



House of Commons
Northern Ireland Affairs
Committee

**Forensic Science
Northern Ireland**

Fifth Report of Session 2009–10

*Report, together with formal minutes, oral and
written evidence*

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The Northern Ireland Affairs Committee

The Northern Ireland Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Northern Ireland Office (but excluding individual cases and advice given by the Crown Solicitor); and other matters within the responsibilities of the Secretary of State for Northern Ireland (but excluding the expenditure, administration and policy of the Office of the Director of Public Prosecutions, Northern Ireland and the drafting of legislation by the Office of the Legislative Counsel).

Current membership

Sir Patrick Cormack MP (*Conservative, South Staffordshire*) (Chairman)
Mr David Anderson MP (*Labour, Blaydon*)
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Mr Denis Murphy MP (*Labour, Wansbeck*)
Stephen Pound MP (*Labour, Ealing North*)
David Simpson MP (*Democratic Unionist Party, Upper Bann*)

Mrs Iris Robinson, former Member for Strangford, was a member of the Committee during this inquiry.

Powers

The committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via www.parliament.uk.

Publication

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at www.parliament.uk/niacom.

Current Committee staff

The current staff of the Committee are David Weir (Clerk), Alison Groves (Second Clerk), Emma McIntosh (Senior Committee Assistant), Becky Crew (Committee Assistant), Karen Watling (Committee Assistant), Becky Jones (Media Officer) and Mr Tes Stranger (Committee Support Assistant).

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Forensic Science Northern Ireland

Introduction

1. Forensic Science Northern Ireland (FSNI) is the only forensic science laboratory in Northern Ireland and works to “provide professional, independent and objective scientific expertise in support of Justice.”¹ Opened in 1956, FSNI is an Executive Agency of the Northern Ireland Office and “has, in a single location, one of the widest ranges of accredited forensic science expertise in Europe.”²

2. FSNI is independent of other forensic science laboratories in the United Kingdom. The Forensic Science Service (FSS) is the largest provider of forensic science services serving England and Wales and became a Government-owned company in 2005. In Scotland, the national forensic service is part of the Scottish Police Services Authority, established in 2007. In the Republic of Ireland, forensic science services are provided by the Forensic Science Laboratory, an independent service provided by the Department of Justice, Equality and Law Reform and based in Dublin.

3. FSNI has been both the subject of a Northern Ireland Affairs Committee inquiry in 2003, and of major inspections by Criminal Justice Inspection Northern Ireland (CJINI). These inspections, in 2005, 2007, and 2009, identified key areas in which FSNI needed to improve if it were to continue to survive in a changing marketplace.

Our inquiry

4. In October 2009, we visited the headquarters of FSNI in Carrickfergus. On 20 January 2010, Mr Stan Brown, Chief Executive of FSNI, Mr Peter Connon, Acting Finance Director, Ms Clare Dornan, Aide to Chief Executive, and Mr Brian Grzymek, Deputy Director of Criminal Justice Services at the Northern Ireland Office, gave oral evidence to the Committee on the issues facing FSNI.

Staffing

5. There are currently about 220 staff at FSNI, all Northern Ireland civil servants seconded to the Northern Ireland Office and all based in Belfast. Approximately two-thirds are in scientific disciplines, and many are highly qualified. Both the *Inspection of Forensic Science Northern Ireland* by the Criminal Justice Inspection Northern Ireland (CJINI) in July 2009 and FSNI itself identified some difficulties regarding the staffing of the service. In particular, the lengthy recruitment and security clearance processes required by the civil service are cited as problems in allowing the agency to respond quickly to demands for new scientific services or specialisms. Chief Executive of FSNI,

1 Forensic Science Northern Ireland, Fourteenth Annual Reports and Accounts 1st April 2008-31st March 2009, HC (2008-09) 711, p 1

2 Forensic Science Northern Ireland “About Us”, www.fsni.gov.uk

Mr Brown, told us that it can take up to a year between the realisation that a new staff member is needed and that staff member commencing work.³

6. There is a further significant impact on the service when staff members leave unexpectedly or go on secondment elsewhere within the civil service. Indeed, Mr Brown explained that “forensic science laboratories are inherently rather inflexible in terms of ratcheting up the capacity, because our specialists are very much specialised in their own areas of expertise. You cannot take someone who is an expert in road traffic collisions and put them into DNA, for example. Our sideways movement flexibility is therefore limited.”⁴

7. These problems are further exacerbated by the lengthy training required for new staff. We were told:

In terms of some of our future-proofing of services—for example, because of the way that we are funded at the moment in terms of recruiting additional staff—because we do have a two to three-year training period for our reporting and specialised posts, sometimes it is difficult to find the provision within budget to have an overlap of staff, if you like, when you know that staff may be going or you want to increase a particular service. There would be some difficulties around that in terms of getting geared up to future demands⁵

8. Chief Executive, Mr Brown, gave the example of crime-related toxicology, where there is currently “100% over-submission” of exhibits that the FSNI is capable of processing on time.⁶ “For us to have a toxicologist in place would take three years from recruiting them even as a PhD in toxicology until being a full reporting officer”.⁷

9. The CJINI in its July 2009 inspection report was critical of civil service recruitment inflexibilities, noting “it is evident to Inspectors that certain aspects of the recruitment and promotion arrangements of the civil service are not well suited to performance improvement, and the more commercial approach of the Agency”.⁸ CJINI in fact identified toxicology as one of FSNI’s current problem areas: only 20% of cases were processed according to timetable in December 2008, against a target of 60%. Aide to the Chief Executive, Ms Clare Dornan, told us that current demand for toxicology could be met in about a year’s time, but that “our difficulty is that, if next year it also increases by another 100%, we are then falling behind because it will take us another two years to train the people to the point where they can follow the cases.”⁹

10. FSNI does have the capacity to outsource some work to forensic science providers in other parts of the UK, but Mr Brian Grzymek, Deputy Director of Criminal Justice Services at the Northern Ireland Office stated that “it does mean that you are perhaps

3 Q 50

4 Q 4

5 Q 52

6 Q 53

7 Q 52

8 Criminal Justice Inspection Northern Ireland, Inspection of Forensic Science Northern Ireland, July 2009, p 27

9 Q 66

generating additional costs.”¹⁰ A central issue facing FSNI is how to respond to future demand and the stresses caused by running a smallish service within the civil service’s recruitment framework, which some would consider cumbersome, and its own stringent training requirements. The central problem remains that “it is very difficult [...] to anticipate who will decide to leave the service or resign” and that it is, therefore, “not easy to develop contingency plans.”¹¹ Chief Executive, Mr Brown, stated that, in order to counteract this problem, “we need more flexibility to anticipate [demand].”¹² The Northern Ireland Office’s Mr Brian Grzymek stated that the civil service “are working with the agency to see whether we can give it a greater freedom in some of these areas.”¹³ But Mr Grzymek warned that “we have to recognise that in the public sector there are so many forms and approaches you have to go through, and we obviously cannot deviate significantly from those”.¹⁴

11. Chief Executive, Mr Brown, told us that there is great demand for a career in forensic science, with talented applicants found from across the UK. Mr Brown said that “retention levels are actually very high in forensic science”¹⁵ and that there is “no problem attracting scientists into the organisation; the question is making sure you have the right qualifications and skills and then training them up, which takes time.”¹⁶

12. We know, too, from our own visit to FSNI’s premises at Carrickfergus in October 2009 both how complex and varied is the work undertaken there and how enthusiastic and dedicated are those employed there. During our visit, we saw scientists analyse stained clothing and fingerprints. We had explained to us the complexities of DNA sampling and identification. We saw at first hand the deep expertise of FSNI staff in the areas of guns and explosives. It is gratifying that so many talented people apply to join FSNI, and we commend its staff on the painstaking, complex and vital work that they do in helping to bring the guilty to justice and clear the innocent of any charge against them.

13. The problems of recruitment and retention faced by FSNI are, to an extent, inherent in its small size, unpredictable demand patterns and specialised human resource requirements. These can be mitigated to some extent by the use of outsourcing and co-operation with other forensic science services. In the current economic climate, it is not practicable to maintain significant surplus capacity to meet contingent demands. It is important, however, that the service is not constrained by recruitment procedures and practices which are inappropriate to its size and nature.

