

Review of the Forensic Science Service

[Executive Summary](#)

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Executive Summary

1 Introduction

It is Government policy that the organisation and performance of all Executive Agencies should be subject to regular review in order to ensure the delivery of services that are high quality, responsive and provide best value. The Review of the Forensic Science Service (FSS) was announced in July 2002 by the then Home Office Minister of State for Policing, John Denham.

2 Consideration

The Review has principally addressed three issues:

- The role the FSS plays in the criminal justice system (CJS) and, in particular, its contribution to meeting Home Office objectives;
- The need to deliver high quality, timely and cost-effective forensic science services that meet the needs of efficient police investigation and the criminal justice system; and
- The future organisational status of the FSS.

3 Forensic Science and the Delivery of Justice

Forensic science makes a critical contribution to the CJ process. The Review makes recommendations in four areas where the forensic science provider has an important impact on the effective working of the criminal justice system:

- The need for the forensic scientist to be impartial and objective in the service of the court and of justice;
- The relationship between the forensic science provider and the Crown Prosecution Service (CPS);
- The need to improve access to forensic science by the defence; and
- The regulation and accreditation of the forensic scientist.

4 The Forensic Science Market

- Since the FSS became an Agency in 1991 the market for forensic science services has grown in real terms by 10.5% a year; the principal drivers of growth have been:
 - The increasing demands from the Courts for independent evidence;
 - New and improved technology, principally the development of DNA;
 - The development of forensic science databases, principally the National DNA Database (NDNAD) and the National Fingerprint Identification System (NAFIS); and
 - The reduced effectiveness of other methods of securing convictions.
- Soon after becoming an Agency the FSS started charging for its services, a development that led in due course and certainly by the late 1990's, to the emergence of competition.
- Sales of forensic science services for the 'organised sector' in 2001/02 totalled around £140m.

The Review has examined how demand for forensic science services is likely to develop over the next five years. It has noted in particular the importance of forensic science in helping the police to meet their objectives and the momentum within forces to place forensic science at the core of their investigative competencies. The Review has concluded that over the next five years market growth is likely to be less rapid than in the recent past, but that annual volume growth will nonetheless be significant at around 8%.

5 The Forensic Science Service

The FSS became an Executive Agency of the Home Office in 1991, and in 1999 acquired Trading Fund status. Overall the FSS has been successful. It is on the whole well regarded by its stakeholders and it has consistently met most of the operational and financial targets set by the Home Office. The FSS can take particular credit for:

- Its response to the significant increases in demand for forensic services over the last decade;
- The development of the forensic applications of DNA, and the setting up and managing, with the Association of Chief Police Officers (ACPO), of the NDNAD; and
- Pioneering new ways of working with and in support of the police.

However the Review agrees with the recent report by the National Audit Office (NAO) about the need for improvement in a number of key areas, particularly timeliness and value for money.

6 Alternative Organisational Options

The Review has considered the future organisational options best suited to deliver responsive, efficient, and quality forensic services. It has rejected for one reason or another four of the six standard options; Abolition, Strategic contracting out, Market testing, and Merger and rationalisation. The Review then focussed on the two remaining options:

- The FSS to continue as an Executive Agency of the Home Office with Trading Fund status;
- The FSS to become a private sector classified company with the Government retaining a minority shareholding (a Public Private Partnership (PPP)).

Two further related issues were identified and addressed:

- The role of the FSS, and specifically its Chief Executive, as adviser to the Home Office on forensic science matters; and
- The custodianship of the National DNA Database.

7 Conclusions

7.1 A Fair and Open Market

Though competition has existed in the provision of forensic science services since the late 1990's, the emergence of a fully open and competitive market has been constrained by what the private sector saw as the entrenched monopoly of the FSS. At the same time the FSS feels that its' effectiveness is hampered by the way the Trading Fund framework operates.

