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This report documents the recommendations of the review of recent critical incidents in the UK forensic science marketplace.

Appendix A –
Recommendations arising
from the Review of
Critical Incidents in the
UK Forensic Science
Marketplace
April 2020

Matthew Bennion-Pedley



Recommendations for Improvements to Critical Incident Management

Ref.	Recommendations	Suggested Owner
Critical Incident Management (General)		
1	The NPCC should ensure that it has an up-to-date and readily accessible list of its national portfolio leads to facilitate early and accurate engagement with those affected by any critical incident. Future incidents should be referred to the NPCC Central Office at the earliest possible opportunity to facilitate this engagement.	NPCC Lead for Forensics
2	NPCC representatives should work with cross-government colleagues and the ICO to develop joint guidance for the sector in relation to lodging enquiries of this scale and responding to ICO requests for information. This should be incorporated within a future iteration of the Forensic Marketplace National Contingency Plan.	NPCC Lead for Forensics
Critical Incident Management (Governance)		
3	The use of 'Platinum' and 'staff officer co-ordination' groups, as introduced during the recent EFS critical incident, should be formalised in a document, outlining the criteria for their use, role, terms of reference and linkage with Gold, Silver and Bronze groups. The output should also be reviewed to determine whether 'Platinum' is the correct term.	NPCC Lead for Forensics
4	A table top exercise should then be conducted with a representative sample of police and non-police representatives to test whether the 'Platinum + 4 Gold Group' structure deployed during the EFS critical incident should become the default for future incidents of this nature or whether it should be simplified or streamlined.	NPCC Lead for Forensics
5	The governance process for the sign-off of Assurance Sub-Group recommendations should be reviewed to determine if it could be streamlined.	NPCC Lead for Forensics
Forensic Marketplace National Contingency Plan		
6	To reflect the importance of data security and integrity within forensic science, the Forensic Marketplace National Contingency Plan should include an expectation that experienced data protection officer support will be engaged as quickly as possible at the start of any critical incident.	FCN Commercial

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7	To reduce the 'double-hatting' burden placed upon key individuals within police forces and those police forces themselves during critical incidents, members of the FCN core team should be given formal 'specialist capability' roles to support different governance group Chairs.	NPCC Lead for Forensics and FCN CEO
8	The FCN should work with police forces to develop terms of reference for Single Points of Contact (SPoCs) within police forces to help clarify and harmonise their responsibilities for briefing and delegating during critical incidents.	FCN Commercial
9	The next iteration of the Forensic Marketplace National Contingency Plan should include, within the list of potential trigger events for the implementation of the national contingency plan, situations where a supplier has been awarded a contract on the understanding that it will achieve accreditation by a specified future date but fails to do so.	FCN Commercial
10	The next iteration of the Forensic Marketplace National Contingency Plan should include an up-to-date SPoC list for other partner agencies (e.g. CPS and Ministry of Justice etc.) and this should be updated regularly.	FCN Commercial
11	To reduce the time it takes to agree price lists for work undertaken by alternative suppliers during critical incidents, the next iteration of the Forensic Marketplace National Contingency Plan should, where possible and not commercially sensitive, include agreed pricing principles and calculation methodologies / approaches.	FCN Commercial
12	The next iteration of the Forensic Marketplace National Contingency Plan should include guidance for both rescinding and restoring CJSM connectivity.	FCN Commercial
13	Future versions of both the Business Continuity Tactical Plan and the 'Phased Return' Tactical Plan should include longer lead-times for police forces to switch suppliers. These lead-times should be guided by the FCN Commercial team gaining a better understanding of individual police forces' submission processes and lead-times so that this can become an integral part of future demand management and process mapping.	FCN Commercial
14	Future versions of both the Business Continuity Tactical Plan and the 'Phased Return' Tactical Plan should distinguish between PACE DNA and biometric vetting submissions so that critical timescales for each type are managed as effectively as possible.	FCN Commercial
15	The FCN should arrange for a 'just in case' police email account to be set up for each major forensic service provider, ready to be activated in the event of a critical incident.	FCN Host Organisation

