Mrs Angela Forshaw – Written evidence (FRS0046)

Question 7

1.0 Is the current market for Forensic Services in England and Wales sustainable?

Are changes needed to ensure Forensic science provision is maintained at the level required. What are the risks to the market approach, for example what happens if a provider goes out of business? And what is the impact on quality?

1.1 The current market is not sustainable in its current form. If the current structure i.e. a commercial marketplace is to remain in its current form, then prices would need to increase and turnaround times for the completion of forensic analysis would need to be lengthened. Both these scenarios would have a negative impact on Police Forces; where would the funding come from for price increases? Would custody, bail and Court timescales increase to match extended turnaround times? What is the risk of re-offending while on bail or delays in apprehending offenders?

1.2 The commercial forensic marketplace is unstable; we have seen the collapse of the FSS, Key Forensics going into administration, numerous take overs and mergers of Forensic Alliance bought out by LGC, LGC taken over by Eurofins and now a Cellmark buy out, to name but a few. No longer have these providers got the security of a large parent company. A commercial company needs profit margins to sustain the interest of their investors and stakeholders, this profit is made from Police budgets and ultimately the British taxpayer. It is morally and ethically wrong that profits should be made from investigating crime and keeping the British people and communities safe.

1.3 We have endured countless problems and issues with the supply chain, from providers going into administration, quality issues, contamination, manipulation of data, poor management etc. Police Forces have been forced to adapt and have made strategic changes in order to minimise the effects on criminal investigations as well as communities and victims of crime.

1.4 The closure of the FSS brought turmoil to Police Forces as they were unable to access Forensic Science and Analytical Services which impacted on their ability to investigate the most serious of crimes and to prevent further crimes taking place.

1.5 Some Forces invested in employing redundant, experienced forensic scientists from the FSS in order to maintain services and investigate crime. Other Forces had to make sweeping changes to their submissions policies in order to reduce the levels of submissions to ensure serious offences could be dealt with as submission caps were introduced nationally reducing the number of cases Forces could submit to the remaining suppliers. Forces should be commended for having the foresight to retain and employ Forensic Scientists with vast years of experience which would have been lost as part of the FSS
closure, forensic work continued and the Courts and Communities could carry on with the minimum disruption.

1.6 Bringing work in Force has reduced the profitability in the marketplace but it has also ensured that the risk is reduced on any future disruption.

1.7 The Police Forces who took on Forensic Scientists from the collapsing FSS soon identified the value of having scientists in Force, not only could they continue examining and analysing items and exhibits that would normally go to the FSS/FSP’s, but they could also provide training to Police Officers and Crime Scene Investigators, be on hand to provide advice, strategies, work closely with other departments such as fingerprints, road traffic investigations etc. which not only drastically reduced the cost of outsourcing, but also improved the quality of the type of exhibits being sent for further analysis. This pre-selection which is based on an examination strategy agreed by the in-Force Forensic Scientist and investigative team resulted in a reduction in the number of exhibits submitted in a case (this includes excluding items with low potential to yield any meaningful results or have been discounted as part of other Police enquiries) this reduction allowed the horrendous back-log of work stock piled within the Forensic Service Providers to be reduced; instead of waiting months for crucial results they were quicker and more meaningful (more chance of recovering stolen property for example)

1.8 Cases/Scenes which historically would not classify for a ‘lab call out’ such as sexual assaults, domestic violence etc. could now be considered for attendance by an ‘in-force’ scientist and work could be undertaken to establish the value of attending such crimes as there was no historic data to determine the forensic value or outcomes. Attending such scenes has proven to enhance the value of the forensic evidence leading to early guilty pleas and supporting victims of crime; this would cease if there were no in-house facility as Police forensic budgets could not support such examinations.

2.0 Since the FSS closure what has been the impact of another FSP leaving the market?

2.1 We have recently seen Key Forensics going into administration resulting in Forces being unable to submit current levels of work and being capped in a similar way to the FSS closure. As a result of having an in-house facility within our Police Force, the impact was minimal. We continued to deliver forensic casework examinations in-house and we did not need to reduce the level of service we were currently working to. We have a multi-FSP contract strategy which allows flexibility if one of the FSP’s gets into difficulty, as we can submit to another.