14. We recommend that the Northern Ireland Office examine how it can tailor the recruitment process to combine fairness and security with efficiency in ways appropriate to FSNI’s needs.

10 Q 67

11 Q 67

12 Q 62

13 Q 52

14 Q 52

15 Q 50

16 Q 50

Accommodation

15. During the Troubles, FSNI was a prime target and in 1992 its Belfast premises were destroyed by a terrorist bomb, since when FSNI has operated from “temporary accommodation on a police site in Carrickfergus.”¹⁷ FSNI has identified the need for a new building as an increasingly pressing priority. The CJINI in its July 2009 inspection report also noted that “the current premises are increasingly unfit for purpose”.¹⁸ Chief Executive, Mr Brown, told us that

as forensic science develops further and further, you are talking about increased sensitivity in all the tests that we do. Increased sensitivity requires increased contamination control [...] in our current accommodation it takes more effort to do that [...] in a new laboratory we can streamline those processes more, get things through faster without any contamination risk.¹⁹

16. There has been considerable delay in finding the funding and a suitable site for a replacement laboratory and offices. Deputy Director of Criminal Justice Services at the Northern Ireland Office, Mr Brian Grzymek, accepting that this had taken longer than the NIO originally envisaged, stated that “clearly one of the real issues for us has been about how we actually get appropriate accommodation for forensics.”²⁰ He went on to explain that “one of the issues was therefore trying to make sure that, if we were going to have any construction project, we were building what we needed for the future and not what we needed for the past.”²¹ This need for an appropriate building has been one of the delaying factors, but progress is being made and the NIO has currently committed £12 million for a new building. Mr Grzymek noted that “the Minister [the Rt Hon. Paul Goggins MP] recognises the issues and wants to move things forward [...] later this year, there will be decision points and then the Minister of the day [at Stormont when policing and justice matters are devolved] will make those decisions about the actual building proceeding.”²²

17. We note that decisions on a future building will, if criminal justice and policing matters are devolved by 12 April, lie with the new Minister and Department for Justice and with the Northern Ireland Assembly. It is to be hoped that this increased local accountability will add urgency to the construction of new and essential facilities.

18. We pay warm tribute to the quality of the work of FSNI in clearly inadequate and unsuitable premises. It is greatly to be regretted that the provision of adequate new premises for this vital service has been so long delayed. We are glad to note that work is at last progressing on a new building. No further delay should be allowed.

17 Criminal Justice Inspection Northern Ireland, Inspection of Forensic Science Northern Ireland, July 2009, p 3

18 Criminal Justice Inspection Northern Ireland, Inspection of Forensic Science Northern Ireland, July 2009, p 12

19 Q 49

20 Q 40

21 Q 40

22 Q 44

PSNI

19. The main customer of FSNI is the Police Service of Northern Ireland (PSNI), which has provided 90% of FSNI's income in recent years. FSNI also serves authorities such as the Police Ombudsman for Northern Ireland, the State Pathologist, the Public Prosecution Service for Northern Ireland and the Northern Ireland Courts Service. FSNI's running costs are, however, less than 1% of the PSNI's annual budget and less than 0.7% of the criminal justice service budget. The total budget of FSNI for 2008-09 was £10.9 million, of which £9.3 million was provided by customers, and the remainder by the NIO.

20. Chief Executive, Mr Brown, stated that "the relationship with the police is a complicated one because it is multifaceted [...] I think that in the last two years we have greatly strengthened the relationship with the PSNI in terms of that alignment."²³ The relationship is, however, considerably strengthened by simple geography: where England and Wales have 43 police services competing for forensic services from multiple providers, Northern Ireland, being "geographically separate"²⁴, has one of each. The PSNI Assistant Chief Constable in charge of crime operations, Mr Drew Harris, felt that this was a considerable advantage.²⁵ Chief Executive, Mr Brown, too, identified benefits of proximity: "the advantage of being able to react rapidly to events on the ground and the ability to take in exhibits, which could be anything from a boat, a bus, a cigarette butt, anything, and work with them locally".²⁶

21. There are tensions, however. The CJINI July 2009 inspection report notes that the FSNI believes that it provides its services at below cost, whilst the PSNI believes that it is paying too much compared to police forces in England and Wales. CJINI also felt that FSNI needs to demonstrate that it is providing value for money, although the fact that the NIO provides a substantial budget subsidy to FSNI implies that it is providing services at below a full market rate. FSNI in fact has a target of achieving financial self-sufficiency by 2011, and that may well imply higher charges for its services to at least some of its users.

22. The PSNI also does substantial in-house forensic work of its own, rather than committing all forensic investigation to the FSNI. For example, as PSNI Assistant Chief Constable, Mr Drew Harris, told us, much fingerprint, footprint and mobile phone and computer analysis is done by PSNI rather than FSNI staff: "if it was beyond our capabilities we would use the Forensic Science Laboratory. There are so many [phones etc] that to put them all to the Forensic Science Laboratory [...] would completely flood their workplace".²⁷ Chief Constable, Mr Matt Baggott, also told us that dealing with simpler forensic tasks in house at the PSNI "is the trick in terms of value for money".²⁸

23 Q 31

24 Q 16

25 Uncorrected transcript of oral evidence taken before the Northern Ireland Affairs Committee on 25 January 2010, HC (2009-10) 319-iii, Q 143

26 Q 16

27 Uncorrected transcript of oral evidence taken before the Northern Ireland Affairs Committee on 25 January 2010, HC (2009-10) 319-iii, Q 143

28 Uncorrected transcript of oral evidence taken before the Northern Ireland Affairs Committee on 25 January 2010, HC (2009-10) 319-iii, Q 144

23. We do not challenge the right of the Chief Constable to conduct in-house forensic work for operational reasons. However, it is important that in-house work should not be decided upon for financial reasons. Certain investigations will require great expertise and experience, which are arguably better determined and provided, by FSNI.

24. In relation to showing value for money, Chief Executive, Mr Brown, highlighted again the difficulty of forward planning for FSNI. There is no way of knowing when a major incident will arise, nor how many exhibits and how much work will then result. The CJINI had some sympathy on that score in its July 2009 inspection report, noting: “the needs of the police have been prone to change significantly”²⁹ Mr Brown informed us that progress was being made; “we need to do what we are paid for and we need to get paid for what we do, and we are working to get that model.”³⁰ Mr Brown also stated that “we have been assured by the ACC of serious crime [Mr Harris] that he does not intend to reduce his forensic budget.”³¹

25. Deputy Director of Criminal Justice Services at the Northern Ireland Office, Mr Grzymek, believed “our costs compare very favourably with some of the costs nationally. That being said, however, there is more work taking place in that area and our aim is very much to benchmark.”³²

26. It is inevitable, and right, that the cost of policing and of the ancillary forces engaged in the fight against crime should be a charge on the public purse, and so, although we note the drive towards financial self-sufficiency for the FSNI and the move to obtaining full cost recovery for the services it provides, we would warn against any compromise of the quality of service simply for reasons of cost.

Understanding of forensic science

27. On 20 December 2007, Sean Hoey was cleared of the murders of 29 people and two unborn children who died in the 1998 Omagh bomb attack. In his summary, Mr Justice Weir criticised FSNI, referring to problems with the labelling, handling and tracking of exhibits, and the procedures for LCN (Low Copy Number) DNA. Specifically mentioned was the fact that while people in the laboratory would have worn lab coats when exhibits were being examined in 1998/99, “they certainly would not at that time have worn masks or hats.”³³ Mr Justice Weir noted “FSNI shortcomings”³⁴ in the handling of exhibits.

