

Forensic Science Regulator Statutory Code (the Code) Frequently Asked Questions (FAQs)



Question	Answer
General	
1) What date does the Code come into effect?	It is anticipated that the Code will be approved by Parliament in the first quarter of 2023. The date that the Code will become effective will be specified within that final version of the Code. It is expected this date will be 6 months post Parliamentary approval and publishing of the Code.
2) Is there a 24-month transition period?	No, whilst a 24-month transition period was included in the Consultation Draft 08.08.2022, this ONLY applied to the transition from the current Codes to the Statutory Code for organisations that were fully compliant in that they had Issue 7 of the codes on their schedule and held the appropriate accreditation. Based on feedback from the consultation and discussion with relevant parties, the FSR has since opted to remove the 24-month transition period and instead intends that the Code will come into effect 6 months post Parliamentary approval and publishing of the Code.
3) Should I start making changes to become compliant to the Code now or should I wait until the Code comes into effect before making changes?	We recommend that a gap analysis is undertaken against the latest draft versions of the Code as soon as they become available to identify where your forensic unit does not comply. We would also advise you begin implementing measures to close any gaps now with a view to being fully compliant with the Code at the time it comes into effect.
4) How and when will the FSR enforce compliance with the Code?	The Code will include an 'effective date' which will be the date at which organisations are expected to comply with the Code. The FSR outlined some of his initial thinking on enforcement and compliance processes in the FSR's July Newsletter on page 26. Within that newsletter the FSR states that the enforcement and compliance process will be based upon risk to the CJS. The s5 powers to investigate are live now based on the non-statutory Codes of Practice and Conduct and the Regulator becoming a statutory Regulator. The s6-8 enforcement powers e.g. to issue Compliance Notices will be implemented through a second Commencement Order alongside the draft of the Code being approved by Parliament, and will be available to the FSR from the date the Code is published.
5) Do I have to declare compliance/non-compliance with the Code?	Yes. FSAs that are subject to the Code and have a requirement to comply with the Code will require a declaration of compliance or non-compliance with Code as soon as the Code becomes effective.
6) How do I declare compliance with the Code prior to the Code coming into effect?	Continue to use the guidance set out in the non-statutory Codes Issue 7.

7) I work in a SARC, when do I need to declare compliance with the Code?	Compliance with the Code is required 24 months from the effective date. Declarations of compliance or non-compliance are not required until this same time - 24 months post effective date.
8) My organisation has incorporated Issue 7 of the FSR Codes of Practice and Conduct in their Schedule of Accreditation, does that mean I can declare compliance with the Code from the effective date.	No, organisations need to have the Statutory Code within their Schedule of Accreditation to be able to declare compliance.
9) Are organisations that provide evidence for the defence required to comply with the Code and accreditation requirements?	Yes. The Code states that 'those instructed by the defence shall comply with this document.'
10) How should the Senior Accountable Individual (SAI) notify the FSR of being appointed that position within their organisation?	The forensic unit shall notify the FSR by emailing fsrenquiries@homeoffice.gov.uk with their name and contact details. If any information changes the forensic unit shall notify the FSR of the change of information within 30 days.
11) Where is the role and responsibilities of the SAI documented?	The SAI shall be accountable for the strategic leadership of the forensic unit's compliance with this Code and be accountable for risks related to any FSA undertaken by, or under the control of, the forensic unit. The role is documented in more detail within the Code.
12) Will the FCN provide support to my forensic unit?	Yes, the FCN provides a wealth of support to UK policing and beyond including our dedicated Accreditation Support Teams. Please contact the FCN with any specific requests for support by using the information on our website . The FCN is also developing a series of videos to support FSR Code and accreditation awareness for practitioners, quality professionals, chief officers, and other staff.
13) Are there any guidance documents that would help me understand the Code?	Yes, the FSR is planning to produce guidance documents, which will be available through the GOV.UK website.
14) If evidence for court (SFR2) is provided less than every 3 months, is it intended to be classed as 'infrequently used method'?	No, frequency relates to the number of times an activity or sub-activity is undertaken by the forensic unit as opposed to the number of times the results from that activity are used as evidence for court.
15) How will statutory regulation affect independent experts who do not have company backing behind them?	If the independent expert is undertaking an activity or sub-activity as defined within an FSA, then this individual will be required to comply with the Code including any accreditation requirements.
Accreditation	
16) My organisation already has accreditation, will the Code impact us?	More than likely yes, the Code will introduce new requirements and a gap analysis will need to be undertaken to highlight any areas of non-compliance so these can be addressed.
17) What is the deadline for including the Code within my forensic unit's accreditation?	Forensic units will be required to include the Code within their schedule of accreditation prior to the effective date of the Code, which is anticipated to be 6 months after the Code is approved by Parliament and published. UKAS will undertake desktop reviews during the period between Parliamentary approval/publishing and the effective date to transition organisations accreditation from Issue 7 of the non-statutory codes to the new Statutory Code.
18) Will the FSR collate details on our accreditation progress before the deadline?	Yes, the FSR has distributed a compliance survey to SAIs to understand what FSAs their forensic unit undertakes and whether they will be compliant with any accreditation requirements prior to the Code coming into effect.