The current reality is that a more competitive market in forensic science services is emerging, and has attracted at least two responsible and credible private sector companies, both of which have recently succeeded in attracting significant external financial support. There is no reason to believe that these relatively new entrants are not in it for the long term or that there will not be others.

The main, though not exclusive, reason for the rise in competitor activity has been the search by police authorities for 'best value'. This in turn has undermined the FSS' position as 'preferred supplier'. Furthermore the new Police Science and Technology Strategy (PS&TS) by bringing the policy and advisory role on forensic science back into the Home Office proper means the competition should no longer feel that the FSS' closeness to Government gives it a market advantage. Together these developments are almost certainly in the interests of the CJS, which as a consequence should, over time, experience better service levels and lower prices.

7.2 The National DNA Database

The Review team as part of its Terms of Reference was asked to "consider the role of the Chief Scientist of the FSS who also acts as Custodian of the NDNAD". There is no doubt that the FSS' Custodianship of the NDNAD, operated under a Memorandum of Understanding with ACPO, has been very successful. However, the overwhelming view of those with whom the issues were discussed was that the present custodian arrangements needed to be made more independent, more transparent and more accountable. The Review also acknowledges the concern over the fact that the Custodian role is not fully separate from that of the main supplier of DNA profiles to the database. Equally the Review accepts that there is an overriding public interest in maintaining the effectiveness and operational efficiency of the NDNAD. The Review is recommending that the NDNAD Custodianship is removed from the FSS. It is proposing that the NDNAD database becomes the responsibility of the NDNAD Board reconstituted into a (public sector classified) Company Limited by Guarantee (CLG), with an independent chairman but with a majority of the membership nominated by ACPO.

7.2 Future Status of the FSS

The decision on the FSS' future organisational status; either continuing as an Executive Agency with Trading Fund status or becoming a private sector classified Public Private Partnership, involves a judgement about;

- The best interests of the CJS;
- The relative commercial and institutional risks to the FSS inherent in the two options; and
- The attitude of the Government itself to continuing to invest in and to bear the commercial risks of the FSS, rather than passing the risk to the private sector and realising its investment.

7.3 Trading Fund

The FSS is unique as a Trading Fund in having competition across the whole of its core business. The constraints under which the FSS operates as a Trading Fund place it at a significant disadvantage, leading to a high risk that the FSS could progressively decline relative to the competition. In this scenario the police and the Courts would also lose. It is possible that time might be bought if the Government were prepared both to invest additional long-term capital, and to renegotiate aspects of the Framework Document to give the FSS further operating freedoms while remaining within the terms of the 1973 Government Trading Fund Act. In this event the FSS, at least in the short to medium term, should be able to continue to operate effectively.

7.3 Public Private Partnership

Public Private Partnerships bring the public and private sectors together in long-term partnership for mutual benefit. The aim is to draw the best from each to provide the highest quality services to the public sector. By becoming private sector classified the FSS would acquire the private sector flexibilities it desires, and the Government would be relieved of responsibility for a commercial operation, as well as partly realising its investment. There is every reason to believe that the FSS, its management and its staff would prosper in this environment. The risks from following the PPP route are not considered high, certainly when weighed against the potential benefits.

8 Recommendation

The Review believes that the balance of the argument is strongly in favour of the PPP option as the optimum way of enabling the FSS to compete effectively, while still protecting the public interest and delivering major benefits to the CJS. It also believes that such a change is in the best interests of the FSS itself and its main stakeholders; customers, the Government, management, and staff. It therefore recommends that, in the first instance, the FSS business is formed into a Government Owned company (GO Co.) with a view to it evolving into a private sector classified PPP over a period of between twelve to eighteen months. Key elements to be agreed during the GO Co. phase include:

- A contract between the embryonic PPP and the Government to ensure continuity of services, quality standards, and prices to public sector customers of forensic science services; and
- Identification of and negotiations with an appropriate private sector partner(s).