28. The issues raised by the Omagh bomb trial judgement were addressed by the agency through a Response Plan, which continues to be implemented. Indeed, because the bombing happened as long ago as August 1998, many practices have already changed. In response to the issues raised at the trial, Mr Brown stated :

29 Criminal Justice Inspection Northern Ireland, Inspection of Forensic Science Northern Ireland, July 2009, p 17

30 Q 36

31 Q 38

32 Q 37

33 “Omagh judgment in full”, BBC News Online, 20 December 2007, news.bbc.co.uk para 38

34 “Omagh judgment in full”, BBC News Online, 20 December 2007, news.bbc.co.uk para 59

...the Omagh investigation was quite a number of years ago and there already had been advances in forensic science since then. The Omagh investigation was done when DNA was not a mainstream activity [...] we took on board every comment made by the judge. With the minister's instruction, we put together a plan of action to respond to either real or putative criticisms and we had an action plan, which was then inspected by the Criminal Justice Inspectorate and passed as satisfactory. I am therefore confident that everything is in place.³⁵

29. Mr Brown also noted that Mr Justice Weir had not visited the FSNI laboratory at any stage, and reflected that "it is important that, as science becomes more and more complex, non-scientists understand what the science is capable of and what it means [...] I think it will be important even for the judiciary to be brought more up to speed in the meaning of forensic science."³⁶ Mr Brown said he would welcome the opportunity to explain in-depth the work of FSNI, and that "it is essential that the science is understood by everybody within the criminal justice system."³⁷

30. Since the judgement, FSNI has worked with the Northern Ireland Public Prosecution Service to increase knowledge among prosecutors of how it makes its findings. Legal Counsel have also been trained, among other things, in the interpretation of DNA. No such training has, however, been taken up by the judiciary. We understand why that should be so; judges must be impartial, and there can be no question of them being influenced to favour the evidence given by, for example, expert forensic science witnesses. However, judges and magistrates might become better informed of what forensic science is and is not capable of achieving, without any influence on their impartiality and fairness in a trial. **We recommend that FSNI and the Northern Ireland judiciary enter discussion on how seminars or other training might be provided which would improve the knowledge of judges and magistrates about what forensic science can, and cannot, do.**

The devolution of policing and justice

31. The Democratic Unionist Party and Sinn Fein came to an agreement at Hillsborough on Friday 5 February 2010, which may allow policing and criminal justice powers to be devolved to the Northern Ireland Assembly by no later than 12 April 2010. Mr Brown stated that "the impact operationally would be very little, to be honest."³⁸ At a higher level, responsibility for FSNI will pass from the NIO to the new Northern Ireland Department of Justice. As Mr Grzymek of the NIO said, this will considerably strengthen local accountability.³⁹

35 Q 24

36 Q 26

37 Q 28

38 Q 23

39 Q 23

Cross-border co-operation

32. In 2008-09, we inquired into *Cross-border co-operation between the Governments of the United Kingdom and the Republic of Ireland*, and concluded that “the co-operative arrangements made by the forensic science authorities on either side of the border are a further encouraging sign of how law enforcement agencies are joining forces against cross-border criminals” and urged “that they be further developed.”⁴⁰ Further to our conclusions, the July 2009 Criminal Justice Inspection Northern Ireland report on the FSNI recommended that “FSNI should seek to develop, in conjunction with other laboratories (e.g. Republic of Ireland and Scotland) a plan to facilitate increased collaboration.”⁴¹

In his evidence Chief Executive, Mr Brown, told us that “we do collaborate with the forensic laboratory in Dublin and we share expertise”⁴², and that further afield there is

“collaboration north-south; there is collaboration with all the other providers in the British Isles under the Association of Forensic Science Providers, which is a mixture of Scotland, Dublin, ourselves, the FSS, LGC [the largest privately owned forensic science service provider in the UK] and all the other main providers. We collaborate on technical issues; not on market issues but on technical issues. We have working groups on specialist areas, and that is a highly active collaboration that takes place.”⁴³

33. Deputy Director of Criminal Justice Services at the Northern Ireland Office, Mr Grzymek, explained that “we are running a very efficient and a very effective service but running it at pretty well full capacity. It is difficult therefore to take significant work from outside of Northern Ireland; indeed, our priority must be to service our own criminal justice system before supporting others.”⁴⁴ Chief Executive, Mr Brown, concurred, noting that “for the mainstream forensic science we have a capacity across the whole central core of forensic science activity [...] we do have one of the broadest ranges of forensic capabilities of any single laboratory in Europe.”⁴⁵

34. We commend the collaboration taking place between FSNI and its counterpart in the Republic of Ireland. We commend FSNI, too, for its work in assisting forensic science practitioners across the world, but we note that that work places pressures on the service and accept that such work should not jeopardise the day to day provision of forensic science services to the criminal justice agencies within Northern Ireland.

Independent Status

35. FSNI is also independent within the Northern Ireland criminal justice system; independent from, for example, the Police Service of Northern Ireland (PSNI), which

40 Northern Ireland Affairs Committee, Second Report of Session 2008-09, *Cross-border co-operation between the Governments of the United Kingdom and the Republic of Ireland*, HC 78, para 67

41 Criminal Justice Inspection Northern Ireland, *Inspection of Forensic Science Northern Ireland*, July 2009, p viii

42 Q 17

43 Q 76

44 Q 20

45 Q 21

is its major ‘customer’, the State Pathologist, the Court Service and the Public Prosecution Service. The Chief Executive of the FSNI explained that FSNI is “totally independent as regards the outcome of a prosecution. We have no targets whatsoever with regard to success of prosecutions.”⁴⁶

36. FSNI provides, impartially and to standards of scientific rigour uninfluenced by any consideration of the success or otherwise of any prosecution, the evidence which might establish a suspect’s innocence or guilt. Public trust in its fairness and impartiality can only be maintained by its remaining separate from the other justice agencies while working with them in the interests of justice.

Conclusion

37. As the only forensic science laboratory in Northern Ireland, it is vital that FSNI continues to receive the funding and support necessary to deal with the demands of today and to plan for the needs of the future. As FSNI accountability passes from Westminster to Stormont, we commend the agency on its work and express the highest hope that its new accountability to a local Justice Department will result in continued improvement in the excellence of its services.

Conclusions and recommendations

1. We recommend that the Northern Ireland Office examine how it can tailor the recruitment process to combine fairness and security with efficiency in ways appropriate to FSNI's needs. (Paragraph 14)
2. We pay warm tribute to the quality of the work of FSNI in clearly inadequate and unsuitable premises. It is greatly to be regretted that the provision of adequate new premises for this vital service has been so long delayed. We are glad to note that work is at last progressing on a new building. No further delay should be allowed. (Paragraph 18)
3. We do not challenge the right of the Chief Constable to conduct in-house forensic work for operational reasons. However, it is important that in-house work should not be decided upon for financial reasons. Certain investigations will require great expertise and experience, which are arguably better determined and provided, by FSNI. (Paragraph 23)
4. It is inevitable, and right, that the cost of policing and of the ancillary forces engaged in the fight against crime should be a charge on the public purse, and so, although we note the drive towards financial self-sufficiency for the FSNI and the move to obtaining full cost recovery for the services it provides, we would warn against any compromise of the quality of service simply for reasons of cost. (Paragraph 26)
5. We recommend that FSNI and the Northern Ireland judiciary enter discussion on how seminars or other training might be provided which would improve the knowledge of judges and magistrates about what forensic science can, and cannot, do. (Paragraph 30)
6. We commend the collaboration taking place between FSNI and its counterpart in the Republic of Ireland. We commend FSNI, too, for its work in assisting forensic science practitioners across the world, but we note that that work places pressures on the service and accept that such work should not jeopardise the day to day provision of forensic science services to the criminal justice agencies within Northern Ireland. (Paragraph 34)
7. FSNI provides, impartially and to standards of scientific rigour uninfluenced by any consideration of the success or otherwise of any prosecution, the evidence which might establish a suspect's innocence or guilt. Public trust in its fairness and impartiality can only be maintained by its remaining separate from the other justice agencies while working with them in the interests of justice. (Paragraph 36)
8. As the only forensic science laboratory in Northern Ireland, it is vital that FSNI continues to receive the funding and support necessary to deal with the demands of today and to plan for the needs of the future. As FSNI accountability passes from Westminster to Stormont, we commend the agency on its work and express the highest hope that its new accountability to a local Justice Department will result in continued improvement in the excellence of its services. (Paragraph 37)

Formal Minutes

Wednesday 24 February 2010

Members present:

Sir Patrick Cormack, in the Chair

Rosie Cooper	Kate Hoey
Christopher Fraser	Dr Alasdair McDonnell
Mr John Grogan	Mr Denis Murphy
Lady Hermon	Stephen Pound
Mr Stephen Hepburn	David Simpson

Draft Report (*Forensic Science Northern Ireland*), proposed by the Chairman, brought up and read.