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19) When do I need to gain accreditation for a sub-activity listed in a Forensic Science Activity (FSA) within the Code?	For those FSAs that your organisation undertakes and that require accreditation, accreditation of a sub activity is required from the day the Code becomes effective, otherwise a declaration of non-compliance will be required for any results reported that do not comply with the Code including accreditation requirements.
20) Do all sub-activities within an FSA require accreditation?	Yes, all sub-activities that are undertaken by your organisation where accreditation is required by the Code will require accreditation.
21) I do an activity that isn't included in an FSA; do I need accreditation?	If the activity being undertaken isn't included within an FSA, then the requirements of the Code do not apply including any accreditation requirements.
22) If my forensic unit is not accredited for an FSA, will we be prevented from continuing to undertake that activity?	The FSR ultimately has the power to prohibit a forensic unit from undertaking an FSA in England and Wales. However, the enforcement and compliance process will be based on risk to the CJS and the FSR will adopt a proportionate approach with full enforcement powers being used in general as a last resort.
23) Is the Code and accreditation requirements solely for activity performed in forensic units?	No, the Code including accreditation requirements applies to any individual undertaking an activity or sub-activity defined within an FSA.
24) If the activity is performed outside our forensic department, does it still require accreditation?	Yes, for those FSAs that require accreditation e.g., police officers, including covert policing, undertaking activity or sub-activity defined within an FSA are required to comply with the Code including any accreditation requirements within the FSA they are undertaking. An example could be Police Officers carrying out activities or sub-activities detailed within a Digital Forensics FSA that requires accreditation.
25) What happens if my forensic unit is not accredited?	If your forensic unit undertakes an activity or sub-activity that has been defined within an FSA as requiring accreditation, then you need to gain accreditation, otherwise a declaration of non-compliance will be required for any results reported that do not comply with the Code including accreditation requirements and this could have an impact on the admissibility of the evidence.
26) How do I get accredited?	To gain accreditation, your organisation will need to demonstrate compliance with all relevant quality standards to UKAS. UKAS are the sole national accreditation body assessing and providing accreditation to UK forensic units. To seek accreditation, contact UKAS via their website .
27) How much is it going to cost me to become accredited?	Costs depend on the scope of accreditation you plan to apply for. UKAS provide example costings on their website .
28) Will there be any financial support for Police Forces to assist with additional costs associated with gaining accreditation?	The FCN is not aware of any additional financial support being made available. However, on behalf of the NPCC, the FCN are currently collating costs associated with accreditation to initiate discussions around further financial support.
29) Will I need to apply for accreditation to ISO/IEC 17025 or ISO/IEC 17020 for activities undertaken at the scene?	It depends, overall, it is likely that scene-based activity will fall under ISO/IEC 17020. However, where the forensic unit is not involved in any strategy setting, searching or scene management, and is only attending the scene to undertake testing of items, ISO/IEC 17025 may be more applicable. Discuss the best option with your UKAS Assessment Manager.
30) If I currently undertake an activity in a laboratory, do I need an extension to scope to undertake the same activity at a scene?	Yes, if your current Schedule of Accreditation does not specifically cover activity at a scene as a location, then you will be required to extend your scope to include this.
31) How often do I need to be reassessed to maintain my accreditation?	Your accreditation will be confirmed on an annual basis through surveillance activities, with a full re-assessment every fourth year. The first surveillance visit

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	typically takes place 6 months after the Grant of Accreditation. Further details are available on the UKAS website .
32) How will UKAS assess all forensic units that undertake an FSA prior to the accreditation deadline for that FSA?	It won't be possible for UKAS to assess all organisations in the period just prior to an accreditation deadline. It is recommended that organisations begin forecasting and planning as soon as possible when they require a UKAS assessment and discuss dates with your Assessment Manager as soon as possible to allow UKAS to accommodate the national demand.
33) Once my forensic unit has gained accreditation including the Code, does that guarantee I am compliant with the Code for all work undertaken?	No, forensic units and practitioners should not (even when Schedules of Accreditation eventually include the Statutory Code) rely solely on their accreditation status as a guarantee they have complied with the Code. In addition to their organisation's accreditation including the Code, any declaration of compliance should also be based on the individual's own knowledge and belief relating to the work they have undertaken and are reporting.
34) Can non-accredited results be used as evidence?	Where accreditation is required and not achieved, a declaration of non-compliance will need to be made. The matter of admissibility is for the courts to decide.
35) Has the requirement for Fire Scene Investigation to gain accreditation been removed?	This FSA is not subject to this version of this Code therefore this FSA has no requirements set including any for accreditation. However, it is anticipated that in the next issue of the Code, there will be an accreditation requirement for the Examination of Fire Scenes. The Regulator intends to issue guidance documents for this FSA to support accreditation to ISO/IEC 17020 and intends to incorporate these guidance documents into the next version of this Code. This intended addition will be subject to consultation as set out in s3 of the Act. Forensic units undertaking this FSA remain advised to be working towards gaining accreditation.
36) What is the accreditation deadline for SARCs?	Accreditation to ISO 15189 within 24 months of the effective date of the Code is required for the activities and sub-activities the forensic unit undertakes which require accreditation according to the Code.
37) Will the FSR extend an accreditation deadline if most forensic units that undertake fail to meet the deadline?	No, in a recent Newsletter the FSR stated 'I will not be extending any existing global deadlines for achieving accreditation as I do not think that is in the spirit of the Act or an effective way to regulate forensic science.
38) Will our Schedules of Accreditation be updated to reflect the activities and sub-activities as described in FSAs within the Code?	Yes, UKAS will process any required updates to each individual Schedule of Accreditation. All organisations who have gained accreditation for the relevant sub activity will have their Schedules of Accreditation updated and will be publicly available on the UKAS website.