



Security Industry Authority

# LICENSING

SIA indicates that it is back on the agenda



## The Professional Investigator

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## Institute News

**Jim Cole, Companion**, would like to express his thanks for the tributes received in respect his dear wife Joan, who members will be aware passed away earlier this year. Donations towards the Hospice where she spent her last days in comfort and amongst loving friends benefited from just over £1,000 in donations from investigative-sector sources.



Joan with Danielle and James, her beloved grandchildren

**John Grant, Companion and Past Principal**, has recently been in hospital and wished to thank you all for the donation of some medicinal libation, which will assist his recovery no end!

**Hamish D Cole RMN FIPI** has offered to serve the IPI as **Historian to the Institute**, taking over from Jim Cole. His offer has been gratefully accepted.



If you are an IPI member having a sort out, and find IPI materials that you may think worthy of retention for and by Hamish, please contact the Institute and let us know so that suitable arrangements can be made.

Thank you, Hamish!

## SIA Indicates – Private Investigator Licensing Back On!

At the Annual General Meeting of the Institute of Professional Investigators on the 21st of October 2011, Dave Humphries, Director of Compliance and Enforcement at the SIA, told the assembled members that licensing for private investigators could be back on the short term agenda for the SIA, if Government Ministers decide that this is wanted.

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He said that a couple of options exist, which include individuals being licensed in the shorter term followed by business regulation in the longer term: or wait and have business licensing and individual registration at the same time, the intent with that option to reduce any inconvenience to those licensed. The industry is invited to take a view on the relative costs and benefits of each option and which will work better.

Further consideration is to be given to what organisation would oversee the new regulations,

as the SIA does not see itself as the only regulatory option and in any case is expected to change its legal status, perhaps in 2013/14. The SIA will be consulting about proposals for a new regulatory regime for the private security industry and this is an opportunity to express the preferred position of those in the private investigation sector. A full formal consultation exercise is expected in the first half of 2012.

Almost unanimously, those present indicated that, having waited 10 years for a meaningful PI licensing regime, and having been at the forefront of consultation over the whole process and requirements of licensing, the IPI would be greatly in favour of getting their licences in the short term, delivered by the SIA, particularly because many PIs, as one man bands and SMEs, would likely discover that the registration regulatory requirements would not cause them a great deal of challenge in any case. They also want the SIA



to oversee it as the infrastructure already in place could speed up the issuing of their licences. For a little more on the SIA view of regulation, go to their [factsheet](#).

### **Commentary:**

During the AGM, Dave Humphries made reference to the following statement by Baroness Ruth Henig, SIA Chair, who at their Conference

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on the 12th of October 2011 said “There are also sectors of the industry where we have not yet reached our goal. One of the most important of these is Private Investigations. This is a sector that I would like to see included in the new regime for the protection of the public and I know that many in the sector want regulation to be introduced. We had made preparations for licensing PIs, but this work was stopped because of the uncertain future of the SIA at that time. We have been required to give evidence on private investigators to the Leveson Inquiry and we will review private investigations and the feasibility of regulating this sector as we develop our plans.”

Initially I laboured under the false belief that regulation was going to replace licensing, but as can be seen from Dave Humphries explanation, it was to supplement it instead. What this means in a practical sense for the SME and one-man-bands in the PI industry remains to be made clear, but initial suggestions were that an individual working alone would not be ‘double-whammied’ by having to cough up twice. Hence the Institute’s initial support for the improved regime – double the effort for a cowboy to get in!

Progress will be monitored, and rest assured the Institute will make sure it is represented in consultations, a situation that Dave Humphries was eager to endorse.

## **IPI ‘Manual for Investigators’** A comprehensive guide to conducting investigations of many kinds

**By David C Palmer FIPI F.Inst.L.Ex**

Taking the reader from basic ethics through generic investigation methodology and finally to specific types of investigation, the Manual will show how to exercise basic administrative and operational practices so as to be able to mount and complete a high quality investigation for a client, or for the public.

Written by a practising and professional investigator, and starting with a ‘template’ methodology that causes the reader to think like a professional, the reader will find that the basic practices described in this book can be applied to any kind of enquiry. There is no other book like it! Many books describe ‘investigations’ but none are as thorough in describing the thought processes and operational needs behind an investigation. Its contents include instruction on

- dealing with clients
- preparing interviews of all kinds
- taking statements
- assembling and managing evidence
- writing reports
- tracing
- corporate enquiries
- criminal investigation from the prosecution *and* defence perspectives
- process serving
- traffic collision investigation

... and more.

