspect the Government do not yet, in toto, but it has been two and a half years since the consultation was concluded, let alone commenced. You must have some idea of the drift of what powers may be in the offing, whether or not it is in this year's parliamentary programme or not.

Mary Calam: I am sorry; are you asking me about the nature? We are proposing to make the regulator's powers statutory. The problem is that we are looking for the vehicle in which to do it. I may have misunderstood your question.

Q87 Jim Dowd: That will do—for now at any rate. The regulator has set 2017 for digital forensics accreditation and 2018 for fingerprinting. When that happens, what do you expect the result to be, in terms of how much work moves from the police to the private sector, or the other way round?

Stephen Webb: It is a very difficult question. It is really hard to forecast. You heard some suggestions that accreditation increases the costs in-house, but equally a lot of forces have already done accreditation very successfully and will continue to do some of that work in-house. It is hard to forecast, to be honest.

Q88 Jim Dowd: Do you have any feeling of what it might be or is it just a great void?

Stephen Webb: I would not expect that in itself to be a major driver of the balance between what they do in-house and externally, but probably some of the previous witnesses would have been better—

Jim Dowd: I will put that down as a definite maybe.

Q89 Chris Green: The strategy says that the reforms will be “proposed and delivered by police forces” and that plans are being “scoped out”. Some forensic providers have expressed concern at their exclusion from this process, and the forensic science regulator has not been consulted. How are the needs of the wider forensic community being communicated and considered in these still developing plans?

Stephen Webb: In the first instance, as I said, we are working with forces to help to clarify their thinking about the best way of reconfiguring the work they are currently doing themselves in-house. The sorts of things we are looking at are functions that have always been in-house in policing, which are things like fingerprint bureaus, some of the in-house forensics work and the scene of crime, and then, potentially, digital recovery from the crime scene. That is stuff that sits within policing at the moment, and that is the thrust of what we are scoping at the moment. It will have implications for the work that is ultimately outsourced and we will want to consult the regulator and the suppliers as that consolidates.

Q90 Chris Green: The strategy refers to adopting a “national approach to forensic science delivery”. Mr Webb, you were involved with the winding down of the Forensic Science Service. To what extent does the proposed “national approach” represent a return to the Forensic Science Service that was closed in March 2012?

Stephen Webb: If you look at the areas I have just described, it is a completely different area than was covered previously by the Forensic Science Service. This is really about the parts of the forensics process that have always been within policing. The FSS was originally almost a monopoly supplier and it gradually became one external supplier among many that has been closed down and replaced by a series of other private sector companies, one of which you have heard from today, and I would not see that changing.

Q91 Chris Green: It seems to me that it appears from the outside to be a very rapid return to what we had before.

Stephen Webb: I do not think it is. It is working in a completely different part of the landscape. It is working in a part that has always been sitting within policing. It is more analogous to the work going on in a lot of policing to collaborate on some of the high-end capabilities, in recognition of the challenges of austerity. So you have areas where particular sorts of major crime units have been pulled together and specialist capabilities have been brought together. The proposition we are doing on JFBS is much more analogous to that.

Q92 Chris Green: Is it practical to take a national approach to forensics provision, while maintaining regional police forces?

Stephen Webb: That is one of the sorts of questions we will want to ask them. Whatever happens, it is going to be something that police forces and PCCs choose to go for. Some may join this and some may not. It is unlikely to be something that we would be wanting to mandate.

Q93 Chris Green: Is it possible that this is a precursor to a renewed debate on the rationalisation of police forces in England and Wales?

Stephen Webb: I do not think there is any—

Mary Calam: No.

Stephen Webb: This is a particular function that it might make sense to do in a more collaborative way. If you look at fingerprint bureaux over the last five or 10 years, the number has gone down from 40-odd to about the low 20s now. There has been a process, and you have heard also that there are a number of forensic collaborations in different regions. This is taking on that process, and it is independent of discussions about numbers of forces.

