



Select Committee on Science and Technology

Corrected oral evidence: Forensic Science

Tuesday 29 January 2019

3.25 pm

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Members present: Lord Patel (The Chairman); Lord Borwick; Lord Fox; Lord Griffiths of Fforestfach; Lord Hunt of Chesterton; Lord Kakkar; Lord Mair; Baroness Manningham-Buller; Baroness Morgan of Huyton; Baroness Neville-Jones; Lord Oxburgh; Lord Thomas of Cwmgiedd; Lord Vallance of Tummel; Baroness Young of Old Scone.

Evidence Session No. 20

Heard in Public

Questions 222 - 229

Witnesses

Rt Hon Nick Hurd MP, Minister of State, Home Office; Professor John Aston, Chief Scientific Adviser, Home Office; Christophe Prince, Director of Data and Identity within the Crime, Policing and Fire Group, Home Office.

USE OF THE TRANSCRIPT

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

Examination of witnesses

Rt Hon Nick Hurd MP, Professor John Aston and Christophe Prince.

Q222 **The Chairman:** Good afternoon, Minister and gentlemen. Thank you for coming to help us with our inquiry on forensic science and the use of forensic science in the criminal justice system. We appreciate that you are busy today, Minister, so thank you very much indeed for coming. For the record, please will you introduce yourselves?

Nick Hurd: I am the Minister for Policing.

Professor John Aston: I am the Home Office chief scientific adviser and professor of statistics at the University of Cambridge.

Christophe Prince: I am director of data and identity in the Home Office.

The Chairman: Minister, do you have anything to say to start with or shall we move on to the questions straightaway?

Nick Hurd: No, other than to thank you for a welcome diversion from Brexit and to signal, without wanting to be flippant, that what we are discussing in the next hour is extremely important because a fully functioning forensic science market is very important to our criminal justice system and public confidence in it. We have significant problems that we are trying to manage and I very much welcome the spotlight that this Committee will throw on it and the recommendations that I hope will flow from your report. For a number of different reasons, I am pleased to be here.

The Chairman: Thank you very much indeed. Your opening comments are welcome. It is music to our ears that you look forward to our report. We will do our best to be helpful in taking forward forensic science issues. Lord Griffiths will start.

Q223 **Lord Griffiths of Fforestfach:** Minister, I would like to ask you a question which has come up with a number of witnesses about the role of the market as opposed to the role of the public sector in provision and, particularly, whether you feel that the market has destabilised private provision.

Nick Hurd: I recognise there is instability in the market. I have been very candid and upfront in recognising that there is a range of quite complex problems that we now have to manage. That is why I commissioned a review in March 2018, because I was not satisfied that the house was in order. As for the underlying driver of the problems, to date my view is that it is not necessarily structural, in the sense that we have these problems as a result of having a market, or we have these problems as a result of moving off a predominantly single-supplier model, which I know some would like to go back to. I have an instinctive belief in the markets and in competition to drive standards and reduce costs. That would be my philosophical position. I do not see any hard evidence to suggest that moving to a mixed-provision model is at the core of some of

the problems we are trying to manage. Indeed, when I look at some of the data around the original single-supplier model, and I see how it struggled in terms of financial stability—I think it was losing £2 million a month before its close—and I look at some of the problems that it had regarding the need for retesting, I am not persuaded that at the heart of the problems we will go on to discuss is a deep-seated structural problem of having the wrong model of provision. I just see a fragility in that system which flows, I think fundamentally, from not enough value attached to it from those commissioning.

Lord Griffiths of Fforestfach: And not enough funding.

Nick Hurd: Therefore, stabilising the market is my priority. Changing the model is not my priority at this moment in time.

Lord Griffiths of Fforestfach: In its evidence to us, the Home Office said that one problem is that it is near to capacity at present and, secondly, that there are high barriers to entry. How do you rate those and if you felt they were concerns, what would you be proposing to do?

Nick Hurd: I am happy for Christophe or John to come in on that point. As the Minister viewing this, what I see, obviously prompted by corporate failure, is evidence of a system that has been too fragile, with insufficient what I would call market management or supervision, insufficiently clear lines of responsibility for that, and a system of procuring services that has driven down cost to levels that have threatened the sustainability of the organisations that we rely on to provide an incredibly important service to the criminal justice system. To my mind, from what I have heard from the police and from experts in the field, those are the primary issues that we have to address. That is reflected in what we have done since in supporting the police reaction to that. Christophe, do you have anything to add about some of the structural issues that Lord Griffiths's question raises?

Christophe Prince: On the question of capacity and high barriers to entry, it is a feature of the market of forensic science that there are long lead-in times for the development of the expertise that we have and, therefore, to build capacity takes some time. There is the question of giving enough long-term visibility to market players so that they can build that capacity and so that we do not lose it. Again, it is a feature of any structure in forensic science where you have expertise that it needs to be built up over some time.