Ordered, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 37 agreed to.

Resolved, That the Report be the Fifth Report of the Committee to the House.

Ordered, That the Chairman make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till 3 March 2010 at 2.30 p.m.]

Witnesses

Wednesday 20 January 2009

Mr Stan Brown, Chief Executive, **Mr Peter Connon**, Acting Finance Director, and **Ms Clare Dornan**, Aide to Chief Executive, Forensic Science Northern Ireland; and **Mr Brian Grzymek**, Deputy Director of Criminal Justice Services, Northern Ireland Office

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List of Reports from the Committee during the current Parliament

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Second Special Report	Tourism in Northern Ireland and its Economic Impact and Benefits: Government Response to the Committee's Third Report of Session 2006-07	HC 545

Oral evidence

Taken before the Northern Ireland Affairs Committee on Wednesday 20 January 2010

Members present

Sir Patrick Cormack, in the Chair

Mr Stephen Hepburn
Lady Hermon
Kate Hoey

Mr Denis Murphy
Stephen Pound
David Simpson

Witnesses: **Mr Stan Brown**, Chief Executive; **Mr Peter Connon**, Acting Finance Director; **Ms Clare Dornan**, Aide to Chief Executive, Forensic Science Northern Ireland; and **Mr Brian Grzymek**, Deputy Director, Criminal Justice Services, Northern Ireland Office, gave evidence.

Q1 Chairman: May I welcome you, Mr Brown, and your colleagues. Thank you very much indeed for coming and thank you again for the extremely interesting visit which you enabled the Committee to make to your headquarters when we were in Belfast in the latter part of last year. This evidence session, of course, arises from the private session we had on that occasion. First of all, could I ask you to introduce your colleagues and then, if you have any opening statement, invite you to make it?

Mr Brown: I am Stan Brown, Chief Executive of Forensic Science Northern Ireland. Brian Grzymek is the Deputy Director of Criminal Justice Services in the Northern Ireland Office, which of course is our sponsoring department. Peter Connon is our Interim Finance Director and Clare Dornan is my aide and also the Corporate Secretary to the agency.

Q2 Chairman: Is there anything you want to say by way of opening statement?

Mr Brown: Just in relation to those of you who were not present at the visit to our place, it is perhaps important to explain the context in which forensic science operates. It is not like it is on television with *CSI Miami* or any of those programmes; it is very different. I would stress a number of points. First of all, Forensic Science Northern Ireland is an independent agency, independent from all other bodies within the Northern Ireland criminal justice system. We work in quite a complicated business model, which is important to understand. Our work is primarily commissioned by our customers, such as the PSNI or the Police Ombudsman or the State Pathologist, or other private customers, who then ask us to do work for them on certain exhibits, which we analyse. We then interpret the meaning of the results of that analysis for the purpose of the court; we therefore turn then to face the court and act as independent providers of expert evidence to the court. We are therefore totally independent as regards the outcome of a prosecution. We have no targets whatsoever with regard to success of prosecutions. Forensic science is an area where science and the law juxtapose. We are a scientific organisation and our objective is to give the objective scientific truth in informing the court and helping it reach its conclusions.

Q3 Chairman: Would you just put on the record for the benefit of the Committee what percentage, in rough terms, of your work is done for the PSNI?

Mr Brown: It is over 90% currently.

Q4 Chairman: Which of course we saw when we visited you and we saw your extremely diligent team of researchers doing the most amazing things. Are you on course, do you believe, to meet the challenge of determining what forensic science service will best meet the future needs of Northern Ireland?

Mr Brown: I think we are. I think we have made a lot of progress in the last couple of years. Brian will come in here with some of the details of the work he has been doing on behalf of the department. The problem for us has been what is the forward demand and how do we gear ourselves up for that forward demand. Forensic science laboratories are inherently rather inflexible in terms of ratcheting up the capacity, because our specialists are very much specialised in their own areas of expertise. You cannot take someone who is an expert in road traffic collisions and put them into DNA, for example. Our sideways movement flexibility is therefore limited. It takes roughly three years to take in someone, even if they have a PhD in a specialist subject, and make them into court reporting officers. There is that timescale and lack of lateral movement which makes forward planning very important for us.

Q5 Chairman: Are you having any difficulty in recruiting the right number of the right people?

Mr Brown: No. There are a lot of people who want a career in forensic science. We have been able to expand our workforce in the last year and a half by over 40.

Q6 Chairman: How far are you recruiting within Northern Ireland as distinct from the rest of the UK?

Mr Brown: To a large degree they are from within Northern Ireland but we do have some people who have been to British universities. There are forensic science courses in several British universities, in England and Scotland, and we are recruiting some people back from them—some of them originally from England and some Northern Ireland people who have gone there for their degree.

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Q7 Chairman: But most of the people are UK subjects?

Mr Brown: They are, yes. We do have a small number of people who are not but the majority are UK subjects.

Q8 Kate Hoey: Is Queen's doing a course?

Mr Brown: Queen's do not do a course on forensic science *per se* but we do work closely with Queen's. They have some work on analytical chemistry, which is very relevant to us and we have some joint R&D with them.

Q9 Chairman: You are not having any difficulty in recruiting. As we saw, you are recruiting in almost equal measure male and female.

Mr Brown: Yes.

Q10 Chairman: It is an attractive career for young people. Again, most of the people we saw were certainly under 40, if not under 30.

Mr Brown: Yes.

Q11 Chairman: And that is the prevailing pattern.

Mr Brown: Indeed. A lot of the recent recruits are very young. I would not say they look like children but, from my age, some of them look very young when they arrive.

Q12 Chairman: Although many of them actually do have postgraduate qualifications.

Mr Brown: Yes, they do. A large number have masters degrees, for example.

Q13 Chairman: I think one or two of them you said had PhDs?

Mr Brown: Yes, more than one or two; several have PhDs as well.

Chairman: It is very useful to establish all that.

Q14 Lady Hermon: Could I add a supplementary to the Chairman's questions? What is your overall complement of staff at the present time?

Mr Brown: About 220. All civilian staff.

Q15 Chairman: And all based in Belfast?

Mr Brown: All based in Belfast. About two-thirds of them would be in scientific disciplines.

Q16 Lady Hermon: Moving on to a different topic completely, I was very interested in looking at the report of the Criminal Justice Inspectorate. They identified that "the biggest challenge for the Agency", meaning the forensic science agency, "is the proposed introduction of a more competitive marketplace". In relation to that scenario, could I ask you a series of questions? What changes do you expect, now that your near-monopoly is coming to an end? What do you fear most? What do you look forward to most?

Mr Brown: It depends what you mean by "monopoly" and it depends what you mean by "market". We are affected by the marketisation in

England and Wales but we are more indirectly affected than directly affected. In England and Wales you have a large number of police forces as customers—roughly 40 police forces; you have a multiplicity of providers; and therefore you have something more akin to a market. You have a choice of customer and a choice of provider. In Northern Ireland we are geographically separate and we have one major police force—only one police force—and really only room for one indigenous supplier with a fully integrated laboratory within Northern Ireland. To some degree, therefore, we are protected by the geographical separation. Also, it behoves us to offer an integrated service. It also behoves the police to seek value for money; so in some areas they will test our capabilities by going directly to the market in England and Wales for some specialist services. We have the advantages of proximity; the advantage of being able to react rapidly to events on the ground and the ability to take in exhibits, which could be anything from a boat, a bus, a cigarette butt, anything, and work with them locally. Our technology more or less is on a par with what is available elsewhere, so we have a lot of local advantages within Northern Ireland. Our challenge is to keep up to speed with the technology that is available and be cost-competitive.

Mr Grzymek: From the department's point of view, our strategic interest is to have access to a high-quality, professional forensic science provision for the Northern Ireland criminal justice system. As part of that, we have been talking to all of the main customers for forensic science in Northern Ireland. It is very clear that all the customers recognise the need for local comprehensive provision. They recognise that, because of the nature of forensic science, it is not just about doing one test; often it is a multitude of tests; how you sequence them, how you order them, how you engage with the police as you go through the process is important. We therefore do see, and I think all the criminal justice sector now recognises, the importance of having access to that comprehensive service in Northern Ireland.