Mary Calam: When we talk about a national approach, we have talked about the amount of work that is still needed to be done to scope out quite what that will look like, but it is worth making the point that there are various things wrapped up in that label of national approach.

There are some things that clearly need to be national: the standards, the regulation, the DNA database. There are other things that do not need to be identically done everywhere in the country. As you heard this afternoon, forces are taking a different approach to their procurement provision. Some are working in collaboration; forces are collaborating, but forces are also collaborating with commercial partners. It is helpful to break down a little bit what we are talking about when we use the term “taking a national approach”.

Q94 Chris Green: Picking up on the procurement aspect, are there any concerns about the procurement of different services going to different providers, so that no single provider has an overview of all the evidence being looked at?

Stephen Webb: It is an area on which there has been some discussion for a long time, and we welcome the work that the regulator is doing to look at whether there are problems in particular cases. Overall, if you look at the way the framework has operated since 2008 when it came in, you are talking about 40% reduction in price and 50% reduction in turnaround times. Some very significant improvements have been driven out through this approach. The view is now that probably many of the benefits you are going to get—or squeeze—out of this have been achieved, and many forces are looking at a different approach. We have not seen evidence of that; but we are not saying that it has not happened, so we welcome the regulator’s review of some cases.

Q95 Chris Green: The strategy speaks of “moving the current fragmented arrangements to a nationally organised system”. Are there current procurement models that work well and should be preserved? Is there anything you would highlight in that regard?

Stephen Webb: There are existing models, as you heard earlier. When I was in charge of the process of winding down the FSS, forces even then were doing things quite differently. Many were following the national framework and re-competed the FSS work according to that. In some areas in the Met, quite a lot of FSS staff were TUPE-ed in, and in the north-east, as you heard, there was an early version of partnership with one of the suppliers. We will be looking at those models, because, as part of scoping the options for consolidating things in a JFBS, one issue we will want to discuss is partnership and how you then procure the continuing support you get from external forensic providers.

Q96 Chris Green: I have a final question. Written evidence submitted to us highlighted a case where the Crown Prosecution Service engaged a consultant for the interpretation of forensic evidence. How will the Government ensure that a proposed joint forensic and biometric service processes all the skills and resources that it requires to avoid having to resort to the use of unaccredited consultants?

Stephen Webb: One potential advantage of this approach would, as I said, be that it would make accreditation easier to deliver. An advantage of consolidation is that I think it would potentially deliver that more quickly. As I think the regulator said earlier, even when you are a non-accredited provider, if you can demonstrate you are working in a framework of using validated technology, it does not mean that you cannot give evidence in court, but clearly a target has now been set and we want to do everything possible to meet that.

Q97 Derek Thomas: You would have heard earlier that the forensics strategy commits to reviewing the governance structure of forensic science. Can you add to what was said earlier about who is doing that review and what changes to the governance structure you are anticipating?

Mary Calam: The Home Office is taking the lead on looking at the governance. There is in the strategy a diagram of the governance, which is broadly where we will end up. Picking up on the earlier conversations this afternoon, one thing we will want to do is make absolutely sure we have all the right stakeholders engaged in the forensic policy group. We already have the MOJ and the CPS. I think we have the judiciary represented as well, although I would need to double-check that, but we will want to make sure we have the full set of interested stakeholders properly engaged.

Q98 Derek Thomas: Thank you. You have answered my second question, so thank you for that. Despite being responsible for the implementation of the forensics strategy, the forensic policy group has not met since October last year. Can you say why that is and what is the Government’s vision for the FPG’s role under the strategy? When will it start to publish its minutes?

Mary Calam: The reason it has not met for some time is that in doing the strategy work there have been lots of workshops, smaller group meetings and so on, and we have collectively been focused on taking that work forward. The forensic policy group is—subject to looking again at the attendance list, as I have just said—due to meet again, I think, in the summer, and we will then publish the minutes of those meetings.