2.2 Having an in-house Police managed facility means we are not reliant on the FSP’s for providing Court statements, which are the usual bottleneck, as the in-house Police Scientists provide these statements for Court.

2.3 Our greatest reliance is on the analytical services such as DNA profiling. These services which are provided by external FSP’s do not appear to be greatly affected if work transfers from one provider to another as it is mainly robotic.
2.4 It should also be noted that contributing factors leading to Key Forensics going into administration were poor management decisions, particularly around RapidHit, their pricing strategy around drugs and most importantly the decision by EMSOU to go to a managed service resulting in Key Forensics losing a substantial amount of work. The current West Coast contract strategy is to award work to as many providers as possible as long as they meet the scoring threshold; this goes some way to keeping all the main providers buoyant as well as ensuring continued competition and innovation. Police Forces who have adopted the managed service give all their forensic work to one supplier leaving the remaining providers vulnerable and at the mercy of the winning provider hoping they will offer them some subcontracting work; these enormous swings in work provide further uncertainty in the marketplace.

2.5 Since the announcement of Key going into administration the remaining two FSP’s have been quick to put in demands. Before the situation with Key the providers were complaining about the shrinking profit margins and the reduction in the amount of work and how it is too small to keep three providers in profit; now they are demanding price increases and extended turnaround times. These companies went through a fair and transparent tendering procedure and Forces awarded work on the basis of this tendering process; are they now saying that they were untruthful or incompetent when pricing for their services, or are they being opportunist in the current situation. The Police and Crime Commissioners and Force Finance Directors are quick to take any savings made during these tender exercises and reduce Force Forensic Budgets accordingly; they are not so quick as to return this money when an FSP reneges’ on its price promises.

**Question 8**

3.0 Is the system of accreditation working successfully to ensure standardised results and the highest quality analysis and interpretation of significance of evidence?

3.1 No. UKAS 17025 accreditation is not fit for purpose, it is not appropriate for Forensic Science, this is evident in the title of the standard ‘General Requirements for the Competence of testing and Calibration Laboratories’, this standard is appropriate for analytical testing equipment but not for a forensic scientist examining an item on the bench under a microscope applying their knowledge and experience to make informed decisions and provide an interpretational statement and putting the evidence into context.

3.2 In order to encompass areas that are not covered by 17025, forensic providers as well as in-house Police laboratories also need to conform to ILAC 19 and LAB 32 with the addition of the forensic regulators codes for each area of business e.g. Blood pattern analysis, Fire Investigation, DNA recovery, Footwear mark comparison etc. Police laboratories and Police Staff are also required to conform to the Force ethics and standards which sometimes contradict those from the regulator and UKAS.

3.3 The UKAS 17025 standards focuses on the traceability of consumables, service contracts, proficiency testing, the majority of the standard does not impact on the primary role of item examination and interpretation, this standard has caused an 80% increase in the administrative burden of putting a case file
together reducing the capacity for scientists to carry out their primary role. The whole ethos of validation and verification has resulted in a huge increase in costs.

3.4 FSP’s and Police Laboratories should be assessed against the regulators codes and not UKAS 17025. UKAS should not have a monopoly on carrying out the assessments.

3.5 It is clear that despite the costly and bureaucratic compulsory UKAS accreditation that both Police laboratories and FSP’s are required to have, there have been many substantial quality failures, the majority of these involving the external FSP’s. Indeed the final summing up at the conclusion of a UKAS visit is that they relinquish responsibility of any failings within the accredited organisation as they have only assessed a proportion of the process. Forces and FSP’s are paying many thousands of pounds annually for this accreditation, enduring yearly assessments which appear on the face of it to be of little value and do nothing to improve the quality or reduce the amount of quality failings.

3.6 A huge amount of money is wasted on validation, verification and consumable batch testing. Many of the examination and testing procedures have been used for decades after careful scientific studies and acceptance in the scientific community, despite this Police laboratories and FSP’s are required to individually carry out complex and expensive re-evaluation of these techniques to ensure they ‘work’. It is outrageous that every Police Force and FSP needs to do this individually for every single process or test that they use. In the past if it was a fingerprint process, this would be validated centrally by the HOSDB (now incorporated into CAST) and fingerprint departments were authorised to use the method. Surely if the same method is being used and that method has been accepted by the scientific community there should be no requirement to re-validate; each process and method used is also required to have a proficiency test, quality check by another trained and competent member of staff, yearly audits and control checks. It is ridiculous that resources are wasted in this way.