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16	The FCN host organisation should be empowered and resourced to procure or provide consistent national legal advice throughout the critical incident and for matters relating to the Forensic Marketplace National Contingency Plan.	FCN Host Organisation
17	The FCN host organisation should be empowered and resourced to provide financial advice throughout the critical incident and for matters relating to the Forensic Marketplace National Contingency Plan. This should include the collation and management of any financial claims against a forensic service provider or its insurers.	FCN Host Organisation
18	The FCN's governance board should, subject to its agreed terms of reference and overall funding arrangements, be able to establish an appropriate contingency fund to help meet the costs of managing future critical incidents.	FCN Executive Board
19	All police forces and law enforcement agencies should be required to share their forensic service provider contracts with the FCN Commercial team so that they can refine and implement the Forensic Marketplace National Contingency Plan as efficiently and effectively as possible.	NPCC Lead for Forensics
Communications and Collaboration		
20	Communications to Chief Constables and PCCs should, wherever possible, be shared more broadly with other key stakeholders outside policing that are involved in managing the critical incident, including FSPs and the ICO.	Platinum and Gold Group Leads
21	Communications from the Platinum and Gold Groups to the force operational managers should be better tailored to their operational needs. Communications from the Criminal Justice / Operations arena should be a major area of focus.	Platinum and Gold Group Leads
22	Partners should aim to use the National Enabling Programmes' Microsoft Office 365 collaboration and productivity tools, wherever possible, to facilitate sharing and collaborating via electronic documents in future critical incidents.	FCN Commercial (as owners of the contingency plan)
Operational Data		
23	Operational partners involved in the management of the EFS critical incident should draw upon their recent experience to draw up a master list of the key information required in the event of a forensic marketplace failure to keep ministers and members of the public appropriately informed. This should be incorporated within the Forensic Marketplace National Contingency Plan and steps taken to ensure that the required information is more readily accessible for future critical incidents.	Platinum Group membership

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24	Until a national forensic case management system can be introduced, the FCN should consider the deployment of an interim solution to help the FCN Commercial team obtain, less labour intensively than currently, a more accurate and up-to-date picture of police force demand, supplier capacity and work in progress etc.	FCN Commercial
Data Security		
25	All FSPs (police force units and external providers) should start preparing for the introduction of the FSR Codes of Practice and Conduct 'Control of Data' requirements incorporated within the FSR-R-648 consultation that ran from 14 th August to 21 st October 2019. Although the consultation results are not yet known and the eventual requirements may differ, the consultation draft reflects NCSC advice and should form the basis for providers' current thinking.	Police forces, law enforcement agencies and FSPs
26	NPCC portfolio holders should undergo cyber awareness and security upskilling to enhance risk assessment capability and aid impact assessment.	NPCC portfolio holders
27	NPCC portfolio holders should proactively review their areas of business from a cyber risk perspective to provide assurance or implement additional control measures (to include a review of supply chains and third parties).	NPCC portfolio holders
28	Police forces and law enforcement agencies should consider the data security aspects of the broader supply chain when procuring both products and services. They should also be vigilant to threats introduced to enterprise networks via service providers.	Police forces and law enforcement agencies
29	Police forces and law enforcement agencies should ensure that providers connecting to or administering their systems should do so in a way that meets their own organisation's security standards. They should also put in place controls that prevent or minimise lateral movement across networks, should a third-party customer of the service provider, or the service provider itself, be compromised.	Police forces and law enforcement agencies
30	Police forces and law enforcement agencies should document all remote interfaces and internal accesses that are used by service providers and ensure that they are fully revoked at the end of the associated contract.	Police forces and law enforcement agencies
31	If service providers have installed services or software on an organisation's network, the organisation should ensure that it can be easily removed at the end of the contract.	Police forces and law enforcement agencies

