In reply to request from the House of Lords Science and Technology Committee inquiry into forensic science in 2018.

Generally, should the accreditation process’ proposed by the current Forensic Science Regulator (FSR) come into effect, this would not only be likely to result in the unhelpful death knell across a range of forensic fields where valuable knowledge, experience and significant expertise exists, but would also increase costs in a number of areas.

The more specific areas we provide input to in this submission are regarding the rather small yet significant area of Forensic Podiatry. This comprises the sub-areas of: Forensic Gait Analysis; Bare footprint analysis; Footwear shoeprint analysis; and Ante Mortem Podiatry case/treatment records.

Most people undertaking practise in these areas are in fact Podiatrists who are regulated in law by the Health and Care Professions Council (HCPC). There are a few individuals who undertake this type of work who are not regulated and have no clinical experience and skills to assist in their determinations. However, most practitioners in this area are regulated by the already existing HCPC regulator and are in the main individual practitioners (or sole traders).

The proposed ‘standards’ for example in Forensic Gait Analysis that the FSR has recently marketed in a so called ‘consultation’, are in fact not ‘standards’, but instead are method statements. These have been largely written by those with conflicts of interest, but also ignoring some of the leading members of the gait analysis community with considerable experience in providing expert evidence for the Courts. Opinions were canvassed and then as per the area of Phonetics 1, largely if not totally ignored. They have been ‘supported’ by the College of Podiatry (one professional body for podiatrists) through two individuals, with respectfully, little to no knowledge or understanding of the fields in question, but again opinion canvassed which supported the work only. The two other Podiatry membership organisations in the UK were not even consulted or notified. That displays large scale bias and is against what the FSR claims should be happening in forensic science.

The fact is that most individuals involved in giving scientific evidence to the Courts, from medical or health-care related educational backgrounds, are already regulated in law through such bodies as the GMC, GDC, NMC, HCPC etc. Therefore, to have another ‘regulator’ when it is not necessary in these areas, is at cross purposes and likely to lead to further confusion and people deciding not to become involved with Expert Witness work. Furthermore, the Courts have in

---

1 Hirson, A. Death knell to UK Forensic Science, EWI Newsletter, Summer 2018
existence the Criminal Procedure Rules and Civil Procedure Rules which are clear on the role and duties of Experts. Perhaps a ‘forensic commissioner’ would be more appropriate, if at all.

In addition, there are accreditation systems already in place for those practising as Expert Witnesses, for example, EWI; Academy of Experts; Bond Solon with Cardiff University Law School where courses organised for Experts are robust and of high quality to assist Experts in the areas of preparation and giving of evidence, courtroom skills, cross-examination and Law & Procedure insofar as it is relevant to Experts. These accredit experts, having taken due diligence before enabling persons to use such a title. They also ensure and have produced courses which allow people to gain the knowledge and skills to act as Expert Witnesses, something the judiciary may wish to simply consider enforcing more, along with ensuring that those who do give scientific evidence actually know and meet the Rules and Directives already in place through the Court systems.

Experts already invariably procure courses they attend themselves and would be reasonable for completion of such courses to be a mandatory requirement of an Expert Witness in the provision of reports and giving evidence in Court.

In terms of research funding, it is understood there is rarely, if ever, sufficient funding to meet the needs of all of the different fields in forensic science at any one time. It is also perhaps more generally acknowledged that researchers and Universities are long complaining of a lack of resources. In addition to research, however, there is the bigger issue of what is published and by whom and whether there is in fact a robust system of publication where ‘peer review’ takes place but does not necessarily and properly ensure quality of what is published. In some parts, the significant liabilities of what that carries are also seemingly poorly understood. Although some journals may have what are known as good ‘impact factors’, that does not ensure quality and quality peer review mechanisms, thereby resulting in over reliance being placed on such ‘impact factors’ when research procurement is up for consultation.

We trust the above is helpful to the inquiry’s considerations.

27 September 2018