3.7 Because of the cost of this validation, proficiency testing and the need to maintain competency by completing a defined number of test/examinations per year, many of the specialised infrequent techniques and skill sets are being lost as it is not cost effective to meet the UKAS/regulators requirements.

3.8 There are obvious variations between UKAS assessors and their interpretation of the standard and regulators codes. Issues raised at one Police laboratory are not raised at another and certainly not raised with an FSP. The majority of UKAS assessors either currently work for a commercial FSP are retired from an FSP or have their own commercial company; it is possible that some assessors have a vested interest in being obstructive to a company or Police Force in direct competition with them.

**Question 11**

4.0 Is the 'Forensic Science Strategy' produced by the Home Office in 2016 suitable?
4.1 The strategy is very generic, what is meant by ‘a more consistent national approach’? Police Forces have different challenges based on their crime profiles making a National Approach unachievable at a community level and resulting in some Forces loosing services and funding and unable to address local community needs, often being swallowed up by larger Forces.

4.2 In order to achieve consistency in forensic science provision within Police Forces CAST and the College of Policing should be involved in providing standardised accredited training for Fingerprint, Digital, CSI and Forensic Specialists and validating processes on behalf of Forces. This would dramatically reduce costs to Forces.

4.3 Each Force is required to batch test consumables as part of UKAS/regulators codes. Forces are restricted to purchasing consumables certificated and accredited as supplying DNA free consumables but need to re-check by sending for DNA profiling so if 43 Forces need to batch test that equates to 43 x cost of a DNA profile, if this was done centrally then only the cost of 1 x DNA profiling would be needed greatly reducing the cost but achieving the same aim.

4.4 Consistent quality management. The initial proposals by the transforming forensics group are to add an additional tier of quality management. We already have quality managers in Force, as well as a quality system; you cannot achieve UKAS accreditation without it, the system in continually audited and assessed each year. This is additional cost with no perceivable benefits.

4.5 Fragmented service. We do not have a fragmented service. We have a set of national specifications and products that go through a procurement exercise. The forensic regulator talks about a fragmented service in that Police Forces split up cases in order to achieve best value; the current FSP’s do exactly the same thing. Not all FSP’s can do a full range of techniques, either because it is not cost effective to do so or they do not have the skilled staff available to carry out the work. In these instances the FSP’s sub-contract the work to various other companies, for example toxicology, Fire investigation, hair analysis (some of which goes to France). The forensic regulator never takes issue with this; she only sees it as a problem when Police Forces make decisions to send exhibits to the best option. Each of the FSP’s has their own unique specialist services, why should Forces be restricted in sending or keep exhibits with a provider who has inferior methods, processes or equipment. The Police have an obligation to the Courts and communities it serves, not to a commercial company trying to hold onto its profits at the expense of victims of crime.

4.6 The forensic regulator is also very critical of the lack of research and development. A consequence of the extensive requirements to meet both 17025, 17020 ILAC G19 and the Codes has stifled innovation and development due to the cost of validation and implementation. Police Forces have been at the forefront in trying to encourage research and innovation; many of the Police Forces are collaborating with local Universities, utilising students to carry out validation and research. The Police innovation funds/grants have also been secured for projects such as rapidHit. It is therefore totally unfounded that research and development is not being undertaken; this maybe the case for FSP’s but not for Forces.
5.0 In summary

- It is morally and ethically wrong that profits should be made from investigating crime and keeping the British people and communities safe.
- Profits or lack of them is causing instability in the market place.
- There should be significant Police involvement in the management and running of Forensic Service Providers.
- UKAS accreditation is unsuitable as a standard for forensic science.
- UKAS should not have a monopoly there should be choice.
- The forensic regulator is too detached from operational forensic casework and investigative policing to understand some of the practicalities of her codes.
- Transforming forensics is becoming too large and cumbersome and will end up spending more of the taxpayers money for little or no improvement and potentially costing far more than it will save and will leave some Forces losing regional facilities with a poorer service to victims of crime and communities.

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