Q99 Chair: When we heard from the previous panellists, there was some disquiet about the direction of innovation and research. While the strategy proposes a national approach to support innovation, there was a comment made by a colleague from LCG that this was the only section of the strategy that did not have specific action points, which obviously gives rise to some concern. Others have expressed concerns that the proposals and the statements are too short term and too police focused, and that there is not enough focus on blue-sky thinking. What is your response to that, Ms Calam?

Mary Calam: I was very struck by the various contributions around R and D, and I am also conscious that everybody else who has spoken about it is far more expert than I am, but we are talking about at least three strands of activity. One is what I think Dr Tully described as the underpinning basic science, which could, it seems to me, come from a wide range of different places, not just the quite narrow focus that we have taken on criminal justice forensics.

Then there is innovation on the techniques in the forensic science used in the criminal justice system. Then there are the more operational innovations around, for example, doing things more quickly—triage arrangements and being able to do basic forensic science collection at the front line—which Mr Pugh talked about. What I am struck by is that there is funding available for all those three areas; there are ways into it. What seems to be quite challenging is getting the co-ordination and the focus, and I think that is something the Home Office can facilitate and encourage. It is for the experts to work out what the requirement is and where that research should be coming from. I do not know if that is helpful.

Q100 Chair: Yes. It appears to me that for some reason it does not seem to be happening. You have identified gaps in the research. Those gaps must be developing for a reason—that the funding is not there, the routes to funding are not clear, or the correct collaborations between industry, police and academia are not in place and the system is not working quite right. I am trying to understand where the issue is and what needs to be done to fix it.

Mary Calam: Stephen may wish to comment, but I think this is one area where genuinely it is quite difficult to get at precisely what the problem is and where we should be focusing collectively the research effort—any funding—because in all those areas there are things going on; there is money for research. On the operational deployment side, which is perhaps the bit I am most familiar with, we have funded a series of innovation fund bids in policing for that kind of work. CAST—the Centre for Applied Science and Technology—is doing lots of work on the second of my strands, the forensic techniques, so it is not true that nothing is happening, and I am certainly not clear where the experts think the gap is precisely. I do not know, Stephen, if you have anything to add.

Stephen Webb: On the blue-sky stuff, we probably have less of an overview in the Home Office on what the key requirements are. As Mary said, on some of the operational deployment stuff, there has been quite a lot of money—over £1 million—on innovation funds, particularly around rapid DNA techniques, and we are doing a little more to pull together what is known about which techniques work and what business changes will be necessary to make the most of it. If you look at the way that the rapid crime scene work is coming on and the programmes that I lead, like the Home Office biometrics and the emergency services mobile communications programme that will give all the officers critical 4G-enabled capabilities, there are extremely exciting opportunities to have fully mobile capabilities that can then check in real time with databases and potentially lead to crimes being solved in a matter of hours rather than the enormous cost that is incurred if you have a two or three-week process of building up a file. That is one area we have been particularly looking at in the innovation fund, and potentially in the transformation fund that has been provided for for policing in the spending review period. We will need to reflect on some of the challenges around getting research funding and what more we can do at the blue-skies end, but probably over the last couple of years there may have been rather more funding going into at least applied innovation than we have had before.

Q101 Chair: This is not a problem that I am getting from the experts; this is from your own strategy, which says that, “Currently the forensic market does not sufficiently incentivise investment in research and development as relatively short-term commercial contracts and the lack of clarity over requirements combine to create uncertain prospects for turning ideas into commercially viable products or services.” Later it says, “There are areas of research that could be of benefit to the CJS, but which have very limited prospects of generating a return on investment for the private sector. A national approach to forensic service delivery could generate significant savings...which could be recycled into priority areas of research.” It just does not say how it could be done. It is saying that there are gaps and there are issues, but it is not clear where the gaps are and how they can be filled in, because there are no actions there. That is the question I am asking. Mr Webb?