Learn to be an investigator the right way – by using the knowledge, experience and standards of the members of the Institute of Professional Investigators!

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# ABI request and associated letters from Richard Akehurst

The following has been circulated by the IPI

## EXPERTS' FEES AND RATES

1. In September 2011 the Legal Services Commission published The Community Legal Service (Funding) (Amendment No.2) Order 2011 providing the maximum fees and rates chargeable on legal aid services from experts to be implemented on 3 October 2011.

2. The Association of British Investigators has raised issue over the rates, pointing out that the level of fees are not commensurate to the type of work carried out by professionals in this sector.

3. THIS IS AN ISSUE OF GRAVE CONCERN TO THE INVESTIGATION SECTOR COLLECTIVELY.

4. It is The Association's view that when spending public money on legal support services it is right that best value is always delivered. Best value however, also embraces competence, integrity and professionalism which are essential to ensure that the standard of service remains high. We believe that this is delivered through the accountability provided by the investigator's membership of a recognised professional body with a proven and effective competency and vetting requirement and complaints & discipline regime.

5. The Association also takes the view that a more accurate term to describe the sector is "Professional Investigator in the Private Sector".

6. The rates have taken effect and are binding, however, in the long term the Government intends to proceed to work towards putting in place a more detailed and prescriptive scheme of fixed and graduated fees for experts in the context of any wider system changes.

7. The Association has been invited to contribute its views. In a spirit of inclusiveness we invite other organisations and members in the wider investigation sector to participate and provide input. For this purpose a working group has been formed; details below. Any parties who are interested in making a contribution for the sake of the industry as a whole are asked to contact the Chairman by e-mail.



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Our former Board Member Richard Akehurst FIPI contacted the authorities regarding this matter, thus:

Dear Ms McDonald

I understand that the new rates for London are just £23 per hour versus £32 for non-London.

As long-established London-based investigators we find this proposal ludicrous and have grave doubts as to whether any experienced investigators in London could conduct their businesses on that basis; we certainly cannot.

It is an old adage that 'if you pay peanuts then you will get monkeys'.

Best regards

Richard Akehurst BSc FIPI

He got the following response:

Dear Mr Akehurst

Thanks for your email. Changes to expert fees were the subject of a full public consultation. Proposals for the Reform of Legal Aid in England and Wales. The consultation closed on 14 February and the Government's response was published on 21 June. As the response sets out, given the need to make substantial savings to legal aid, it remains the Government's view that fees paid to experts should be subject to the same constraints as those paid to lawyers. The response also sets out our intention to continue to develop longer term plans to reform expert fees. The consultation response is available on the Ministry of Justice website at the following link:

[www.justice.gov.uk/consultations/legal-aid-reform.htm](http://www.justice.gov.uk/consultations/legal-aid-reform.htm)

Two Funding Orders, The Community Legal Service (Funding) (Amendment No.2) Order 2011 (S.I. 2011 no. 2066) and The Criminal Defence Service (Funding) (Amendment) Order 2011 (S.I. 2011 No. 2065) were laid before both Houses of Parliament on 24 August 2011. These Funding Orders will implement civil non-family, criminal and expert fee reforms on 3 October 2011 and can be accessed at the link below:

[www.legislation.gov.uk](http://www.legislation.gov.uk)

Regards

**Maggie McDonald**

Access to Justice  
Justice Policy Group

**Suffice to say, Richard was not impressed. The Board does not recall being consulted, and the ABI leaflet suggests that they were taken by surprise as well. Evidently the Justice Policy Group must be sufficiently unaware of the legal sector as to completely fail to consult with a major provider of services!**

**Members who this decision affects should take the time to assist the ABI in making their own representations as requested. Please copy them to the Institute so that we can partner the ABI and WAPI in their representations.**

## Distance Learning Course

The Institute of Professional Investigators Foundation Distance Learning Course is a comprehensive introduction to the world of Professional Investigation. It provides newcomers with a clear idea of the nature of the business and the areas that may provide a lucrative and rewarding career.

Unlike many other courses, the IPI Course has been developed by fully qualified professional investigators, with years of evidenced experienced and academic qualification behind them.

The course is also unique in that it contains extensive input on management of an investigation using well-researched, practically proven and court-accepted administration system that you could utilise to your benefit, and that of your clients.

The course addresses many subjects, including but not restricted to:

**The Characteristics of an Investigator** – what type of individual carries out effective investigations?

**Investigation Method** – a proven template applicable to all investigations. If you only learn this methodology you will be able to conduct an effective investigation!