Lord Fox: On the market, my understanding is that the police—and it is different in different police areas—provide the lion's share of the forensics in many police authorities. Is that what you intended in creating a market? Is that the right balance? What are you actually seeking to achieve in market terms when you have the captive market providing most of the service?

Nick Hurd: I was not involved in making the decision at the time, which seems a long time ago.

Lord Fox: Understood.

Nick Hurd: The intention was to move off a predominantly single-supplier model, with the risks to resilience and efficiency attached to that model, to more of a mixed-provision model, including private investment. I do not recall there being hard targets or clearly articulated aspirations regarding the balance of provision, but correct me if I am wrong, Christophe. On the dynamic that you identify, Lord Fox, again looking at the evidence, I can see that during the years of austerity the budgets committed by the police to external providers have fallen significantly and the tendency has been to keep the in-house capacity and reduce the commissioning of services from outside. As I say, I do not think we had a fixed view back in 2010-11.

Lord Fox: What about now?

Nick Hurd: One of the merits of the review is to be able to take stock and say, "Those were the decisions taken in 2010 and this is the evidence in front of us now; what do we feel the right path is going forward?" I have already suggested that I am not—and I do not think the review steers us towards this—rewinding in any material way or going back to a single-supplier model. It pushes us quite firmly down a route of prioritising market stability going forward, and what I would call smarter commissioning, and towards a second pillar around accreditation and quality, which I am sure we will come on to. Those seem to be the two priorities that come out of the review.

The Chairman: What you are saying, Minister, is that the review that is being undertaken will take into account the pros and cons of a national forensic service and the responsibilities of the Home Office and the Ministry of Justice in ensuring the market remains sustainable—is that correct? By the way, when is the review likely to be published?

Nick Hurd: On the review, I fall back on ministerial speak and say that publication will be soon, by which I mean, anticipating your pressure on that, I would hope to have something out by the end of March. There are two reasons why we have delayed it a little. The first is I am keen that when the review goes out there is also an implementation plan against the recommendations so that people can see that we are serious in relation to responding to the recommendations and it was not a review just for the sake of having a review. I am keen that we have that dynamic to it and, without wishing to stroke your Lordships too much, we are very keen to get a better sense of what you are being told through this inquiry and very keen to digest your views as well.

In relation to the review, I can say that four key themes have emerged. The first is around the need to ensure that police organisations and their contracted providers adhere to the quality standards set by the regulator. We are all well aware that the pace of progress on that has been inadequate. There is a set of recommendations around a second theme of ensuring that the commercial model—coming back to the questions of Lord Fox and Lord Griffiths—is sustainable and encourages investment in quality. There is a third theme around making sure that the criminal justice system benefits from advances in science and technology by being able to develop and implement new forensic techniques more coherently.

There is a clear sense that we are not where we need to be in that space. The fourth key theme that has come through is the need to provide practitioners and policymakers with stronger evidence and data to support decision-making and to facilitate more effective working with partners. There is an issue around the underlying evidence base and datasets underpinning this. In terms of steering your Lordships, those seem to be the four key themes around which the recommendations in the review cluster and around which our implementation in response will cluster.

The Chairman: Thank you very much. We have quick, short supplementaries from Lord Vallance and Baroness Young. We will then move on to Baroness Manningham-Buller

Lord Vallance of Tummel: Minister, this is a market where the predominant supplier is the same as the predominant procurer; in other words, the public sector and the police force. Normally, that kind of market would need to be regulated to make a success of the competitive part of it. You have a regulator for quality. Should you not review the need for a regulator of the market in terms of its pricing and its contracting?

Nick Hurd: It is a fair point. We are reflecting on that and we would welcome this Committee's view and certainly welcome discussions about it with the regulator herself.

The Chairman: I am sorry to interrupt but Baroness Manningham-Buller is going to come on to the regulator side.

Nick Hurd: I was trying to answer Lord Vallance's question, which is that at the moment I would like to focus the existing regulator on the agenda of quality and standards and accreditation and give her the statutory powers that she needs to enforce those. In terms of the regulation and management of this market, I am very clear that inadequate attention has been paid to that in recent years and, therefore, the future cannot be like the past. What the exact change is regarding the arrangements around that will emerge from the work of the review.

Lord Vallance of Tummel: All I would say, Minister, is that in other markets these things tend to go hand in hand.

Nick Hurd: I defer to your knowledge of markets, Lord Vallance.

Baroness Young of Old Scone: Lord Vallance stole half my question but I will persist.

Nick Hurd: Take it up with him afterwards.

Baroness Young of Old Scone: The regulator said to us that smarter commissioning was impossible at the moment because of the number of chief constables and police commissioners doing the commissioning. The question is: who is going to manage the market? That is the bit that Lord Vallance stole. The other question is: is there a vision thing within which any market regulation is going to be framed? What are the objectives? What is the long-term view about the way in which forensics will be developed in this country? We had a distressing piece of evidence from

one of the global experts based in Australia, who had also been trained in Lausanne, which is apparently an ace place to be if you are a forensics person, when he gave us the rather chilling comment that the UK used to be the benchmark for forensics globally and no longer is. Is there a vision thing within which any market regulation will be nested?