Q17 Lady Hermon: Could I ask whether you would be looking to provide services outside Northern Ireland? For example, the Republic of Ireland from the Garda. Have they ever asked the forensic science agency for help?

Mr Brown: We have sometimes been asked to support defence work in the Republic. We do collaborate with the forensic laboratory in Dublin and we share expertise. In fact, forensic science is very collaborative. There are working groups bringing all the providers in the British Isles together and all the providers in Europe. We all meet on a regular basis in various specialist groups. That is one way to maintain our technical competence: that we get best practice from all across Europe.

Q18 Lady Hermon: Without giving away any of your state secrets—and I am sure you have some—is there a particular technology or field of expertise that you

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would be renowned for, that you would have exclusively to yourselves in Belfast?

Mr Brown: I would not say exclusively but we do have, for example, explosives expertise, which one other laboratory in the UK I think would have to the degree that we have.

Q19 Lady Hermon: So with police forces where there has unfortunately been an explosion, whether terrorist-related or otherwise, in mainland UK—in England, Wales or Scotland—would they ever come to you?

Mr Brown: Not directly because they have their own facility over here in England to do that, but we would co-ordinate developments and understand the technology.

Q20 Chairman: You might be able to complement it?

Mr Brown: Yes, if necessary.

Mr Grzymek: One of our dilemmas here is that clearly forensic science is a public service. As it stands, if anything, you have over-submission; so we do not have spare capacity. We are running a very efficient and a very effective service but running it at pretty well full capacity. It is difficult therefore to take significant work from outside of Northern Ireland; indeed, our priority must be to service our own criminal justice system before supporting others. Also, however, we have to recognise that, because we have that over-submission, it is important that Stan devotes his main resource to the business in Northern Ireland. Overall there may well be opportunities—and we will come to that later in this meeting—to look at ways that we might support Northern Ireland to see how we might exploit some of the considerable skills and talents we have in the agency; but, as it stands at the moment, we do not have the capacity to extend its services beyond Northern Ireland to any degree. Is that fair enough, Stan?

Mr Brown: It is fair enough. All forensic laboratories that I know of suffer from over-submission. In other words, the work that is required of them is greater than they are able to deliver. It is very unpredictable work. If a complicated murder occurs, for example, there is no way of knowing how many exhibits will actually be submitted in relation to that, or what work will then cascade from those exhibits. It is extremely difficult to know that, therefore. It is a question about prioritisation of cases, and some cases have to take a back seat because the resources are dedicated to the higher-priority cases.

Q21 Chairman: Without wanting to ask you to reveal things you should not reveal, do you believe that you can satisfy virtually every demand and request from within Northern Ireland or are there areas where you do not have the necessary expertise?

Mr Brown: In general, for the mainstream forensic science we have a capacity across the whole central core of forensic science activity. There is no defining boundary of what constitutes forensic science. There is forensic entomology, forensic anthropology. We do not do those but there are a small number of specialists across the UK who can be drawn upon for

those. However, we do have one of the broadest ranges of forensic capabilities of any single laboratory in Europe.

Q22 Chairman: So it is unlikely that the PSNI, or anyone else for that matter, would require things that you could not provide.

Mr Brown: I think the main area where that has occurred is probably going to disappear shortly, in terms of DNA. We have not been doing low copy number DNA, which is a fairly famous technique, but the whole regime of DNA is about to change with the next generation of technology, which brings us back on to an equal footing with all the other providers. It gives effectively a sensitivity equivalent to low copy number but a more robust methodology and is much easier to interpret, less likely to cause difficulties.

Q23 David Simpson: Could I ask two very brief questions on policing and justice? And I am not demeaning that because I am well aware of what is taking place at Stormont at the moment. In relation to policing and justice, if or when policing and justice were devolved to Northern Ireland what preparation are you making for that? What impact would it have on the overall organisation?

Mr Brown: The impact operationally would be very little, to be honest. I do not see it changing. In terms of accountability there would be an impact, in terms of Assembly questions, local committees and that sort of thing. However, we have already engaged with the Policing Board on a number of occasions. They have visited and so on, and so I do not foresee any particular operational problems with that.

Mr Grzymek: From a departmental point of view, clearly we would have a local minister and so the accountability would, if anything, be strengthened. Paul Goggins has a very real interest in this area. The other thing is that when we are looking at how the service might develop, we have been looking at how we develop forensic science for the last number of years and I know that the minister's current thoughts about how the service is developing will be what is driving our thinking at the moment. However, an incoming minister from a new administration would obviously be given what we have, and any decisions, depending where we are on the process, would be down to that minister to take.

Q24 Chairman: Can I now ask you something about a very sensitive subject, namely Omagh? I think you are aware that the Committee will make a report relatively soon, following our own slightly narrow but nevertheless fairly far-reaching inquiry. What changes have been made within your agency since we had what I must admit was fairly substantial criticism following the trial, and do you want to say anything about that criticism?

Mr Brown: First of all, the Omagh investigation was quite a number of years ago and there already had been advances in forensic science since then. The Omagh investigation was done when DNA was not a mainstream activity and therefore the provision of

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the methodologies would not have been DNA-proofed at that time, and that is very important to note. The second point to note is that the comments made by the judge were in the light of what was made known to him within the trial itself. He has not visited our laboratory. In terms of the comments he made, therefore, some of them have been superseded by events. A regulator, for example, looked at the validation of low copy number DNA and things like that. However, we took on board every comment made by the judge. With the minister's instruction, we put together a plan of action to respond to either real or putative criticisms and we had an action plan, which was then inspected by the Criminal Justice Inspectorate and passed as satisfactory. I am therefore confident that everything is in place.

Q25 Chairman: You say the judge did not visit you at any stage.

Mr Brown: No.

Q26 Chairman: Do you believe that, if he had visited you, you would have been able to answer some of the criticisms before they were made public?

Mr Brown: I think so. To be honest, if I can widen that argument, it is important that, as science becomes more and more complex, non-scientists understand what the science is capable of and what it means. Words like "contamination" are very important words, which have a different meaning to the layperson than they have to the forensic scientist. It is very important to understand what exactly that means, and "contamination" was a word that cropped up many times in the Omagh trial. Since the Omagh trial, we have been helping to appraise the Public Prosecution Service on forensic science developments and have helped train their counsel in the meaning and interpretation of DNA, for example, and other things. I think it will be important even for the judiciary to be brought more up to speed in the meaning of forensic science.

Q27 Chairman: Would you welcome the opportunity of conducting a seminar for the judiciary?

Mr Brown: Very much so.

Q28 Chairman: Do you think that is something that you would like this Committee to recommend?

Mr Brown: Yes, I would. I would firmly support that, because it is essential that the science is understood by everybody within the criminal justice system.

Q29 Chairman: I think we became very conscious of that when we visited you: that we all learned a great deal that day. It was most extraordinary and we congratulate you. You therefore think it would assist the whole process of criminal justice within Northern Ireland if those who administer it were better informed?

Mr Brown: Absolutely.

Chairman: Thank you very much indeed. That is extremely helpful.

Q30 Kate Hoey: The PSNI are obviously your biggest customer.

Mr Brown: Yes.

Q31 Kate Hoey: Yet they spend a very tiny amount of their money on you—less than 1%. How would you sum up the relationship between you and the PSNI? You mentioned earlier that they wanted value for money. Do you feel that "value for money" can be interpreted so that sometimes it may not mean quality for money?

Mr Brown: There is, of course, always a conflict between cost and quality. The regulator is in place, as you know, to try to ensure that quality is maintained; but essentially there has to be a limited resource for forensic science. Within that limited resource you have to deliver a quality product. The relationship with the police is a complicated one because it is multifaceted. We have direct relationships with investigating and senior investigating officers; we have relationships with assistant chief constables, with the scientific support manager, with the Deputy Chief Constable and with the Chief Constable. It is a question of the tactical response to what we do and then the strategic direction of what we do. As I said earlier, it is better for us if we have foresight as to where the demand is heading, so that we can gear up accordingly and recruit people, train people, move people, plan for that investment in technology to meet that growing demand. However, I think that in the last two years we have greatly strengthened the relationship with the PSNI in terms of that alignment. We are also open to them in telling them how well we are doing and what problems we might have. We are investing a lot of time in jointly working with them on a management information system, which would help us understand their demand and our capacity. Then we are looking to price our products more accurately, so that they understand the true costs that go into them and they can compare the cost of our products with products that might be available from other providers.

