

## **EXPRESSING A STANDARD. THE CREATION OF THE FIRST UNITED KINGDOM REGISTER OF COMPETENT FORENSIC PRACTITIONERS**

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**ABSTRACT:** CRFP's purpose is to create, maintain and promote public confidence in forensic practice. We will achieve this by:

- publishing a register of competent practitioners,
- ensuring through periodic revalidation that forensic practitioners keep up to date,
- dealing with registered practitioners who fail to meet the necessary standards.

The register will cover practitioners in all stages of the forensic process, from recovery through identification, examination and analysis, to the presentation of expert evidence in court. The register will be open to practitioners in both public and private sectors, employed or self-employed, throughout the United Kingdom.

This is all about setting standards. A Code of Conduct will underpin the register, stating clear professional values. We will promote good practice, not just punish bad practice.

We will open the register to the first specialist groups in autumn 2000. Although registration will be voluntary, we want providers and users of forensic services to come to expect it as a definitive mark of someone's competence.

**KEY WORDS:** Competence standards; Assessment; Registration; Certification.

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It is an honour for me to be invited to address you today, and in such distinguished company.

I feel I have been allowed to enter one of the High Temples of forensic science – though looking at the behaviour of some of you last night I am satisfied that this is a profession that certainly needs regulating.

I am not, and never will be, a scientist. But I am conducting an experiment – one which I am confident will succeed, and which represents, along with what Mike Fereday said a few minutes ago, front line thinking about quality standards in forensic practice. Let me tell you about it.

First, a story from my earlier days at the General Medical Council – the body that regulates doctors in the United Kingdom. We had a call one morning from a lady in a health authority. She said that in a nearby village there was a family doctor working on his own. His surgery was also the village

pharmacy. She had had a call from a very worried patient. The waiting room was full of patients. The receptionist was nowhere to be found. The doctor had locked himself in the consulting room. He had taken all the drugs from the dispensary and put them in a bucket, and put it in the waiting room with a sign saying “Help yourself”.

It didn't turn out to be too serious, but the story shows how regulation is often about what it's really like out there: a regulatory body soon gets a very clear picture of the stresses and strains that ordinary practitioners are under.

There must be few things that can as easily go undetected in a criminal trial as a flaw in the evidence of a forensic expert. And few things that are as guaranteed to bring the criminal justice system into disrepute as the discovery that a forensic practitioner has been incompetent, or corrupt, in bringing their findings to court.

In the United Kingdom, between 20 and 30 years ago, there took place some high profile miscarriages of justice that shook our criminal justice system to its foundations. They involved cases of terrorist activity and murder. No one will ever know, probably, the absolute truth of what happened in those cases. But the people involved were convicted on forensic evidence that turned out to be unsound.

The names of those people – the Birmingham Six, the Guildford Four and others – are ones that most people in the United Kingdom have heard of and talk about even now. They resonate in the public imagination – and for years they cast a shadow over the credibility, and the authority, of forensic experts and the evidence they give in court.

Trust had to be restored. You will hear me say the word trust a lot this morning, because it is on trust that a system of professional regulation must essentially work. The forensic science community were quick to see the need for this, and steps were taken to introduce the systematic practice of quality assurance. The FSS, as you've heard, have been very much in the forefront of these moves – and quality assurance now runs through the management, and the processes, of our forensic science laboratories.

But there was a piece missing. The courts and the public in the United Kingdom are reassured by the meticulous attention to detail that goes on in the laboratories and other forensic organisations. But there is a more difficult task to perform. Forensic scientists and others in the forensic community recognised the need for the accreditation of individual scientists and other forensic practitioners – to assure their quality and mark that by a structured, external assessment.

From the famous cases of the 1970s, which I mentioned, there is an unbroken line to the organisation which is now in being and which I represent – the Council for the Registration of Forensic Practitioners, CRFP.

CRFP has been set up with a single, overriding objective: to promote public confidence in forensic practice in the United Kingdom. Forensic practice – not just the work of scientists but the work of all the specialist groups involved in the whole chain of the forensic process from the crime scene to the courtroom: crime scene examiners, fingerprint examiners, laboratory scientists, police doctors, pathologists, dentists, IT specialists, archaeologists and all the other specialists that contribute to an investigation and to the presentation of a successful case.

We will move on to bring in areas outside mainstream science – accountancy, engineering, surveying and other commercial services.

The public in the United Kingdom – and elsewhere I am sure – demand and deserve to know that every forensic practitioner in that chain is competent, and committed to professional values against which they are prepared to be judged if something goes wrong.

That is the assurance that CRFP is now ready to start to offer to the public in the United Kingdom – and perhaps, as we gain experience, there may be opportunities for international cooperation in the future. If you would like to discuss that, I would be delighted to talk to you today.

You have heard something about CRFP already from Peter Ablett yesterday and from Mike Fereday this morning. Both of them have been working closely with us on this project. Our Governing Council is made up of a mixture of forensic practitioners; their managers; people who use their services including the police, lawyers and judges; and the public at large – people we call, rather patronisingly, lay members – representing the public voice and broadening the debate so that the business does not become too insular.

Having a majority of non-practitioners enshrines a critical point of principle. The body that holds a professional register is a regulatory body: that means it exists for the public interest, not as a trade union for practitioners. Its credibility rests on the fact that the users of forensic practice – the people on the receiving end - have the controlling stake in the Governing Council. If that changes fundamentally, I will resign.

To promote public confidence in forensic practice in the United Kingdom. Only in the United Kingdom? Perhaps we can talk about that.