Nick Hurd: I will make two points on this, Lady Young, and then I will answer your vision question. To answer the point made by the gentleman from Lausanne or Australia—I cannot remember which—while, quite rightly, we are addressing some very real problems in the forensics marketplace that need addressing, we should not lose sight of some quite important positives. We have some superb forensic scientists in this country. If we look at the data on outcomes in terms of turnaround and all the things that you might be looking for, England and Wales rank very high. There are some extraordinarily fast turnaround times compared with other countries. While, quite rightly, we are beating ourselves up about some failures, we should not lose sight of the fact that there are some very real strengths in the existing system.

Regarding strategic vision, the police—my responsibility—have a model, for better or worse, of operational autonomy. The police have a strategic vision—Policing Vision 2025—into which this discussion plugs, and we are supporting that vision through the Transforming Forensics programme with a significant amount of public investment of some £30 million. Underlying that, as I understand it, is a recognition that we need to build capability across the system and push the system to get its act together and be smarter in the way that it thinks and works together in looking at capability gaps and formulating road maps to fill those capability gaps.

One of the problems in this market is that there has been a very fragmented approach to this. Again, I have been candid in expressing my personal view that insufficient value has been attached to this, which is part of the reason we are in the situation we are in. The response is to support a strategic approach that supports more collective leadership in addressing some of the key capability gaps and identifying the road map, whether it be on fingerprints or digital forensics or whatever. The detail of the Transforming Forensics programme sets out where we are putting public investment to support Policing Vision 2025.

Baroness Morgan of Huyton: May I ask a really brief question, Minister? When you talk about the review that is being undertaken, which clearly sounds like a good idea, is that a Home Office review or a cross-departmental government review? One of our concerns is about the joining up of strategic leadership and making sure that this is about the wider justice system, not just the police. Whose review is it?

Nick Hurd: I kicked it off. I commissioned it. It is Home Office-led, but we always wanted it to be a joint review, for reasons that I hope are obvious. The NPCC and APCC—the chiefs and the police and crime commissioners—are very bound into it, and certainly at official level the MoJ is inextricably linked into it as well. This is about the criminal justice system, so all the bits of it need to be plugged into a review of something that is so integral to the integrity of the criminal justice system.

Baroness Manningham-Buller: Minister, thank you for a preview of your review. We will not hold you to all those recommendations but we will look at it with interest.

Nick Hurd: I did not give you any recommendations.

Baroness Manningham-Buller: I thought you said the four areas you were going to focus on.

Nick Hurd: They were themes.

Q224 **Baroness Manningham-Buller:** May I pick you up on the point about standards? Earlier on you talked about driving standards and this Committee has heard quite a lot of concerns about the fact that standards may have gone the other way. Just a minute ago, you also talked about pushing the system. It is therefore a bit mysterious to us that the Forensic Science Regulator has no statutory powers. We were all a little astonished to learn that a number of police forces have no accreditation for doing forensic work. Would you like to comment on those two points?

Nick Hurd: I will take them the other way round. I expect full accreditation, or I expect to see credible road maps to full accreditation, and have made that clear in writing to chiefs—when was it, Christophe?—in October or November, something like that, in support of the regulator. The powers of the regulator need to be put on a statutory basis. I have committed to do that at the Dispatch Box. In practical terms, our mechanism for that is a Private Member's Bill. We have a private Member—Chris Green—who is keen to take it forward. We have been extremely frustrated by the fact that it has been blocked, not once but twice I think now, which is nothing to do with the Bill itself. It is to do with the shenanigans of Private Members' business in the Commons on a Friday, which is deeply frustrating. We will persevere. Chris remains very keen on it. In fact, the Bill's Second Reading is on 1 March. That is our next crack at that. There is cross-party support for it and so I would not expect a problem with that, so long as it gets its reading. If that route feels hopeless, we will resort to primary legislation and government business, but you will know, Lady Manningham-Buller, that at the moment that is very clogged up.

Baroness Manningham-Buller: We had spotted that.

Nick Hurd: That is an enormous frustration to me because, obviously, that is a key change that needs to happen. Lack of enforcement has been a problem here.

Baroness Manningham-Buller: You can see why there is concern from many people who have given us evidence that, far from improving standards, the opening of the market has done the opposite. Clearly you do not think that is the case, and that is interesting to hear, but we seem to be in a bit of a limbo before we can improve things. Would that be fair?

Nick Hurd: On standards, I see two things very clearly. I see a fragile market that needs to be stabilised and some big decisions taken about

how that market is managed or regulated going forward. I see there needs to be a change in how the process of accreditation and reassurance on quality and standards takes place because the past does not give us sufficient confidence that if the police are entirely left to their own devices it will happen. That is why I support the regulator being put on a statutory basis and I am frustrated that our plan A has been frustrated in a couple of instances. I am not without hope that the next outing will be successful. It is one of my priorities in this space and one of the key changes that we have to see here.