Q32 Kate Hoey: So really it is about them understanding more about what you do and you understanding more about what they need, to be able to justify—

Mr Brown: Absolutely. We have invested, for example, in a business development directorate, whose primary job is to develop that relationship with the police at multi levels and work closely with them. That is bearing dividends; we are seeing lots of advances in the last year in relation to that.

Mr Grzymek: The department has supported the agency in developing and building that relationship, alongside which the department sits with the agency when we meet the Deputy Chief Constable and a number of her assistant chief constables on a regular basis. That is very much a part of ensuring that strategically we are not just aligned at an operational level but at all organisational levels, and the police and the agency are marching to the same beat; because clearly the police have an increasing concern to deliver against their policing plan. The agency has

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to be part of the solution to their delivering on their priorities. They have a good working understanding, and so that means the agency can focus its resources where it can do the most good and the police can be confident the resource is there when they are seeking to move an area forward.

Q33 Chairman: When we were with you, you had not yet met the new Chief Constable. Have you now met him?

Mr Brown: I have met him personally briefly and he has been invited to come to the laboratory.

Q34 Chairman: But he has not yet been?

Mr Brown: Not yet. We expect him in the next few weeks.

Q35 Kate Hoey: Are you then not involved in terms of Northern Ireland in the discussions, talks, whatever, that are going on in the rest of the UK on forensic science and the neo-privatisation agenda?

Mr Grzymek: Northern Ireland is a separate jurisdiction. We keep apprised of and are aware of what is happening nationally but, just as Scotland has a different regime from England and Wales, Northern Ireland has a different regime. We are certainly taking account of what happens elsewhere but our needs and requirements are not the same as England and Wales, therefore our solutions will not necessarily be the same.

Q36 Mr Murphy: Following on from Kate's questioning, one of the issues that came out of the Criminal Justice Inspection report was the statement that you felt you were providing services to the PSNI at below cost and they felt they were paying too much for them. While both of those statements might be correct, what are you doing to address that?

Mr Brown: We are doing a lot. One of the issues is that, as I said earlier, what has been submitted is impossible to predict in advance for any one case; so the submissions are throttled through what is called the Scientific Support Unit of the PSNI. The investigating officers might wish to submit more but there is a sort of throttle to control what comes in. What does tend to happen is that we get over-submissions. Sometimes those over-submissions are quite substantial. They could, for example, be 20%. In one particular area at the moment we have 100% over-submission. The challenge for us is to (a) try to respond to that as quickly as possible and (b) try to get the police to invest in a higher expenditure in that particular area, so that we can then invest in additional headcount in order to fulfil that need long-term. This is a problem in virtually all forensic laboratories across Europe. We are trying to solve it by putting together a commissioning model that allows us to understand our demand and our capacities in all those areas, and then to manage submissions and use a triage model; so that when the submissions come in we have a prioritisation and then we park some cases or work that cannot yet be acted upon. It is a question of how that triage system is then managed on a daily basis. Regardless of what we do, I think there will always be from the investigating

officers a demand which outstrips the ability to supply it. It is an unlimited potential capacity; so it is a question of managing that. If you could put it in two sentences, we need to do what we are paid for and we need to get paid for what we do, and we are working to get that model. We are working closely with the PSNI on that. They are working with us on several projects underneath an umbrella programme called Perseus, which is all about that business planning and understanding the metrics of how we work as an organisation with our customers.

Q37 Mr Murphy: The report also identified "the inability of the Agency to demonstrate value for money". Do you think that is a fair statement?

Mr Brown: I would say the word "demonstrate" is the important thing. Rather than implying that we do not give value for money, it is how do you demonstrate that? In the last year we have redefined our complete product range to match that which was put forward by ACPO as being the standard, generic product definitions across the UK. That allows the same currency to be used, if you like, when the police are comparing the costs of our products compared to what they could get elsewhere. That then allows them to see whether or not the value for money is actually there. A lot of work has been done on that. The range has been completely redefined. We have done some work to look at our competitiveness. We have done it by brokering work to other providers and seeing what charges they make and other ways of calculating our competitiveness, and we believe that within Northern Ireland we are competitive. We also believe that—and Treasury will be giving us further guidance on this—our model is a cost-recovery model, not a profit-making model. Given that, we should be competitive within Northern Ireland. Whether we are also competitive within England if we were to provide work there, you have the logistical add-on costs which might change that a little bit. However, I am confident that we will and are increasingly demonstrating that value for money, but it is work in progress.

Mr Grzymek: From the minister's point of view, his focus is making sure that we have an effective criminal justice system supported by an effective forensic science service. That being said, he is very mindful of the fact of cost, because we are moving in increasingly difficult times. We expect all public services to operate on a cost-effective basis. Certainly some analysis that Stan and his staff have done, looking at some of the discrete services, has demonstrated that, if anything, our costs compare very favourably with some of the costs nationally. That being said, however, there is more work taking place in that area and our aim is very much to benchmark. If we have a public sector provision in Northern Ireland, we at the very least want to make sure that we benchmark it against other providers, to ensure that we give assurance to the minister and to Parliament that the service is cost-effective.

Q38 Mr Murphy: That must be a concern because also, whether policing and criminal justice are devolved or not, there will be massive financial

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pressures on public expenditure. Do you not feel that one of the first cuts would be forensic services as far as the PSNI are concerned?

Mr Brown: No. We have been assured by the ACC of serious crime that he does not intend to reduce his forensic budget, because I think he sees the return from his point of view. For example, we have a 100% success rate in dealing with serious crimes, priority one crimes. We deliver 100% to those, and those are obviously extremely important strategically to the police. There is a lot more forensic science could do in terms of policing outcomes, and I think the importance of forensic science is growing rather than shrinking.

Ms Dornan: There is also a recognition within PSNI at the moment in terms of having forensic science to support the prosecution case. If there is forensic science evidence available to support that, the outcome is more likely to be a prosecution; so they are becoming more aware of the importance of having that impartial advice, particularly if it supports the case that they wanted to make.

Q39 Stephen Pound: On that point, I think that you represent about 1% of the PSNI budget, a minute sum, but in the visits I have paid to your present establishment and the past one—and I seem to remember a cigarette factory or something—

Mr Brown: We are in the cigarette factory as it is, yes.

Q40 Stephen Pound: The point is—and later on we will be asking why, in the name of all that is holy, you have not moved—when you do move, will that capital cost then be an element of the PSNI budget or will it be a separate NIO budget?

Mr Grzymek: If you wanted me to tackle that now, clearly one of the real issues for us has been about how we actually get appropriate accommodation for forensics. To some degree, this has taken longer than we had initially envisaged. This is partly because we went from a situation and a time when their original premises were destroyed. We were in quite a different world than we are now. Since then, the world has changed in a number of ways and, to some degree, what Forensic Science Northern Ireland has had to do is reposition itself in a world that is quite different, in terms of the demands on their staff and the types of things they are having to do. One of the issues was therefore trying to make sure that, if we were going to have any construction project, we were building what we needed for the future and not what we needed for the past. That has been one of the factors which has added a delay. When I last came to this Committee a couple of years ago, I told you that we were doing some work on developing a new model for provision; what I can say is that we have got to the stage now where we are moving forward. We are commissioning some work on a building that will certainly focus on the DNA and evidence recovery end of the business, which is the area that is most sensitive to contamination and whatever. We would certainly look at that planning proceeding very quickly now. In fact, I am commissioning some work on that at the moment, which will be coming to fruition over the next three or four months.

