

DMPC Decision – PCD 902

Title: Forensic Collision Investigation Unit

Executive Summary:

The Forensic Science Regulator requires that all forensic collision investigations are subject to accreditation. This will ensure compliance with the highest possible standards. The national accreditation process should be completed by October 2022. This decision will allow the Metropolitan Police to join the national programme enabling it to take advantage of the central development of scientific system and processes. Without this national approach accreditation would have to be on an individual Force basis. The national agreement will lead to accreditation being delivered more effectively and at a much reduced cost.

Recommendation:

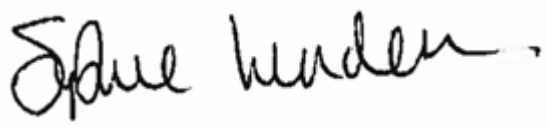
The Deputy Mayor for Policing and Crime is recommended to approve and sign the s22 collaboration agreement with North Wales Police for the Forensic Collision Investigation Network (FCIN).

Deputy Mayor for Policing and Crime

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.

Signature



Date 15/02/2021

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DMPC

1. Introduction and background

- 1.1. Forensic Collision Investigators investigate all fatal and many of the most serious road collisions. This area of work is overseen by the Forensic Science Regulator, who is seeking to roll out an accreditation of all scientific processes, including that of collision investigation. If a Force were not to be accredited any evidence put forward in a court would be open to question. As part of the Specialist Capabilities Programme a business case was developed and accepted by the Service that a national approach to accreditation should be pursued. This approach extended the time available to complete the process, and meant that best practice could come together and its benefits be reached optimised. Further the costs of accreditation would dramatically fall. This s22 agreement brings this work to fruition.

2. Issues for consideration

- 2.1. The Forensic Science Regulator (FSR) directed in 2012 that all police forces' Forensic Collision Investigation functions must be compliant with the FSR's Code of Practice and Conduct and the ISO 17020 standard. The deadline for compliance is currently October 2021 with Forces who are collaborating in the FCIN having a further year's extension to the deadline until October 2022.
- 2.2. In the NPCC meeting in July 2019, all forces gave a commitment to support the FCIN in developing the scientific methods centrally and to realise a programme to bring the specialism into a single Network of best practice. This Network will facilitate the Accreditation process of all its members and provide efficiency in defining and carrying out scientific methods and testing. As a result of that decision and the further financial backing from all Forces in March 2020, the Network has been created, the science built and the operating model defined. This means we are now in a position to legally formalise the collaboration and the Host Force arrangements. .
- 2.3. For the purposes of accreditation, collision investigations fall within the criteria for 'crime scene' accreditation compliance. The move towards accreditation is a requirement of the Forensic Regulator with strict deadlines for compliance. By September 2019 all forces in the country had agreed 'in principle' to the FCIN pending a formal Section 22 Agreement.
- 2.4. The alternative to joining the FCIN is to 'go it alone' which would incur both prohibitive costs and unmanageable timelines to obtain the formal necessary qualifications for our staff. By participating in the FCIN collaboration these costs will be borne by the Network and have been accounted for in our fees. In addition to this, joining the FCIN will afford the MPS additional time to attain the necessary qualifications.
- 2.5. Whilst it is still possible to continue to deliver services whilst not compliant, this will need to be made visible to the courts through a declaration of non-compliance in statements. However, if and when, the Regulator gets statutory powers, she would have the power to suspend. There is no date yet for when this is likely to happen, but

the MPS may be vulnerable to challenges in Court or the CPS not accepting our reports due to the non-compliance.

- 2.6. The initial transition payment has been agreed and paid. The MPS has already invested circa £500,000 and by doing this has suggested an agreement in principle to join the FCIN.
- 2.7. The Mayor's Office of Policing and Crime and the Metropolitan Commissioner must be satisfied that they consider that the Collaboration Agreement is in the interests of the efficiency or effectiveness of one or more policing bodies or police forces.
- 2.8. It is submitted that operational efficiencies which will be achieved through this collaboration would not occur without such.
- 2.9. The overriding benefit of the collaboration is that it provides the most cost effective solution to meet the FSR's Code of Practice and Conduct and the ISO 17020 standard by the deadline of October 2022
- 2.10. The improved operational efficiency achieved through this collaboration will help provide a better police service for London.
- 2.11. The development of the networked approach to forensic collision investigation was driven from the overall aim of reducing the number of people killed or seriously injured on our roads and where such an incident occurs, delivering the best possible service for the victim and family.