The Chairman: I think we are drifting into the question that Baroness Neville-Jones wants to ask.

Baroness Neville-Jones: Minister, the witness who remarked that the UK had been the benchmark was, I am afraid, using the past tense, and when asked, "What would you like to see happen?", he said, "Transformational change". You have very kindly given us the main themes of the review, which I think tackle some of the real issues. Do you agree with this judgment that transformational change is needed? How far do you think your review, which tackles some big subjects, will result in material change?

Nick Hurd: I am comfortable with "material". I have a prejudice against use of the words "transformation" and "transformational" because they are so overused in this place, not least by Ministers. You will forgive me that I have a prejudice against their use. Does there need to be material change? Yes, for reasons that I have said.

Baroness Neville-Jones: What would you like to see emerge? Where do you see the need for material change?

Nick Hurd: There are two changes I want to see. The short-term priority is market stability. We were having to actively manage day-to-day fragility. That carried significant risk to the integrity of the system and we should not have been in that situation. For me the priorities are market stability and sustainability.

Baroness Neville-Jones: That means providers not going out of business.

Nick Hurd: Yes, it does, which means there needs to be a change in capability, attitude and culture among those commissioning and buying. Underlying that needs to be, in my view, a higher level of understanding of the value of a sustainable, high-quality forensics market, and that has not been the case sufficiently up to now. Although I have a prejudice against this word, it is called the Transforming Forensics programme. If I had had my way, it would have been called something else, but it is meant to make a material change to the capability of the police system in managing this market.

The Chairman: Give in, Minister.

Nick Hurd: The second thing I want to see, apart from market stability and sustainability, is a change of gears in relation to the need for

accreditation and compliance with accreditation. This is a system that needs to think consistently about quality.

Baroness Neville-Jones: When you say that, do you mean raising the bar for accreditation or what particular aspect?

Nick Hurd: I mean compliance with the codes that have already been laid down, and statutory powers for the regulator to investigate and enforce. That is a material change.

Baroness Neville-Jones: You said one other thing, which was very interesting, in outlining the various thoughts you had on this. You mentioned the need for collective leadership. Could you expand on that?

Nick Hurd: You have got me on to one of my bugbears. We are talking about something very important here but there is a bigger picture. We have a very fragmented police system. We have 43 police chiefs. We have 43 police and crime commissioners. We have a Home Office. We have an inspectorate. We have a college. This is a system that historically has not worked together as effectively as anyone would want. There is now a recognition of the need for more collective leadership. In fact, this morning I had a meeting in the Home Office on the whole system talking about exactly that. There are strengths in the model in terms of local accountability, and those are real and need to be built on, but there are weaknesses in how this system works together, as you know from your past, in terms of managing real risk now, which, whether it be serious organised crime or terrorism, has no respect of borders.

On issues such as this, where the system has to respond to evidence of failure, whether it be disclosure or forensics, historically the system has been too slow and has been insufficiently agile to respond. At the heart of that are the challenges of this fragmented system and how you drive change across this model. That is one of the big challenges for police leadership and one of the big challenges for any Policing Minister and one of my top priorities now. This is a subset of a bigger issue around collective police leadership in our police system.

Baroness Neville-Jones: Do you think an effective professional body for forensic science would itself be a contribution to that? Clearly, you are talking partly about how the existing system works more efficiently and with greater strategic leadership. I think the Committee would agree with you about that. There is also the question of how the forensic science profession organises itself.

Nick Hurd: I would welcome comments from colleagues, but part of the value of the TFP—Transforming Forensics programme—is around trying to build that national network of capability and that collective support behind practitioners in a way that did not exist before. I can see that happening in other areas of police activity, where the penny has dropped that capabilities need to be built on a national basis and the system has to work together on a more effective basis. Coming back to Baroness Young's point, there need to be clearer statements of what we are all working towards and much clearer road maps and plans to get there. Whether it be forensics or the challenges around disclosure or a whole

host of other challenges, that is what I am beginning to see across the police system.

To be fair to the police, there has been a response in relation to accreditation. There is movement here. It is just not as fast as anyone would have liked. To me that also signals a statement of their prioritisation to some degree. If I can close on this, I am sure the Committee will recognise, and I have to be sensitive to this, that if you are a police chief now, you are running a system that is under a great deal of pressure with a whole set of competing priorities, and one should not underestimate the leadership challenge that they have.

Baroness Neville-Jones: I have one follow-up question, which is logical. You are talking about a big subject. Does the scope of your review cover all of that or does what you have just talked about go beyond the review itself?

Nick Hurd: The Transforming Forensics programme is our response to some of that system failure and that lack of collective working that I have tried clumsily to articulate. The review will talk to the institutional response to that within that specific context. The broader conversation about how we get this police system to work better is a bigger issue that we are taking into the CSR and our other deliberations around the future of policing in this country.

The Chairman: Minister, you must have said something that has produced a lot of excitement. I have quick questions from Lord Hunt, Lord Thomas and Lord Fox.