How will we do our job? We will have three main functions. First, to publish a register of competent forensic practitioners. Everything flows from this central function. A register is there to put a boundary around a profession – or, in our case, a group of professions – not so as to protect jobs but to show anyone who looks – we will publish it on the Internet – who is competent in each specialty.

Using the web will enable us to publish a register which is up to date by the minute, unlike printed books which are out of date by the time they are

published. On 30 October this year we will open the first register of forensic practitioners.

The next function: ensuring practitioners keep up to date, by periodic revalidation. Registration will be time limited. It will run for four years at a time. Before the end of that period, each person on the register will have to show us – not just that they have read a few journals, not just that they have slept through a few lectures or even attended important international conferences. But they must show us they've kept themselves up to date and maintained their competence.

Mike talked about continuing professional competence. I would call it personal quality assurance: not just ongoing reading and training, but the forensic practitioner actively reflecting on their work: what went well this week, this month? What could have been improved? What could I have done some other way? If someone is not able to show that they are keeping up to date and maintaining competence, and actively learning from their experience and their continuing study, we will take them off the register.

We will use a variety of methods to look at continuing competence. What we will be looking for is not what you have done but what difference it has made to your practice.

The third function: we will deal, firmly and fairly, with any information we receive which raises a question about an individual's fitness to stay on the register. There may be a problem of misconduct. There may be a question of ill health – perhaps mental illness, alcoholism or drug addiction. There may be a question of poor performance – just not doing the job well enough.

We will deal with these cases in the way that suits each one best – trying to bring the poor performers up to standard; getting the sick ones under treatment and giving them insight, possibly taking them out of practice for a while so that there is no danger to the public; warning those who commit misconduct, giving them what the police in the United Kingdom sometimes call “certain advice”, and in the serious cases suspending them from the register or striking them off it, where we reach the point where we believe someone is not fit to be in the profession at all.

(Quote from the Merrison Committee on the regulation of the United Kingdom medical profession in the 1970s). Regulation is a contract between a profession and the public, with the characteristic of all freely made contracts: mutual advantage. The point is that professional regulation is a deal: the public allow you to set your professional standards and police them. In return, you must offer professional services of the right standard.

If you do not follow your side of the deal, then in a matter of minutes the public, and the politicians who represent them, will want to do the job for you. And setting standards from outside a profession is likely always to pro-

duce the lowest common denominator. You can achieve so much more by cooperation than by coercion.

The keeping of a register sounds like just bureaucracy – writing names in a book, or putting them on a database, taking them off again, changing entries. There is an element of that – I am a bureaucrat so I know it when I see it. But it's not what we concentrate on at CRFP. It's what it stands for that matters. Regulation is not just a bureaucratic process. It is the expression of a standard.

Just the existence of a register, and a registering body, should create a climate where professionals recognise the need for continuing personal quality assurance, and where the public are satisfied that there are ways of checking whether someone is competent in their specialty – and questioning them and calling them to account if things go wrong.

But regulation isn't something that a central body can come along and do to a profession. If it works at all, it works as a partnership. At the heart of the whole thing is the register, from which everything else flows.

What is the way in? Training and experience, assessed by CRFP through trained assessors from the same specialty using structured, consistent criteria. They will look at qualifications and experience; a portfolio of casework; two references from people familiar with their work; declarations about their character and their professional values.

What is the way out? Procedures for dealing – firmly and fairly – with questions raised about an individual's conduct, health or professional performance.

Underpinning everything is the foundation of standards – in this case, standards of professional conduct and performance. Ethical standards, which flow from a clear, positive statement of professional values. We are publishing a new Code of Conduct as the foundation of the register when we open it. Everyone applying for registration with CRFP will have to show they understand those values and state that they will adhere to them in their everyday work.

Values like always putting the needs of the court and of justice first. Like honesty, integrity, impartiality and observing confidentiality. Avoiding unfair discrimination, of every kind. Crucially – understanding the limits of your professional competence and staying within them, even under pressure in court.

We are building a house here. What puts the roof on it? Three groups must work together to make regulation effective. Centres of excellence – training institutions, universities, professional societies and institutes. Representative bodies, providing a voice for the professions. The regulatory body – overarching, holding the system together, accrediting competence, acting as the catalyst for change and development in training schemes.

What will we look for in each person who applies to come on the register? I have the same theme as Mike a few minutes ago. We are looking for knowledge – of course a sound grasp of theoretical knowledge is essential. But it's not enough. Skills – of course you have to have good practical skills – to do as/well as to know.

But with just knowledge and skills you have a technician, or perhaps a stylist. To complete the picture, the professional needs the right attitudes. Ethical awareness, the ability to think broadly, and outside the narrow confines of the task in front of you, the determination to communicate, the passion for the truth. This is professionalism.

This is what makes you fit for the job. Fit for the job when? At the point of graduation? Almost certainly not: the university courses don't yet exist that would fit someone for registration as an independent forensic practitioner on day one. With experience? Probably, but we will look at your present competence, not the number of years you have been doing the job, or just your paper qualifications. At the point of registration? I certainly hope so, or we won't be doing our job.

But – fit when we first register you or fit today? That is the key point. That is what the public are looking for, in all professionals actually. And however hard that is to measure – and it is hard because there are things in professional performance to which you can't attach numbers – through our revalidation procedures and our action against problem practitioners, that is just what we will be trying to do.

My vision is that CRFP will be able to do that – perhaps even across national boundaries – and so be able to look the public in the eye and say “When you see the name of a forensic practitioner in our register, you can be sure that – as far as we can – we have satisfied ourselves that they are fit for the job today”.