Ref.	Recommendations	Suggested Owner
	BCDR Testing and Establishment of a NPCC Critical Incident Framework	
32	Dip sample audits should be undertaken to ensure all suppliers have implemented recommendations in relation to cyber, business continuity / disaster recovery and data protection, followed by NCSC audits of suppliers in approximately 6 to 9 months' time.	NCSC
33	A tabletop BCDR exercise should be devised and conducted, whilst recent experience is still fresh in people's minds, as a mechanism to strengthen relationships, clarify responsibilities, and refine / streamline associated governance arrangements and communications.	NPCC Lead for Forensics
34	The tabletop BCDR exercise should be devised and conducted in such a way that it achieves a successful balance between policing's innate desire and aptitude to "get on and fix things" and the imperative of not missing important legal or data risks.	NPCC Lead for Forensics
35	The tabletop BCDR exercise should be devised and conducted on the basis that data has been changed or manipulated, so that appropriate policies can be determined with regards to issues such as automatic National DNA Database SFR1s etc.	NPCC Lead for Forensics
36	The Forensic Marketplace National Contingency Plan should be tested regularly, involving different potential scenarios.	NPCC Lead for Forensics
37	The NPCC should consider drawing upon the experience of the EFS critical incident and the Forensic Marketplace National Contingency Plan, once updated, to establish an incident response framework, accompanied by a 'playbook' outlining roles, responsibilities and channels of communication as a standard operating procedure.	NPCC Lead for Forensics

Recommendations for Improving the UK Forensic Science Marketplace

Ref.	Recommendations	Suggested Owner
	Strategic Marketplace Management	
1	Quality, accreditation and financial sustainability for all FSPs (private sector and in-house) must be the cornerstones of the forthcoming long-term forensic marketplace strategic plan so that the potential for future critical incidents is minimised.	NPCC Forensic Marketplace Lead
2	The forthcoming long-term forensic marketplace strategic plan needs to take a strategic view of the whole market (both physical and digital forensics) and aim to ensure that policing is not excessively reliant upon any one FSP in any one forensic discipline, whilst at the same time ensuring that all FSPs receive enough revenue both to remain financially viable and be able to provide quality, accredited forensic services.	NPCC Forensic Marketplace Lead
3	Where implementation of the long-term forensic marketplace strategic plan results in a reduced market share for any FSP in the physical forensic marketplace, policing should, where possible, seek to balance this with an increased market share in the digital forensic marketplace, which needs to grow significantly.	NPCC Forensic Marketplace Lead
4	The forthcoming long-term forensic marketplace strategic plan needs to ensure that no forensic discipline is either left with insufficient market capacity to survive or can only meet demand through the permanent use of overtime.	NPCC Forensic Marketplace Lead
5	Toxicology and digital forensics should be the main priorities for additional market capacity within the forthcoming long-term forensic marketplace strategic plan. Additional capacity should be created by encouraging both previous and new providers into the market; seeking additional / different approaches to service delivery and looking at solutions to grow skillsets and encourage more people into these forensic disciplines.	NPCC Forensic Marketplace Lead
6	Owing to the challenges currently facing digital forensics, law enforcement should take a much more proactive approach to the digital forensic marketplace, as it did with the physical forensic marketplace in 2019. What this proactive approach might look like should be developed as part of the forthcoming long-term forensic marketplace strategic plan.	NPCC Forensic Marketplace Lead
7	In the absence of any evidence to the contrary, law enforcement needs to maintain the external physical forensic marketplace at no less than its current £67 million per annum level by preserving both prices and volumes. Police forces should not seek to reduce volumes to claw back part of the March 2019 contract uplifts since this is likely to destabilise the market once more.	All law enforcement agencies

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8	Whilst the development of the long-term forensic marketplace strategic plan is in progress, law enforcement agencies should, wherever possible, either extend current contracts or align their local activities with the national approach, thereby supporting the NPCC Forensic Marketplace Lead's request (31 st October 2019) for law enforcement agencies to adopt a "holding position" until 2022, provide FSPs with much needed stability and prevent further challenges or destabilisation of the marketplace.	All law enforcement agencies
9	The forthcoming long-term forensic marketplace strategic plan should consider a range of service delivery models and be designed to achieve a mixture of multi-supplier managed service, transaction-based and other potential contracts that provide both stability and resilience in the event of a future critical incident.	NPCC Forensic Marketplace Lead
10	The forthcoming long-term forensic marketplace strategic plan should clearly articulate how policing will forecast demand more accurately and thereby give the market greater clarity and certainty over future volumes and types of submission. This will improve overall strategic market management and encourage FSPs of all types (private sector and in-house) to plan and invest with greater confidence.	NPCC Forensic Marketplace Lead
11	If the forthcoming long-term forensic marketplace strategic plan envisages further insourcing of forensic service provision, this should only be as part of a balanced mixed economy strategy, taking into account the likely impact upon the whole market, police forces' varied success in insourcing services in the past, and the associated quality / accreditation implications.	NPCC Forensic Marketplace Lead
Movement, Storage and Archiving of Forensic Material		
12	The whole area of management, storage and archiving of forensic material needs strategic review, so that law enforcement and the criminal justice system can achieve a more holistic, resilient and long-term solution that is both cost-effective and safeguards important forensic material from potential risk.	NPCC Forensic Marketplace Lead
13	Management, storage and archiving should be given a high priority in the forthcoming long-term forensic marketplace strategic plan and should incorporate short-term as well as long-term storage / archiving.	NPCC Forensic Marketplace Lead
Procurement, Tender Evaluation and Contractual Terms		
14	Future tendering activity should be staggered so that only a small proportion of the market is likely to change FSPs in any given year.	NPCC Forensic Marketplace Lead