Lord Hunt of Chesterton: Minister, you commented about the large number of different types of organisations across the country and this leads, obviously, to some difficulties. You have a chief scientist with you. To what extent is the analysis of science giving us some readout about the different performers? We have heard of such different organisations across the country and I just wondered whether you have learned from the scientific organisational study of that.

Nick Hurd: John, can I hand this to you?

Professor John Aston: From a scientific point of view, and particularly in relation to the market itself, the provision of scientific research has been integral to quality and is not in the place that we would like it to be. However, there is an acknowledgement of that and the review is looking at how we will take that forward to understand the scientific needs across the system. That goes to how you actually design a system so that it meets the quality standards which are integral to the scientific rationale. We need to understand how that basis of scientific understanding informs the understanding of how the market looks at the provision as well. Some places will have very limited research and development, and that will lead to questions about the quality, whereas other places have considerable research and development.

Lord Hunt of Chesterton: Is the methodology you are using new? Have you had to develop new methodologies to analyse all these quite different organisations and how they relate?

Professor John Aston: I do not know whether we have done any particular methodology on the organisational structure, although we could certainly look at that.

Lord Thomas of Cwmgiedd: Forensic science goes beyond policing. It involves the judiciary and the defence community. When setting a strategy, how do you involve people other than police and crime commissioners and chief constables? You will never make a system that has proper strategic leadership, in my view, unless you bring everyone together under someone who gives it some structure. That has been the failing of the last few years. How do you intend to remedy it?

Nick Hurd: I accept large parts of your premise, Lord Thomas. Perhaps, Christophe, you can talk to the process around the review, because, as I made clear in a previous answer, although it was a review kicked off by the Home Office, and it involves the whole of the police system, this is about the whole of the criminal justice system.

Christophe Prince: Regarding the process and going back to the earlier question as to who we involved, we deliberately set out to interview members of the judiciary, the defence community and others in order to gather views. The stakeholders involved in that echoed your point, Lord Thomas, that there had to be a stronger understanding of the risks across the system and improvements in the sharing of those risks within the criminal justice system, even if the police are the primary procurers.

Lord Thomas of Cwmgiedd: Neither you nor the Minister has answered my question. How are you going to involve the judiciary, the defence community and the whole of the criminal justice system in strategic leadership? If that does not happen, you will not solve the problems. You have to look at this as underpinning justice and not simply about markets. I am sorry to be so critical, but, to my mind, this is the central failing of the last few years.

Nick Hurd: I understand and you clearly feel strongly about that, but, with respect, we have tried to answer your question because in the process of the review that is looking at what needs to change in the future, we have done exactly what you have encouraged us to do, which is to talk to all parts of the criminal justice system that connect with this issue. It is not an issue that is in a police silo in any sense. As for the recommendations in relation to change, again, I would not expect them to be limited to the way that the police work. I have also been clear, I think, in my statements that I recognise that part of the problem up until now has been insufficient leadership in relation to how this market and system work.

The Chairman: Lord Thomas, do have a suggestion that the review might take on board?

Lord Thomas of Cwmgiedd: Yes, that you should get together the judiciary and the defence community and put them into the leadership model. You should not look at this as 43 police crime commissioners and 43 chief constables, but see it as a broader vision, rather than the narrow vision of concentrating on markets and the police. That is my point.

Nick Hurd: I think I have said we accept that point and that is exactly the approach we are taking through the review. Where the review will take us in terms of recommendations going forward, we will see at the end of March. I think we are more aligned than you think in terms of the approach that we are taking.

The Chairman: Thank you very much, Minister. Lord Fox.

Q225 **Lord Fox:** A while ago when you were talking about putting the regulator on a statutory footing you said that, left to their own devices, the police may not bring in things such as transformation. About 10 minutes later, you said you had sympathy for the police, who have competing priorities. As an observation, I would say that that might be an argument for not giving the police the job of delivering 80% of the forensic service. It is also perhaps an explanation of why the Transforming Forensics programme is struggling to get traction. You have not mandated that the police forces get involved in this. We have already acknowledged that it will be a long time before there are statutory powers for the regulator. Between now and then, it is up to you, through spending a lot of money trying to cajole and persuade them to do this, or finding a way of taking on some of those statutory powers yourself or elsewhere and making them do it. What is the thinking here?

Nick Hurd: I would make two points. The challenge of prioritisation is a real one. Anyone looking at this needs to be sensitive to the fact that our police leadership system is under a great deal of pressure at the moment. We ask a hell of a lot of them. In the real world, and most people around this table have run and led organisations, we have to be sensitive to the pressure we are putting on human leadership in that system at this moment in time.

