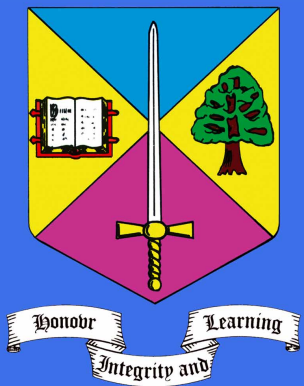


Therasa May announces
Licensing is Coming

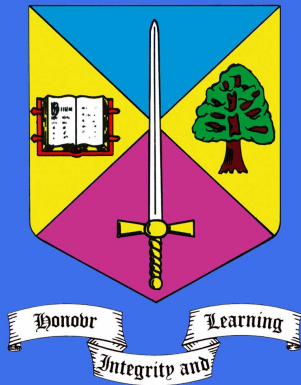


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Licensing

It finally happened. 12 years after the enactment of the Private Security Act 2001; 6 years after the industry assisted the SIA in finalising the Competencies needed for the issue of a licence; and despite the fact that the SIA was living on borrowed time, on Wednesday the 31st Of July 2013 Theresa May, Home Secretary, made the announcement that licensing will be introduced by the end of 2014. The Institute's analysis and commentary on what was said will be posted later in this issue.

The IPI was able to immediately circulate this news using the LinkedIn and Twitter facilities. We also, in this instance, spread the word by e-mail. Regrettably, we have absolutely **no**



idea if everyone checks the former two facilities, but if the 'follower' lists are anything to go by there are a **lot** of members who still don't have a look. Okay, if you don't want to do so – and you will miss out on multi-sector news, not just ours, if you don't look – please consider looking at the Institute website instead, because you will find that on the right of the home page, all our Twitter entries are available.

You still won't see the other news. **You** have to take some responsibility for doing that.

David Palmer FIPI
Principal

James D Cole FIPI FIMgt FFA FSAE, Companion – Retired

It is with a degree of sadness and understanding that we report that Jim, founder, Past Principal and until the 6th of August still a serving Board member (with an absence of some 9 years after his first retirement as Sec Gen in 2000) has finally and reluctantly retired from serving the Institute.

Jim, an Edinburghian, was born on the 17th of August 1934 or 1935 – he may correct me as he did when I sent him the wrong birthday newspaper – and was educated in Scotland and ultimately Canada. After three years in the RAF based in Kinloss he joined the Scottish North Eastern Counties Constabulary and served in Fraserburgh, Aberdeenshire. After 2 years there he moved south and joined Grimsby Borough Constabulary, serving for 5 years before leaving to join WJA Wood & Co, Private Investigators of Blackburn. Another 2 years passed and Jim was in private practice in his own firm. Styled as James D Cole (Lancs) Ltd he carried out investigations all over the world.

Jim was an active member of the ABI until, in 1976 and upon the founding of the Institute he was forced to resign because their rules at that time meant he could not serve both organisations. He was also, at various times, a member of IPSA and ASIS and is a Certified Protection professional (CPP). He was also a member of the Certificated Bailiffs Association, the Forensic Science Society and is still a Fellow of the Institute of Management. He was also with the Council of International Investigators (who co-



Jim (left) and Hamish – ‘The Cole Brothers’

Jim was awarded his Fellowship of the IPI on 17th of August 1976 and took over as Secretary in 1977, a position he held until 2000 when he first retired and was awarded the first Companionship of the Institute

held their/our AGM at Edinburgh in 1995). He was also President of his local division of the St John’s Ambulance Brigade.

Jim was awarded his Fellowship of the IPI on – 17th of August 1976 and took over as Secretary in 1977, a position he held in its various ‘names’ until 2000, when he first retired and was awarded the first Companionship of the Institute. He served as Principal ‘just the once’, from 1989-1990. He was (still is) a resolute stickler for rules and procedures at Board Meetings, keeping the various members of the Board ‘on track’. He retired from professional practice in 1994, after which he dedicated his time to the Institute and its affairs.

Jim’s hobbies included rally driving, photography, skiing, travel, caravanning, shooting and fishing, but his greatest love had to be Sheep Dog Trialling, where he qualified as an international judge and served as a member of the judges’ panel for the International Sheep Dog Society.

Jim still lives in Hoghton, near Preston, where, on Jim’s birthday in 1617 King James VI of Scotland (James I of England) knighted a loin of beef, Sir Loin. (Now you know.) Sadly, Jim is a widower, having lost his dear wife Joan a short time ago. But he lives close to and is supported by his family – son Hamish, his wife Lorraine, their children James and Danielle, and lately his first great-grandson Harry.

Licensing is Coming

On the 31st of July 2013, the Home Secretary circulated the announcement that private investigators were to be licensed by the end of 2014

It was an announcement which Theresa May circulated during Parliament's Recess – which suggests either that they **do** work in their holidays, or they want to avoid being available when they circulate 'hot' material.

Full details and specifics of the announcement can be found at <https://www.gov.uk/government/news/new-regulation-of-private-investigators-to-be-introduced>

What does this all mean?

Well, first, the timing. On the 2nd of July some of you may have watched while the Chief Executive (Sir Ian Andrews) and Director-General (Trevor Pearce) of the Serious and Organised Crime Agency were called back to the Home Affairs Select Committee to explain why they had submitted a redacted report on Private Investigators, in which some facts that HAD been public were now hidden. (The full transcript of the day's events is available at <http://publications.parliament.uk/pa/cm201314/cmselect/cmhaff/uc524-i/uc52401.htm>) A lot of letters were promised.