**Taking Instructions and Client Relations** – make sure you get and retain paying customers.

**Statement Taking for Investigators** – a core skill for anyone, taught by an experienced police detective and his private investigator counterparts!

**Interview Law and Practice** – how to elicit information from both the helpful and the obstructive!

**Case Management** – how to manage an enquiry so that it is successful, your clients needs are met, and expensive mistakes are prevented.

**Incident Scenes and Exhibits** – how to make sure that your exhibits are properly taken, stored and produced for forensic examination.

**Tracing Investigations** – need to find someone? Take this lesson and apply the skills personally as well as professionally!

**Court Procedures** – the law and practical aspects of taking cases to their ultimate end – a court hearing!

**Investigation by Computer** – learn to utilise computers in investigations, an essential skill!

**Surveillance and Recording** - learn how when to use surveillance, and the practices and pitfalls of selecting a surveillance team.

**All this, and specific skills and considerations relating to core investigative practices – process serving, criminal investigation, self-management, and more!**

The course is extremely cost effective because it is subsidised by the Institute of Professional Investigators because we, the professional body for the investigation industry, want to make sure that YOU can be the best, ethical operative you can be. The Institute, while not accredited as a result of our choice not to incur the expense of investment passed on to an Awarding Body, will recognise your passing of the examination\* as a key element of entry (should you so wish) into the Institute.

*\*Geographical considerations apply to availability of the examination, which may be taken at home, in your own time, invigilated by an IPI member. We regret that if you do not reside in an area where this takes place, the examination may not be available. However, a certificate of course completion is sent to all those who complete the distance learning course.*

[More Details >](#)

# AGM News and Pictures

The Annual general Meeting of the Institute took place at the Civil Service Club, Great Scotland yard, London on the 21st of October.

A quorum was present, so business proceeded in accordance with the Agenda. In addition, Simon Smith requested and received authority from the membership present to proceed with seeking out business opportunities which will profit the Institute in keeping with its objectives. On a pleasant note, three people received recognition for their services to the Investigation Sector in general, and the Institute in particular.

For services to the Scottish Investigators Forum, latterly the Scottish Investigators Association, Life Membership of the IPI was awarded to Iain 'John' Black MIPI. John is a founder of the SIF and served on the Board from 2000.

For services to the IPI for many years as Treasurer, Secretariat (in emergencies) and Deputy Principal, Brian Walker FIPI was awarded Life Membership of the Institute.

And for services to the Institute over two periods as a Board member, Roger Bunting FIPI was also awarded a Life Membership of the Institute. Roger currently oversees admissions to the Institute with the assistance of Jim Cole, and is a constant provider of sage advice to the Board.



**Life Membership of the IPI was awarded to Iain 'John' Black MIPI.**



**Brian Walker FIPI receives his Life Membership Award**

## **Welcome to the Board – again!**

At the AGM, invitations to serve on the Board were passed out – and Ian Hopkins FIPI, Past Principal, threw his hat back into the ring. He was welcomed aboard with some grateful amusement as he has been promising to retire for about 10 years but is still active in the profession!



**Ian Hopkins FIPI, Past Principal, is back on the Board**



**Roger Bunting FIPI was also awarded a Life Membership of the Institute**

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**Dave Humphries** of the SIA sits on the head table as he presents the latest news on licensing to the Membership...



...while the assembly listens intently, preparing their responses!

## TRACING

### An Investigators Guide To Finding Wanted and Missing Persons

By **David C Palmer FIPI F.Inst.L.Ex**

Investigations into tracing missing persons are taking place constantly - at professional and amateur levels, within and outside the legal sphere. They are done for a number of reasons, but the methodology is principally the same.

This book is intended to aid those whose work, or interest, lies in finding people. It is a guide to the methods and the legalities surrounding what can be very interesting work, the resolution of a puzzle which is not overly affected in its solving by evidential restrictions. It is also intended to address investigations into those persons who are lost either through time, or through a decision to go missing as a result of excessive pressures, legal, sociological and psychological.

It is not intended to find kidnapped people, or genuine 'missing' persons who have gone missing as a result of mental illness. In its pages, investigators will be provided with advice on how to solve the riddle of a missing or wanted person enquiry: the definitions which apply, and which may direct their enquiries; the techniques of asking questions and developing information from documentary evidence; details of resources that they need to utilise in order to solve their riddles; and much more besides. Such guidance is rare. The majority of books on this subject are published in the United States, with a bias towards their methods and availability of information - methods and information that simply aren't available to British investigators.