In relation to their response to the Transforming Forensics programme and our willingness and/or ability to mandate, our model is one of police operational autonomy at the moment. When I say "at the moment", please do not over-interpret that. I do not see any initiative to fundamentally change that. At the moment our approach is to put the investment into building the capability and helping to design better operating systems and being able to demonstrate those so that people want to come in—want to buy, in effect. In my experience—I do not know what other people's experience is—over the long term that is often a better route to getting sustainable buy-in to change rather than it being mandated remotely from the centre. In terms of engagement with the Transforming Forensics programme, Christophe, do you want to update the Committee on how the police are engaging with it at the moment?

Christophe Prince: You heard from Chief Constable James Vaughan and Jo Ashworth that there are difficulties in persuading people. However, over the last period, there have been significant improvements as they have built up those capabilities and demonstrated them. At the moment the primary one being built is around the commercial space and we can see that, increasingly, there is an acceptance by police forces to use that capability to facilitate the management of contracts. They are moving on to quality, which is again providing a service, and shortly they will move

on to science. As they build those capabilities, and police forces see something real and tangible, they will come on board and participate in those. There is an improvement in that as confidence grows among PCCs and chiefs as well.

Lord Fox: But not everything is autonomous, is it? There are things that each police force is expected to do and some things which are let to autonomy? Why is this particular issue drawn into the autonomous side rather than the required activity of police forces? What was it that made that point?

Nick Hurd: My ability to mandate is very limited. I am not entirely persuaded in this context that to mandate, even if I could, would necessarily be the right thing to do. Again, I come back to the experience that the most effective change management is to bring people with you and to get people to see the benefits of what is being proposed and what is being offered. That is the approach we are taking—alongside, as I say, a clear signal from me and the Home Office that this matters to us. Anyone who knows about the police system knows that it pays attention to what the Home Office prioritises and, as this goes on, as we get clearer evidence about the degree to which the police system is engaged with this or not, we will revisit the degree to which we send our signals to them about the prioritisation we expect them to attach to it. That feels to me to be the most sensible path given the model that we have regarding the relationship between the Government and the police.

Baroness Morgan of Huyton: I understand what you are saying about the limited ability to mandate and your arguments against it, but, in a time of really tight budgets, when we had the evidence on the transforming work, my impression was that quite a lot of time and money was being spent doing this endless persuasion work and, with the best will in the world, the chief constable of Dorset was not pulling some of the big police forces in. When will you look at this and take the decision this is not going quickly or effectively enough? Maybe there has been a rapid change but it was not hugely convincing.

Nick Hurd: It is still proving itself as a programme.

Baroness Morgan of Huyton: It is expensive.

Nick Hurd: There is significant public investment behind it, which I am sensitive to. I meant what I said: I will look at the evidence of police buy-in to it and if it is underwhelming, we may have to change tack.

Q226 **Lord Mair:** Minister, I think my question is probably best answered by Professor Aston. What is the role of the Government Office for Science in providing ongoing communication of advice? Can you say a bit about that?

Professor John Aston: The Government Office for Science is very important and particularly the relationship between the GCSA and the CSA network across government. I have very close links with the Government Office for Science and meet regularly with the Government Chief Scientific Adviser. GO-Science and the CSA network allow an

understanding of scientific issues across government, which is very beneficial because it allows you to join up various different parts of government. GO-Science has three main responsibilities. It should provide information to government about new technology that is available. It should help ensure that there is good evidence underlying government policy. Finally, it should be looking at national security and resilience. All three of those are important for forensics because it cuts across all three and, as you will know, the previous Government Chief Scientific Adviser, Sir Mark Walport, dedicated one of his annual reports to forensics to show that it really was a high priority for GO-Science and the government scientific community.

Lord Mair: Who do you currently receive advice from on forensic science?

Professor John Aston: Within government or across?

Lord Mair: Both.

Professor John Aston: We have a close relationship with the regulator. She has a lot of expertise to bring to that. There is also advice from the academic community. There are some really strong academic groups—not enough, probably, within this country—but groups in Dundee and at UCL... there are many academic groups we can get advice from. We also use the CSA network across government to gain their expertise about particular and specific areas and to get their input.

Lord Mair: Is the advice that you are talking about mainly about the provision of forensic science or is it about the latest findings, developments and innovations?

Professor John Aston: From my point of view, the most important thing I can contribute to this as a non-forensic scientist is to ensure that I get an accurate and good understanding of what the latest techniques are so that they can be brought into the discussion; and to understand what the barriers and restrictions are to the research being done across the board. It is really important to see that forensic science research and development has a very wide landscape. It goes everywhere, from pure academic research happening in universities, through to research that is much more on the development side that should be happening through providers—the police, et cetera—and there is a role for us to understand the funding landscape to ensure that we are getting the best forensic advice both into the police and at an academic level.

Lord Mair: Do you identify areas that need further science research and development?

Professor John Aston: In the same way that the system itself is fragile, although there is really good forensic science being done in a number of places, it is fragile across the piece, and we need to enhance all those areas. There are some really good people doing forensic science in an academic setting, but there probably are not enough of them. Similarly, if you look at some of the research and development that is going on in commercial providers, there is a little, some of which is excellent; however, there is not enough of it across the board. It is one of the

issues with quality provision in the sense that, from my point of view, research and development is entirely linked to quality and, if you are not getting good research and development, you are not getting quality forensics because it is about getting that next set of things in place as well.

