

New Faculty of Forensic and Legal Medicine

Guy A Norfolk

The Royal College of Physicians of London has recently established a new Faculty of Forensic and Legal Medicine, a development of major importance to the specialty.¹ The Faculty will set standards and offer education and training to a branch of the medical profession that, in the past, has evolved without the formal support of a medical royal college.

Forensic medicine embraces a branch of medicine where medical expertise is brought to bear on the criminal justice system, and is practised by forensic physicians (formerly police surgeons or forensic medical examiners), forensic pathologists, sexual assault examiners, and child physical and sexual assault examiners. By contrast, legal medicine involves medical practitioners, such as medico-legal advisors and medically qualified coroners, who use their skills to give medico-legal advice in a clinical or judicial context.

The Faculty has been founded to achieve the following objectives:

- to promote for the public benefit the advancement of education and knowledge in the field of forensic and legal medicine
- to establish a career pathway in forensic and legal medicine and achieve specialist recognition of the specialty
- to develop and maintain for the public benefit the good practice of forensic and legal medicine by ensuring the highest professional standards of competence and ethical integrity
- to act as an authoritative body for the purpose of consultation in matters of educational or public interest concerning forensic and legal medicine.

Why is this new faculty so important?

Dramatic advances in scientific knowledge and an increasingly litigious culture have led to significant changes in the work of doctors involved in forensic and legal medicine. Over the last decade, for example, the role of forensic practitioners has increasingly come under scrutiny in the courts, with recent appeal cases raising serious questions about the credibility and quality of some forensic medical evidence adduced in criminal trials.² At the same time, the growing number of complaints from patients, NHS trusts and the public about the con-

duct and professionalism of doctors has greatly enhanced demand for medico-legal advice. Major changes in the system for reporting deaths and in the coronial system were also recommended by Dame Janet Smith's inquiry into the case of Harold Shipman.³ Failures in all these areas, whether they be perceived or real, have generated intense media interest and have reflected badly on the public perception of the medical profession in general. The case for recognising that forensic and legal medicine is intrinsically important and should be supported by the UK medical establishment could never be stronger.

Achieving specialist recognition

A crucial role for the Faculty will be to achieve formal specialist recognition for forensic and legal medicine. For this to be possible, the Faculty will need to set standards, promote research, establish career pathways and develop programmes of continuing professional development. Achieving formal specialist recognition will increase the prestige of forensic and legal medicine and attract doctors to work within it. It will also ensure that those purporting to be specialists are professionally accredited and accountable.

This is particularly important in the area of clinical forensic medicine, where, in recent years, many police forces have outsourced the work traditionally done by forensic physicians to private healthcare companies. These companies typically rely on employing overseas doctors on short-term contracts, which means that the doctors never have the opportunity to acquire the knowledge and expertise that only experience can bring. Furthermore, there have been instances when, given the inevitable delays in bringing cases to court, these doctors have left the country by the time the cases in which they have been involved are heard. Thus, the current trend in outsourcing clinical forensic medical services has the potential to do a serious disservice to both the victims and suspects of crime.⁴

In the interests of justice, it is essential that those who provide expert forensic medical evidence to the courts have the necessary skills and expertise. Specialist recognition of forensic and legal medicine will lead to acceptance that forensic medical services must be consultant led. Just as it would be anathema to suggest that independent sector treatment centres

Guy A Norfolk LLM
FFFLM MRCGP DMI,
President, Faculty
of Forensic and
Legal Medicine,
Royal College of
Physicians, London

Clin Med
2006;6:335-6

perform NHS hip replacements by utilising the services of overseas doctors with no specialist orthopaedic qualifications, it should also be unacceptable for outsourced companies to provide forensic medical services without the appropriate specialist support.

Establishing a firm evidence base

An adequate evidence base must underpin all medical specialties – and forensic and legal medicine is no exception. The new Faculty will be able to build on existing research and develop this base further.

In the discipline of forensic medicine, appropriately designed, prospective studies and basic scientific research should ensure that courts are no longer faced with experts strongly arguing for competing hypotheses, with neither side able to offer definitive evidence to support their views. Only with an adequate evidence base can we obviate the concern expressed by Lord Justice Judge, who ruled in the appeal of Angela Cannings that:

*if the outcome of the trial depends exclusively or almost exclusively on a serious disagreement between distinguished and reputable experts, it will often be ... unsafe to proceed.*⁵

In the discipline of legal medicine, the Faculty views the largely untapped wealth of information obtained by medically-qualified coroners and medico-legal advisers as a potential rich source of research evidence. This material should be used for educational purposes and for developing risk management pro-

grammes that will provide protection for both the public and the medical profession itself.

Maintaining professional standards

The best interests of the public demand the highest professional standards of training, competence, ethical integrity and independence amongst those medico-legal practitioners who interact with the police, judiciary and the courts. The Faculty of Forensic and Legal Medicine will ensure that those standards are promoted, monitored, reviewed and revalidated in a medical collegiate setting. In this way the Faculty will provide reassurance to the public and the medical and legal professions.

References

- 1 Newton P. Case open on new faculty. *BMA News*, 27 May 2006.
- 2 Dyer C. Mother convicted of killing her children is freed on appeal. *BMJ* 2005;330:861.
- 3 Smith J. *The Shipman inquiry third report: death certification and the investigation of deaths by coroners*. Cm 5854. London: HMSO, 2003.
- 4 Dyer C. Evidence-gathering in rape cases in crisis, doctors warn. *The Guardian*, 8 May 2006. www.guardian.co.uk/law/story/0,,1769910,00.html#article_continue#article_continue (accessed 7 June 2006).
- 5 England and Wales Court of Appeal (Criminal Division) Decisions. *R v Angela Cannings*. EWCA Crim 1. 19 January 2004.