Stephen Webb: Yes, there is clearly a challenge for an external market of the size we are talking about to do a very large amount of R and D and, as one of the previous witnesses said, there is R and D going on. We have always recognised that we probably need to look further afield, to the research councils and the universities. You have heard about the Leverhulme money, which will also be very valuable. One proposition of JFBS would indeed be that, if you can drive further efficiencies in part of the field, that could potentially be recycled. That is one of the things we will want to put to chiefs and PCCs, to say, “If you brought a larger collaborative organisation like this, part of its money could indeed go into research and proper trials, and speed up the roll-out of new techniques and technology.” So it is—

Q102 Chair: Will there be much benefit for police forces in doing blue-skies thinking in forensics?

Stephen Webb: I suspect that is more likely to be at the applied end again. It is quite hard to judge where the most pressing need is: is it at the blue end or the applied end? There is a sense that there could be an enormous prize, particularly if you can get really rapid

identification at the crime scene and then convert that into outcomes very quickly. The technology for that is probably there or thereabouts, but it is a huge business process challenge.

Q103 Chair: This is my last question. I want to quote to you some of the written evidence that we received from the regulator. She says that in her annual report she “identified the risk that commissioning of forensic science work (which sits almost exclusively within policing) may not always be meeting the needs of the CJS as a whole; my view is that the Strategy misses the opportunity to reduce this risk.” She thinks that “A more collaborative approach”—we have talked about collaboration partnerships—“to development of delivery models, informed by policing, scientific *and* legal expertise would enable these issues to be considered as a core part of the development of delivery models.”

I suppose the concern in discussing the consultation with wider partners and the direction of the framework is whether this issue is going to be addressed, because a lot of the language that has been used in this particular panel started really with the needs of the police, where forensic science is currently commissioned. I understand that it is currently commissioned there, but the question is whether that is where the strategy should be going in the future. Is that ideal or could it be improved upon?

Mary Calam: That is a very good question. It seems to me that this is part of the wider transformation of policing and the CJS as a whole. Setting aside forensics for a moment, my team works very closely with MOJ colleagues, with the CPS and with police colleagues on that transformation piece. Somebody earlier talked about digitising case management. There is a whole range of transformation programmes across the CPS and the Courts Service in which, of course, it is crucial that the police are properly engaged so that we get to a CJS that genuinely starts with the offence and is a sort of seamless process through the whole of the CJS, through policing, the CPS, the courts and so on.

This strikes me as a much narrower example of exactly the same challenge. We do talk to our colleagues in the MOJ and the CPS and with the police about these issues, and it is absolutely right that forensics should be a core part of that broader transformation discussion. There are various bits of governance where we can do that. We have talked about the ones that appear in the forensic strategy. There is also the Criminal Justice Board that the Justice Secretary chairs. If we felt the need, we could take these kinds of issues there for that cross-community discussion.

Stephen Webb: It is not obvious to me where the interests of the police, the Ministry of Justice or the CJS would not be aligned, because fundamentally the interests are the same—to bring cases to court, where appropriate, and get a safe and just outcome. Certainly, if you look at some of the key drivers over the last few years, such as streamlined forensic reporting, that was something that was very much a partnership between policing and the CPS. That is what they wanted and what they thought was most appropriate. We are not picking up a sense that colleagues elsewhere in the criminal justice system feel they are not being consulted.

Q104 Chair: It is the evidence we have heard today and the written submissions. The question arises certainly in terms of the perhaps less high-performing police services, where

you have fragmentation of cases and that causes a knock-on effect at the point of prosecution, and you have to ask whether there are ways in which that can be addressed in a more effective way through a strategy or whether there are other ways that that needs to be addressed. I think perhaps these are questions for implementation. I hope that we have explored some of them now and that you could perhaps write to me on the specific point about the innovation landscape, which we are quite concerned about, and exactly what is available now and the next steps you think you will be planning in order to foster what I think is quite a nascent landscape. Would that be all right?

Stephen Webb: That would be very useful.

Chair: Thank you very much.