Baroness Manningham-Buller: May I ask a related question? When you are looking for potential new scientific techniques, to which the Minister referred at the beginning, how do you find those which have a forensic application, and how do you communicate those to the people who need to be aware of them?

Professor John Aston: You have touched on something that is really important, in the sense that we are in a position where sometimes techniques that are seen to be forensic science are quite limiting, if you look at it in that way. There are many techniques across science, including in social science. It is not just about hard sciences; it is about understanding how behavioural science is involved and how ethics and other things come into this equation, particularly when we get to things such as digital forensics. We need to get people to understand that the work that they are doing is of value to forensic science. Changes in the research excellence framework—REF—structure will help with that, I hope, but there have been bars in the past to people understanding that it is worth while doing it for forensics, because the rewards associated with doing it have been limited. But changes to UKRI and the REF will help identify things that come up as being important to forensic science.

Q227 **Lord Kakkar:** I want to continue the discussion about the science base. First, Minister, are you content that the science base that underpins the routine practice of forensics is sufficiently robust and that the criminal justice system can have confidence in it? Secondly, what approach do you think the Home Office should be taking now beyond what we have heard in terms of encouraging UKRI to pursue this as an issue of national priority, bearing in mind that we have heard that the previous single-supplier system was associated with potentially a more focused approach—but of course that may not have been the case—to developing a robust science base in which the criminal justice system could have confidence?

Nick Hurd: I would like to know John's view on this. I am influenced by the response to the review that I commissioned and, as I suggested before, one of the four key themes that have emerged from that review is a clear steer that the criminal justice system needs to do more, and that we need to change things in relation to ensuring that we benefit from advances in science and technology and the development of new forensic techniques. The review seems to be suggesting quite clearly that we are not where we need to be and some recommendations and actions will flow from that. John, do you want to expand on that?

Professor John Aston: The formation of UKRI gives us a real opportunity. Previously, the research councils were rather siloed. I do not think that forensics fits neatly into a silo or into any one of the boxes of chemistry or physics. It is an applied science that cuts across many

things. It cuts across both science and social science, as we have said. The premise of setting up UKRI was to try to break down these silos. The idea of all the research councils sitting under one body was to try to break that set of silos. We should be challenging UKRI to show that, in the case of forensics as an example, it can deliver on the promise. Having said that, we are now in discussions with UKRI. I have met Mark Walport, the CEO, and I am having regular discussions with the chairs of the EPSRC and the ESRC to ensure we can take the forensics agenda forward, because I think everybody realises that it is an area that needs help. It is a government priority. However, there is some fundamental and exciting research that can be supported by UKRI.

Lord Kakkar: Would we be right in interpreting that answer as saying that areas have been identified and that you are down the line of having established pathways by which UKRI will be commissioning research or inviting calls around those themes in a reasonably short timeframe?

Professor John Aston: That is certainly what I would hope. UKRI has a mandate to look at not only basic research but government priorities. This is an area where there seems to be a willingness on all sides to take those priorities forward.

Lord Kakkar: Where would you have an anxiety about that being delivered? Are there roadblocks that need to be identified by the Home Office or others to push that strategy forward?

Professor John Aston: Rather than saying that I am worried about that particular strategy, it would be of concern to ensure that we have end-to-end delivery. It is all very well us doing excellent basic science of a forensic nature, but as important is to ensure that that is being used in the criminal justice system. There is a role for UKRI to get the basic research done, but then there is a role for research within the Home Office, research within policing and research within commercial providers for them to take through the basic research and to use that whole landscape. Ensuring that that is joined up is going to be a challenge but something we can deliver.

Lord Kakkar: At the moment who has the overview of all those different domains and who is tying them together?

Professor John Aston: Ultimately, we will have to ensure that government science delivers on that.

Lord Kakkar: That would be the chief scientific adviser in the Home Office.

Professor John Aston: I certainly have a big role to play in that, but it is more than just the Home Office, as we have heard.

Lord Mair: On the question of UKRI and its engagement on the kind of science you have just been discussing, would the Home Office and the MoJ actually have funding to be able to say to UKRI, "We believe this is sufficiently important; we want you to do this"? UKRI has fixed budgets and has to satisfy an awful lot of different sectors. Are you saying that the Home Office and the MoJ would be saying, "We"—that is you—"have

the funding to encourage UKRI to do more on forensic science”?

Professor John Aston: We already fund research in forensic science. We have a programme of about £1 million of research, mainly funded through DSTL—the Defence Science and Technology Laboratory—looking at research in forensic science, so we should be in a position of trying to understand how we use that funding to encourage UKRI to look at those sorts of things as well. We are going to have to look at that.

Lord Mair: Ideally, you would like to commit more funding if possible.

Professor John Aston: Yes, absolutely.