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# Leveson Enquiry and the Press

In September, the Principal received a Notice from the Leveson Enquiry into the Culture, Practices and Ethics of the Press requiring that he provide evidence in the form of a written statement. Regrettably, a condition of the Notice was that we cannot reproduce the evidence here, but suffice to say that the Enquiry will be made fully aware of the Objectives of the Institute, its Ethical Standards and Expectations, and its opinions (published here in the Summer 2010 and Spring 2011 editions of the journal, amongst others) on the 'freedom' of the press compared to the restrictions placed on ethical, professional investigators!

On that note, when the Daily Mirror announced it would not use PIs any more, the IPI made this press release:

**“Trinity Mirror chief executive Sly Bailey revealed that the use of private detectives has been banned at her newspaper titles”**

The Institute of Professional Investigators, the professional body for investigators in both the private and public sectors, is disheartened by the report in the Daily Mirror which described an outright ban on the use by that company of private investigators. This has resulted from the recent developments with News International, where ONE private investigator has been accused and convicted of phone hacking. Oddly, it appears to have forgotten that it was a failure on the part of the CLIENT to check out and ensure the bona fides and ethics of their contractors that caused the problem, as much as the actions of the contractor. Professional investigators comply with the Data Protection Act, protecting the personal data of clients and others. (It is interesting to note that they do not then publish their findings for the information of millions.)

This offending by a small number of rogue information brokers – and the willingness of unethical clients to accept services without question - has negatively influenced the status of the vast majority of investigators who are ethical in practice, compliant in law, and professional in service. As has often been the case, one individual's actions have caused a knee-jerk reaction against the innocent.

The IPI is not so naïve as to suggest that no private investigators conduct illegal and unethical investigations. That is why the Institute and its partner associations expect the highest levels of professionalism of their participant members and have welcomed the introduction of legislation to licence its practitioners.



The Private Security Industry Act was intended to prevent the very activities that are now under investigation, amongst others. The original plans should be vigorously introduced – fit and proper person checks and competency checks should be a prerequisite of a private investigation licence, as originally intended and as planned for under the Security Industry Authority's consultancy with the industry representatives who have solicited for licensing since 1976.

The Institute has supported, and will continue to support and promote proper, effective licensing of our industry. The majority of professional investigators welcome licensing as a step forward to raising the positive profile of the sector, ridding itself of the few rogues still purporting to be investigators, and sees it as a move towards higher levels of service provision at a time when public service investigation provision is being affected by budget cuts.”

**The Board is frequently publicising itself by provision of press releases and continues to represent YOUR interests in that way.**

# Website Pages

## Have you updated your directory entry yet?

Members are politely reminded that they can update their own entries on the IPI website with any new specialisms, services, addresses, etc. Please log on using the instructions below:

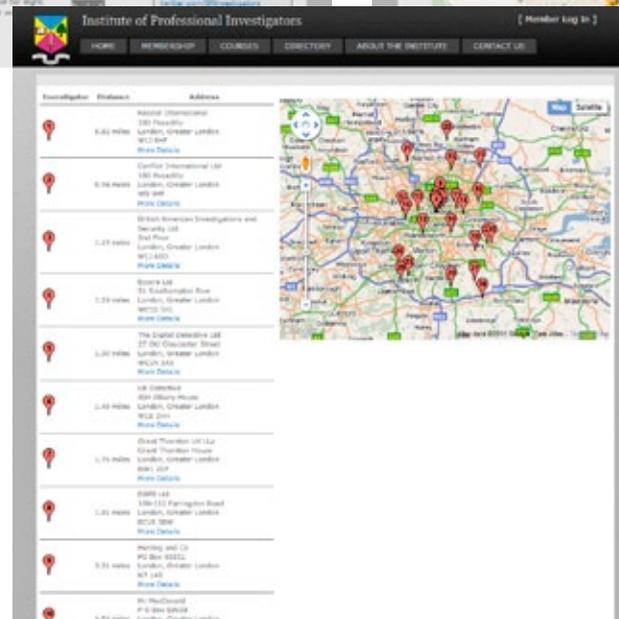
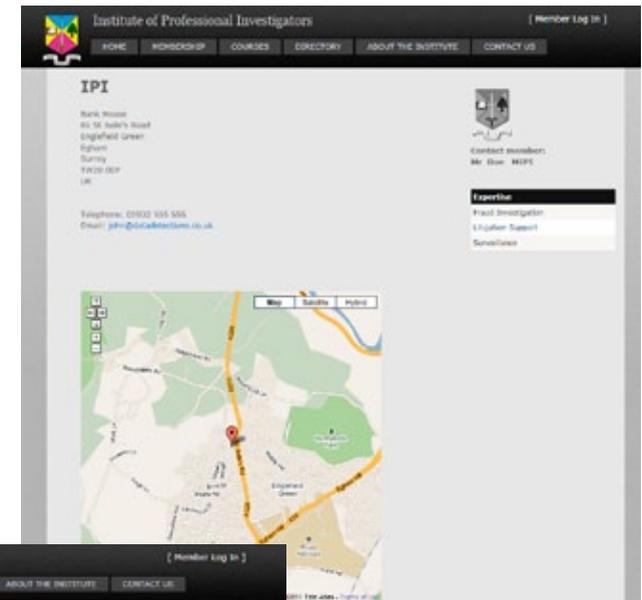
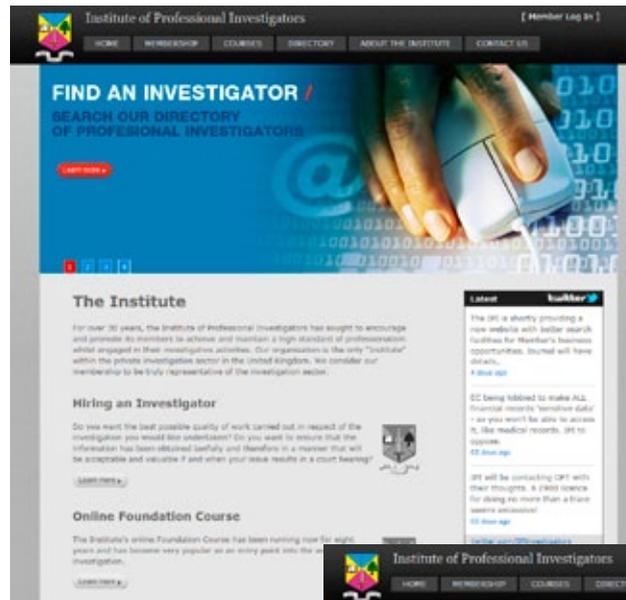
If you would like your details to appear on our [Find an Investigator Directory](#) please click on the link below and follow the instructions:

<http://www.ipi.org.uk/member>

Once you are registered with the site you will be able to edit your directory entry and add areas of specialisation so people will be able to find you and your business.

### The signing on process

1. Create an account with your own username and password
2. Fill in the form that asks for brief address details of all branches you have
3. An email is sent to us with your username and branch details
4. We activate your account and inform you by email
5. You log back on
6. All your branches should now appear when you click the link on the top menu navigation bar Directory and you can begin editing your directory entries



# Corporate Projects

The Institute is currently in communication, through secretariat **David Pryke**, with **APDI**, the professional association for investigators in India. It is strongly hoped that a fruitful partnership can be developed that will enable the Institute to continue its activities on a wider international basis, and provide quality training advice and assistance to its professional colleagues in one of the biggest growing economies in the world. Further news will be made available as talks progress.

At the same time, **Simon Smith MIPI**, Board Member, is strengthening links with the wider security industry, whereby the IPI can assist different sectors with the provision of investigative training to supplement the specialist security training that experts in the specific areas already provide.

## Legal News

The Bribery Act 2010 came into effect on the 1st of July 2011. The Ministry of Justice website said, on enactment in April 2010, that

“The Bribery Act reforms the criminal law to provide a new, modern and comprehensive scheme of bribery offences that will enable courts and prosecutors to respond more effectively to bribery at home or abroad.

The Act will:

- provide a more effective legal framework to combat bribery in the public or private sectors
- replace the fragmented and complex offences at common law and in the Prevention of Corruption Acts 1889-1916
- create two general offences covering the offering, promising or giving of an advantage, and requesting, agreeing to receive or accepting of an advantage
- create a discrete offence of bribery of a foreign public official
- create a new offence of failure by a commercial organisation to prevent a bribe being paid for or on its behalf (it will be a defence if the organisation has adequate procedures in place to prevent bribery)

- require the Secretary of State to publish guidance about procedures that relevant commercial organisations can put in place to prevent bribery on their behalf (and)
- help tackle the threat that bribery poses to economic progress and development around the world.”

Detailed guidance on the Act can be found at [www.justice.gov.uk/guidance/docs/bribery-act-2010-guidance.pdf](http://www.justice.gov.uk/guidance/docs/bribery-act-2010-guidance.pdf),

and the whole Act at [www.legislation.gov.uk/ukpga/2010/23/contents](http://www.legislation.gov.uk/ukpga/2010/23/contents)

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