Q41 Stephen Pound: Following up Denis Murphy's point, you were talking about general public service contractions, financial disciplines, and problems like that in general. When we did the report about ten years ago, I remember seeing the plans for a module structure for a new forensic science facility at that particular time. What I am trying to establish is if, in this new, austere economic environment, there is an issue of cost, which budget head will that cost come under? As long as you are less than 1% of the PSNI budget, PSNI cuts are not going to affect you a great deal; but if you are talking about a complete rebuild and a move, it is. So where does it come from?

Mr Grzymek: To start with, we did start looking at a complete rebuild but recognising the financial situation, and also looking at the priority areas where we needed to have a new building, in recent months we focused in on an area around DNA and evidence recovery. We are now moving forward with a proposal to build a £12 million building, which will cover that component of the service.

Q42 Stephen Pound: Whose £12 million?

Mr Grzymek: It will be from the department. The department has made provision for—

Q43 Stephen Pound: NIO?

Mr Grzymek: . . . CSRO7 for that build and, once we get to an outline business case, which we are now progressing towards, if that is approved we would move quickly to procurement and delivery. I cannot give you a hard timetable on that—

Q44 Stephen Pound: No, you have answered my question. Thank you.

Mr Brown: Of course, the decision would need to be ratified by the devolved administration, if it was devolved at that stage.

Mr Grzymek: The minister recognises the issues and wants to move things forward. He wants to make sure we are not being delayed in any way by current discussions. He has therefore set the ball in motion, but downstream, later this year, there will be decision points and then the minister of the day will make those decisions about the actual building proceeding. However, the provision, the resource, is there within the department's budget at the moment to proceed with that development.

Mr Brown: I should say that we have not been sitting on our hands. Together with the department we have done a lot of groundwork on what size, for which facilities and which area—which “adjacencies” as they are called—which environmental conditions are needed for that, and that work has been done. So we have a lot of work that will then easily inform architects and quantity surveyors to allow us to put together a concrete plan.

Q45 Stephen Pound: That certainly was not the implication of my comments.

Mr Brown: No, but I am saying, just to put your mind at ease, that a lot of work has been done and we are poised to move forward.

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Mr Grzymek: But on this cigarette factory line—which is a bit of a slur to the current accommodation!—clearly some of the accommodation, bearing in mind in some cases we are delivering state-of-the-art type science and technology, is not best located for that sort of provision in the long run. The building we are now moving towards would certainly deal with all those immediate issues and assure the accreditation of those services in the long run; but that would probably be on the existing site. We have had discussions with the police, who are quite happy that we would develop part of that site; and that would become the core of what would be the new forensic service as building takes place.

Q46 Mr Murphy: My final point is to do with the IT programme. Given that the history of IT procurement is littered with financial black holes, how is the Perseus project? It was supposed to cost £3 million. Is that still the contract?

Mr Brown: There are two phases to Perseus and I think it is very important to understand these two phases. The first phase we call the transition phase, where we look at a better understanding of our business. Because, being an agency before, we did not have a handle on our business like a commercial company would have, in terms of our cost structures and so on. So there is a lot of work done in understanding demand, capacity and pricing models, commissioning models, and working together on solutions for those, which then will inform the procurement of a technical solution to that. The technical solution will not be a “big bang”, monolithic system which either works or falls over; it will be an integrating system, which takes smaller modules and integrates the data between them. For example, we already have a case management system which handles and tracks the exhibits. To that we will add the pricing models, the demand models, the capacity models, and they will talk to each other. We have therefore de-risked the project and it will be modular in approach. We will phase it through and I am pretty confident we will do it right.

Q47 Mr Murphy: On budget and on time?

Mr Brown: I hope so.

Lady Hermon: Give us a commitment!

Q48 Mr Hepburn: The issue of premises has already been mentioned. We had a look around and it is not ideal where you are.

Mr Brown: No.

Q49 Mr Hepburn: We were most impressed with what you did. It was one of the most fascinating visits I have had over there. Why do you feel the need for a move in such a financial climate at the moment? Is it anything to do with the need to demonstrate an independence from the PSNI?

Mr Brown: Certainly we are independent from the PSNI. I would absolutely stress that. For example, PSNI officers have to be accompanied on our premises, and that is important. The need is a developing need. As forensic science develops

further and further, you are talking about increased sensitivity in all the tests that we do. Increased sensitivity requires increased contamination control, so that you can be confident that you are not getting cross-contamination between, for example, a suspect and an injured party, because that would give rise to a spurious forensic finding. In our current accommodation it takes more effort to do that. We do it and we do it successfully, but it takes more effort to do it. We have to decontaminate one room before we have work done. In a new laboratory we can streamline those processes more, get things through faster without any contamination risk. We are investing in short-term solutions such as filtered air cabinets and localised high-care systems to do that. It would be much easier to have that in a new state-of-the-art building. So it is for efficiency; it is also for the purposes of transparency. We would like visitors and people to see and understand forensic science without exposing themselves to the contamination. That is an important aspect as well. Justice has to be seen to be done, not just done.

Q50 Mr Hepburn: The area of graduate recruitment has already been covered at the beginning of your presentation. On general staffing issues, could you tell us some of the problems that might arise or that you have seen around areas of funding, retention and recruitment?

Mr Brown: Retention levels are actually very high in forensic science because, once you become specialised in forensic science, within Northern Ireland there are not many other places you can go to; so we do not tend to bleed staff. I would accept sometimes that the lower grades might leave to go to another science function within government, such as the Environment and Heritage Service or something like that. Our staff turnover is therefore much lower than average. We tend to have no problem attracting scientists into the organisation; the question is making sure you have the right qualifications and skills and then training them up, which takes time. Also, the security clearance and recruitment process in the Civil Service is not the fastest. It can sometimes take a year or more before we have the person sitting in the seat we want him to sit on, from the moment we realise we need them.

Q51 Mr Hepburn: Is that unique to your body or is it general?

Mr Brown: No, it is not unique for our body. As with the general Civil Service, it does take more time than you would like to get people into position.

Q52 Mr Hepburn: Would you say that would cause you more problems than any other specific body in the Civil Service?

Mr Brown: Inasmuch as our security clearance is at a higher level than some other parts of the Civil Service, yes; but that adds several weeks to the process.

Ms Dornan: In terms of some of our future-proofing of services—for example, because of the way that we are funded at the moment in terms of recruiting

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additional staff—because we do have a two to three-year training period for our reporting and specialised posts, sometimes it is difficult to find the provision within budget to have an overlap of staff, if you like, when you know that staff may be going or you want to increase a particular service. There would be some difficulties around that in terms of getting geared up to future demands or, as I say, trying to cover some capacities where you think people may no longer be available to cover that service.

Mr Grzymek: We are working with the agency to see whether we can give it a greater freedom in some of these areas. While I understand Stan's frustration sometimes when it does take a bit of time to get some staff recruited, clearly we are part of the public sector and we cannot deviate significantly. We are therefore working with the agency and talking to our personnel people and central personnel in the Northern Ireland Civil Service to see whether there is room to manoeuvre. If we can find ways of streamlining the process, we will; but clearly we have to recognise that in the public sector there are so many forms and approaches you have to go through, and we obviously cannot deviate significantly from those.

Mr Brown: An example to give you would perhaps be in the area of drugs. The drugs that are on the market are becoming more complicated and more diverse; therefore the analysis of them becomes more complicated and more diverse. You also have an increase in volume. For us to have a toxicologist in place would take three years from recruiting them even as a PhD in toxicology until being a full reporting officer. How do you ratchet that up? You need a lot of forward planning and discussion as to what are the trends.

Q53 Lady Hermon: Is that an area of priority for you at the moment?

Mr Brown: It is. We are ratcheting up that area. We have 100% over-submission at the moment in crime-related toxicology.

Q54 Chairman: Do you have anybody in-house at the moment?

Mr Brown: We have new reporting officers literally coming on-stream right now.

Q55 Chairman: But it will be three years before they are fully operational?

Mr Brown: Two of them will become at least partially operational in the next few months. We can start it with alcohol, then drugs and then toxicology, as a sort of ratcheting up as they go forward.

Q56 Lady Hermon: Are you able to identify to us the drugs that are causing you most concern in Northern Ireland?

Mr Brown: Off the top of my head I could not. I am not a toxicologist. However, we do see a trend and we need to be talking increasingly with the PSNI about where those trends are going.