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15	Future tendering exercises should take a capability rather than prescriptive specification approach to enable innovation and incremental improvement to flourish.	NPCC Forensic Marketplace Lead
16	Future tendering exercises should revisit requirements regarding logistics, invoicing, long-term storage and colocation to enable FSPs to offer optimum value.	NPCC Forensic Marketplace Lead
17	Future contracts should include provision for annual inflation, so that the marketplace is not destabilised through price erosion.	NPCC Forensic Marketplace Lead
18	Future contracts should take a different approach to turnaround times (TRTs), with the emphasis being placed upon overall productivity and performance and a greater focus placed upon critical criminal justice requirements and dates.	NPCC Forensic Marketplace Lead
19	Future tender activity and evaluation should take into account the likely impact upon the whole forensic marketplace; should place greater emphasis upon quality than price; and should consider how to assess differential quality over and above accreditation thresholds.	NPCC Forensic Marketplace Lead
20	Since law enforcement is effectively the dominant / sole customer in the forensic marketplace, police forces need to take a much more coordinated and strategic approach to setting price expectations within tenders, and maintaining prices at sustainable levels rather than letting them spiral downwards, as has happened in both the physical and digital forensic marketplaces over the last few years.	NPCC Forensic Marketplace Lead
21	Pricing levels within contracts should enable FSPs to undertake some research and development, as well as achieving operational sustainability.	NPCC Forensic Marketplace Lead
Commercial Capabilities		
22	Until the whole forensic marketplace reaches a sustainable position, law enforcement should continue to invest in procurement and commercial resources, both within the FCN and at a local police force / law enforcement agency level. To maximise their effectiveness, the model should be a partnership of procurement / commercial expertise that has a good understanding of forensic services and operational forensic experts with commercial / contract management experience. Even when sustainability has been achieved, law enforcement should still maintain a core capability, so that the marketplace is not inadvertently destabilised once more.	NPCC Forensic Marketplace Lead

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23	Forensic accountancy services should be used more regularly to monitor financial health / sustainability including, where appropriate, for in-house services.	FCN Commercial
Collaborative Working, Communications and Messaging		
24	Law enforcement should involve FSPs, the FSR and other key stakeholders in developing the forthcoming long-term forensic marketplace strategic plan and work with FSPs much more openly and collaboratively about future demand, direction and investment.	NPCC Forensic Marketplace Lead
25	Law enforcement needs to be mindful of the signals it sends to the market by any move to insource services or any stated intention to do so.	NPCC Forensic Marketplace Lead
26	<p>The forthcoming long-term forensic marketplace strategic plan and subsequent actions need to engender trust by reinforcing two of the key messages articulated in the FCN prospectus, namely:</p> <ul style="list-style-type: none"> a) that the FCN is seeking to give the market the confidence it needs to invest in the capabilities and capacity law enforcement really needs (rather than seeking to act as a vehicle to insource further capabilities), and b) that it is seeking to create a truly networked policing model, which retains the current mixed economy of police forces and collaborative ventures but seeks to strengthen the links between them (rather than seeking to deliver forensic science capabilities directly or pressure individual police force capabilities to aggregate). 	NPCC Forensic Marketplace Lead