3. Financial Comments

- 3.1. By agreeing to join the FCIN the MPS will pay a yearly membership to the Collaboration. This is detailed below, with year 1 cost of £775,403. This will then be circa. £650,000 year 2-5.
- 3.2. The table below shows the comparison of costs between being inside the FCIN and outside the FCIN. These forecasts are based on the additional training and equipment costs which have not previously been required, and are due to the new regulations. The Forensic Regulator has set a deadline of 2022 for accreditation, with transition work concluding in 2027. (The costs detailed below do not include the usual running costs, equipment maintenance and replacement)
- 3.3. The Met has budgeted for the costs of this work.

Year	Inside FCIN	Outside FCIN	Saving to MPS
Transition yr. 20/21	£467,400	£1,142,194	£672,949
1	£775,403	£1,165,038	£389,635
2	£627,099	£1,188,339	£561,240
3	£650,000	£1,212,105	£562,105
4	£663,000	£1,236,348	£573,348
5	£676,260	£1,261,074	£584,814
Total	£3,859,162	£7,203,253	£3,344,091

- 3.4. Membership of the FCIN can be reviewed on an annual basis. There is a 12 month notice period to withdraw.

4. Legal Comments

- 4.1. Section 22 of the Police Act 1996, as amended by Section 89 Police Reform and Social Responsibility Act 2011 allows MOPAC, as the local policing body, in connection with the discharge of any of its functions to enter into a collaboration agreement.
- 4.2. Clause 4.5 of the MOPAC Scheme of Delegation requires the Deputy Mayor for Policing and Crime to approve collaborations agreements where the Act requires. As this is a policing body collaboration, it is required.
- 4.3. The arrangement will be formalised by the documented approval of a collaboration agreement. Publication of the agreement will be under the Elected Local Policing Bodies (Specified Information) Order 2011.

5. Commercial Issues

- 5.1. To take advantage of the benefits available from the FCIN it would be necessary for both the Commissioner and MOPAC to sign up to an all-force Collaboration Agreement. This Agreement has been provided by North Wales, as the Host Force, under the provisions of Section 22A of the Police Act, 1996 as amended by the Police Reform and Social Responsibility Act. In accordance with paragraph 4.5 of MOPAC's Scheme of Consent and Delegation, approval to enter into the agreement must be sought from the Deputy Mayor for Policing and Crime

6. GDPR and Data Privacy

- 6.1. GDPR matters have been discussed with the Data Protection Officer, who has confirmed that no Data Protection Impact Assessment (DPIA) is required for these programmes of work.

7. Equality Comments

- 7.1. MOPAC is required to comply with the public sector equality duty set out in section 149(1) of the Equality Act 2010. This requires MOPAC to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations by reference to people with protected characteristics. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.2. An Equalities Impact Assessment (EIA) has not been completed and but will be completed by the national team.

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOIA) and will be made available on the MOPAC website following approval.

If immediate publication risks compromising the implementation of the decision it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? No

If yes, for what reason: N/A

Part 2 Confidentiality: Only the facts or advice considered as likely to be exempt from disclosure under the FOIA should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a **Part 2** form – NO

ORIGINATING OFFICER DECLARATION

Tick to confirm statement (✓)

Financial Advice:

The Strategic Finance and Resource Management Team has been consulted on this proposal.

✓

Legal Advice:

The MPS legal team has been consulted on the proposal.

✓

Equalities Advice:

Equality and diversity issues are covered in the body of the report

✓

Commercial Issues

Commercial issues are addressed in the Report

✓

GDPR/Data Privacy

- A DPIA is not required.

✓

Director/Head of Service:

The interim Director of Strategy has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.

✓

Chief Executive Officer

I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Deputy Mayor for Policing and Crime.

Signature



Date 10/02/2021