Q57 Chairman: Let us get this straight. At the moment you cannot fully address that trend but you will be in a position to do so in the foreseeable future?

Mr Brown: In the foreseeable future, yes, but not over months; it will be longer than that. We will start to improve over the next months.

Q58 Chairman: What are we talking of? A year?

Mr Brown: I think it will look a lot better in a year from now, yes. But at the moment—

Q59 Chairman: When will you be fully competent in that regard?

Mr Brown: It depends on the demand. It is entirely to understand what that demand is like.

Q60 Chairman: So it is demand-driven—

Mr Brown: Yes.

Q61 Chairman: . . . but you know the demand is going to be there.

Mr Brown: We know it is increasing and we know it is likely to increase in complexity and quantity. It is how to quantify that.

Q62 Chairman: Do you not have the flexibility to be able to anticipate?

Mr Brown: Yes. We need more flexibility to anticipate.

Q63 Chairman: You need more flexibility?

Mr Brown: We do. Flexibility would help greatly within that.

Q64 Stephen Pound: Surely the evidence is that drugs like MDMA and some of the other new drugs simply did not exist three or four years ago?

Mr Brown: That is correct.

Q65 Stephen Pound: Whereas people may be using ketamine and various other drugs that you can pick up on. Are you anticipating another range of these particular—

Mr Brown: Yes, we see that will be happening all the time. They change the molecule slightly and that changes the analysis.

Q66 Chairman: I just want to get this absolutely straight. At the moment you are not able to address it fully. You will be able to within a year or so.

Ms Dornan: Could I just clarify? We could meet the current demand in a year or so. Our difficulty is that, if next year it also increases by another 100%, we are then falling behind because it will take us another two years to train the people to the point where they can follow the cases.

Q67 Chairman: Do you not have a contingency plan to do that?

Mr Grzymek: Perhaps I may clarify this bit. There are two elements to this. One, if there is over-submission and there is an urgent need to do something, there is a capacity to outsource; so some of the toxicology is going across to England. It is not

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necessarily that you have undone work but it does mean that you are perhaps generating additional costs. The other thing is that we are back to anticipation. My understanding—and correct me if I am wrong, Stan—is that the problems in alcohol, drugs and toxicology came about because one member of staff unexpectedly decided to resign from the service and go off somewhere else. Another member who was past retirement age decided to go over to part-time working. Suddenly, in what is a relatively small team, we lost one and a half people. It is very difficult, bearing in mind that the agency is covering a whole range of areas, to anticipate who will decide to leave the service or resign. It is not easy to develop contingency plans and so to some degree the agency would perhaps draw on external providers to make up a shortfall in a case like that. It will clearly move as fast as it can to fill the gap but it is not possible in every instance to anticipate a problem like that.

Q68 Chairman: Because we are very concerned about this, is there a sufficient capacity within the UK to meet this demand, including the needs of Northern Ireland, or is there a real gap here?

Mr Brown: I do not think I know well enough to say what the total UK capacity is. We do broker our work to other UK providers and have contracts to do so, and they have taken quite a lot of our brokered work recently. I do not really know what the long-term capacity for the UK is. I do not know what effect the marketisation in England and Wales will have on that capacity. There are specialist companies doing toxicology and drugs as well. I think that time will tell, therefore. The point that Brian made, if we broaden it beyond just drugs and toxicology, is that we have small teams by definition. Because we have a broad range of services we have small teams. Therefore you have very little lateral capacity for fluctuation within that and therefore demand predictions are critically important.

Q69 Chairman: So coping with maternity leave, for instance, is not easy?

Mr Brown: It is not, no.

Q70 Chairman: Presumably, because you have a fair number of young women working for you, this is a real problem?

Mr Brown: It is, yes. We do not in any way resent them having maternity leave, which they are quite entitled to!

Chairman: No, I am not suggesting for a minute that you are or that you should, but it is important to get this on the record if we are trying to give a reasonably accurate picture of what is happening.

Q71 David Simpson: You mentioned the word “frustration” earlier. Stan, you may want to answer this. In your view, what is the current relationship between yourselves and the NIO?

Mr Brown: I would say the relationship is a good one. I would honestly say that, not just because Brian is here. I have only been with the agency three years and during that time I have found them very

supportive from day one. I think the relationship is a very close one. We have been working closely together on the new accommodation project, for example. I consider that we get good support. We have had support for capital investment in machinery and equipment and so on. We have had good support in terms of trying to get an understanding strategically with the PSNI, with the Ombudsman, with all the other stakeholders in the criminal justice system. As we stand today, I think the role of forensic science is much better understood within the Northern Ireland criminal justice system than it might have been a few years ago. I think that is very positive.

Q72 David Simpson: Has a revised framework document between the NIO and yourselves been updated?

Mr Brown: Yes, it has.

Ms Dornan: July 2009 was the latest.

Q73 David Simpson: It did take some time to do it, is that right?

Mr Brown: It did, largely because there were some uncertainties about what sort of model is best for the future. I would argue—and Brian knows this—that we would like to see some more flexibilities brought in, in terms of rolling over funding from one year to the next.

Q74 David Simpson: Who can give you that flexibility? The NIO?

Mr Brown: I think it is a combination of NIO and Treasury and ourselves. The rules for an agency are basically to be agreed between the sponsor department, Treasury and the agency. There is no one agency model which is defined anywhere, even an NDPB model, as I understand it.

Mr Grzymek: The agency, of course, is an agency of the department. It is an independent body; it delivers services to the courts, the police and others. Not to me as a departmental official but, at the same time, we do work very closely with them; we sit with them in strategic committees, et cetera. I think that we have a fairly good understanding of where they are and I think we have recognised the fact that this is a very valuable resource, but it is fragile—not in the sense that it is weak, but fragile in the sense that it is covering a lot of areas with relatively small numbers of staff in the teams. To some degree we have to be quite creative and very forward-looking as to how we support it. In that context, on the flexibilities, the department understands very well where the agency is and where the sticking points are and we are looking creatively, with the agency and others, to see how we can resolve those; but not all of them are necessarily resolvable. Only last week, Stan and I were both visiting a non-departmental public body under another government department in Northern Ireland, looking at how their system worked, to see whether there were lessons we could read across from their set-up which might help the forensic science agency—and we will continue to do things like that. So if we can find other models which give

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us a better relationship, we are very open to look at those critically and, if they give us an advantage, we will adopt them.

Mr Brown: One of the things we would like to have as an agency is a little bit of headroom, so that we are not always slightly under-resourced for the demand; and headroom for research and development as well; because, being a science organisation, we want to dedicate some time to do that. Because it is an applied science, the best people to do that R&D are the people who do the casework, where they can focus on developing their techniques and so on.

Q75 David Simpson: That is why I think it is important that the small part of the budget from PSNI, whatever you get, should not be a factor; it should not be touched. Increased, if anything, Mr Chairman, because it is an integral part of the whole of policing and forensics.

Mr Brown: They would argue, of course, it is a bigger percentage of their discretionary expenditure.

Q76 Chairman: I am conscious of the fact that we are going to have a division imminently, looking at the television screen, so let me bring this public session to a close before the division bells. Last year, Criminal Justice Inspection Northern Ireland recommended—it was in July—that you should

look to develop further your collaboration with other laboratories, and it cited Scotland and the Republic of Ireland. We touched on this business of collaboration earlier. Have you made progress since July and do you think there is much scope for further progress in these collaborative ventures?

Mr Brown: I think there is. First of all, I should point out that the CJI perhaps slightly underestimated the amount of collaboration that already does take place. There is collaboration north-south; there is collaboration with all the other providers in the British Isles under the Association of Forensic Science Providers, which is a mixture of Scotland, Dublin, ourselves, the FSS, LGC and all the other main providers. We collaborate on technical issues; not on market issues but on technical issues. We have working groups on specialist areas, and that is a highly active collaboration that takes place.

Q77 Chairman: Do you have contingency plans to deal with a major cross-border incident between the two jurisdictions?

Mr Brown: We have reached agreement with the laboratory in Dublin that we would provide mutual support, and that will be hardened up in an MoU.

Chairman: Thank you very much indeed. I will close the formal session. We will be back in a quarter of an hour and we will then move into private session.