Nick Hurd: The Committee will be aware that we are speaking in the context of an imminent comprehensive spending review. We do not know when it will start or when it will end, but we are planning for it next year. That is where the resources get mapped for whatever period the CSR covers. That is the next big opportunity for us to do what needs to get done in that space, and the Home Office and the MoJ will be discussing that jointly. Joined-up government is visible now because the next Minister is now among us, so here we are, and we will be very alive to any recommendations from the Committee for how this very important area gets properly resourced going forward.

The Chairman: One more question from Baroness Young before we move on to your colleague.

Q228 **Baroness Young of Old Scone:** I want to cheat and ask two questions to follow up on what you have just said. Going back to standards and regulation, the impression we got from talking to the regulator and others was that it was difficult to unravel how much of the lack of performance on standards was as a result of inadequate powers on the part of the regulator and how much was as a result of inadequate resource. Indeed, there was the view taken by some that if the regulator insisted that all providers adhered to the standards, the service would fall apart because there simply is not sufficient resource to get all the providers up to that standard. Do you have a view about how much of the problem is inadequate powers for the regulator and how much of it is that we are trying to get it on a shoestring?

Nick Hurd: That is two and a half question, I think. Resource has been an issue because that has in part driven procurement behaviour. That situation has eased a bit, in the sense that, as a country, we now are investing significantly more into our police system. The police settlement that is before Parliament now could see up to an additional £970 million-worth of public money into our police system, on top of £460 million additional money this year. That has helped with some of the budgetary constraints that undeniably are part of the music here. I have already been very clear that I consider that giving the regulator statutory powers is one of the most important things that I/we can do. That is an acknowledgement that that will make a material difference in relation to enforcement and focusing people’s minds.

Of course, there is another element regarding some of the underlying complexity. We have not talked about digital evidence or digital forensics. Undeniably, part of the challenge for the police catching up with accreditation standards is that the market is moving extremely quickly. I would say that the whole area of digital evidence and digital forensics is one of the most challenging within this space, not least because of the velocity of change.

Q229 Baroness Young of Old Scone: The evidence we have seen on digital said that the volume of data now available was probably in inverse proportion to the amount of money going into the services that were analysing it, compared with the rest of the forensic spectrum. We saw poor souls at the police lab across the river staring intently at screens, doing manual analysis of mobile phone information. What is happening with getting better technology to help with management of these large volumes of data?

Nick Hurd: It is a priority and, frankly, triggered in part by the collective action we are taking to bear down on the disclosure problem because, obviously, digital is part of that problem. There is a very good action plan in that space and at the heart of that is trying to support the police to get further up the curve regarding their capabilities around digital intelligence and investigation. We are investing actively in that through something called the Digital Policing Portfolio, which is part of the Police Transformation Fund. That is about collective leadership around a target operating model and mapping where we are against that, and identifying what needs to be done to get to where we need to get to. There is an assessment of current capabilities and a view of what needs to be done to get to a better or optimal operating model. We are actively funding that.

Within the Transforming Forensics programme, which is linked, is work around a capability road map and work towards a smarter national procurement plan for digital forensics. Do you want to expand on that, Christophe? These two programmes interact, but there is a clear recognition that the police system needs to climb the curve faster than it has done regarding not just the technology but the human capability that goes alongside it, in managing, taking decisions and making choices around digital evidence and the procurement of digital forensics. Do you want to expand on that, Christophe?

Christophe Prince: Transforming Forensics is moving on to how it can best connect in with digital investigations and intelligence. It is one of the priorities that policing are asking for. Coming back to the accreditation question, it is really difficult, although the Forensic Science Regulator is doing a lot of work in this area to ensure that there are basic standards. Accreditation standards need to be met in the digital forensic space as much as anywhere else, and indeed, she has issued some of those standards. Where it becomes particularly interesting is in new types of tools using machine learning and what that means for a police officer and how they can have enough confidence. Picking up on the question of how that goes all the way through to the court system, how do you explain that in those cases, where it does, to a court so that it can have

confidence that the judgments that are made through that process can be ones that the court can rely on? Perhaps John would like to mention a bit more about that.

Professor John Aston: From a research point of view, the Home Office is funding research on providing tools for downloading mobile devices. I think you have heard about the kiosk system and we are looking at how we can expand upon that using tools from AI. The Home Office and the Ministry of Justice are working jointly with the Turing Institute, which has just received £48 million of strategic priority funding wave 1 money from UKRI, and a large part of that will be looking at effective data and data analytics in the criminal justice system. I think we will be able to move forward on that.

Nick Hurd: There is quite a lot of investment going into this area.

The Chairman: Minister, Professor Aston and Mr Prince, thank you very much for coming today. We are very appreciative of your time. I think it is right that we release you now to the Brexit debate.

Nick Hurd: Oh, really? Okay.

The Chairman: On the other hand, if you do not wish to, please stay on.

Nick Hurd: We genuinely look forward to your report and recommendations with great interest.

The Chairman: We hope that you find our report helpful, because that is our intention, and that it will be well received.