(Find the letters at <http://www.parliament.uk/documents/commonjs-committees/home-affairs/Private%investigators520follow-up%20written%20evidence.pdf>)



The Press realised that while they had been pilloried for their (alleged) misuse of PIs, clients in other sectors such as corporates, the legal sector and public authorities had not been pursued

It goes almost without saying that immediately after this exchange of mail the Press (those paragons of right and ethics) realised that while they had been pilloried for their (alleged) misuse of PIs, clients in other sectors such as corporates (those paragons of right and ethics), the legal sector (those paragons of right and ethics) and public authorities - (those paragons of right and ethics - you see my point – I'll move on) had **not** been pursued for having been clients of the offending investigators. In all fairness, they had a point.

Subsequently they moved in for the kill, identifying that SOCA Chair Sir Ian Andrew's wife was working for a private investigation/security firm and he had not declared it as a potential conflict of interest (while I, a mere DC, have to tell my Force about the IPI and have done so). By the 1st of August he was gone.

Was this the impetus for the announcement? Quite frankly, I don't care. I have said before in committees and in private that **provided the licensing regime we get includes competency requirements** then whether it comes out of fondness for the sector or out of concern for its

continued>>

practices, then it doesn't matter. In this case it might be a knee-jerk and media led. If so, thank you. (Although I still think the Press exemption is cowardly. We await their Charter. Still.)

On the face of it there are a few consequences. For the SIA, this suggests that their demise will not be happening soon. But for the Industry the tenor of the document was this: **Competency remains part of the formula.**

Next, the timescale she described really put the SIA and training providers on the spot unless the decision has been made that the competencies identified in 2007, and which the industry and training providers have had to rely, will be the ones accepted and imposed. There has been word that there will be a greater emphasis on knowledge of the Data Protection Act but that is neither here nor there. It's a statute, read it, now you're trained.

What it means for us is that we can have a fairly good idea of what knowledge will be required of us, where we can obtain the necessary qualifications, and how much it may cost.

BSI Update

Eerily, the British Standards Institute finalised and agreed BSI 102000 for Provision of Investigative Services just before the announcement. There had been some debate about delaying it until after an announcement but consensus said it had to be out there.

One of the proposed delays was a suggestion that a BSI for Investigative Journalism be added on as BSI 102001 or BSI 102002 but I suspect, given the announcement exempting such activity will not be 'licensed', that this will not be happening soon, if at all.

The finalised Standard is to be made available via www.bsi-global.com.



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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Guest column - Frank China

‘The world is changing, business is changing’. Now you couldn’t have a more boring introduction, could you? How many times have you heard that said? Well, this time it is true, it is for real.

‘When we were young’, fast food was something eaten at Lent, a Big Mac was an oversized raincoat, and ‘crumpet’ was something you had at teatime, time sharing meant togetherness, a chip was a piece of wood or a fried potato, hardware meant nuts and bolts and software wasn’t even invented. Cigarette smoke was distinctly fashionable, grass was mown, coke was kept in a coal bunker, a joint was a piece of meat eaten on Sundays, and pot was something you cooked in. Quite worrying when you look back, isn’t it?

Everyone talks about change, and at last it would seem that the investigative industry is going to change. It has been the big talking point for many years, but now something is happening, or at least it would seem so. The government started the rot with ‘Duck Houses’ and the like, then there was technology being used to ‘listen in’ and Levenson, finally someone said, can this really go on as it is. Was it just ‘Big Brother’ is watching you and doesn’t like that or ‘Why cannot I have some of those perks’, with a follow up, because they weren’t in the right place at the right time, ‘... lets stop their greedy tricks’.

But there were some who said, OK but ‘lets take it slowly’, don’t rock the gravy boat yet – maybe because they hadn’t had their nose in the trough for as long as some others, or maybe it was just because they were sorry to see ... change! I doubt it. So with all the ‘change’ around, are we now happier that someone is getting to grips with the problem?

I suppose because anyone can call themselves an investigator, it is important to be able to distinguish those who are, from those who are not! But surely it could be a bit like finding the cowboy builders from the truly competent ... ask what they have done before, ask for references from those who have had experience, then you would know! Or would you?

The old adage, ‘if it aint broken, don’t fix it’ springs to mind. You wouldn’t dream, of building your dream house from someone who simply said he was a builder and had nice little visiting cards to this effect, You would want to know about his past triumphs, so why is it any different for an investigator? You would ask him, or would you, why does he think he could solve my problem.

So, why the big fuss about change? You cannot become a Doctor unless you are affiliated to the BMA, to become an Architect, Surveyor, a Pharmacist, or any other career which requires some professionalism and to do this you have to pass exams and become recognised by that industry’s professional body. So why should it not be any different for an Investigator! The hope for change in this industry sector should be that every investigator becomes a member of their industry’s professional body, well that would be an easy answer, since that body would decide the good from the ‘not so good’. But unlike Doctors, Architects, Surveyors,



continued>>

the investigative industry claims to have quite a few representative bodies, so, as an investigator it would seem just as important to find that right organisation to join, who will accept me as the professional I am? Equally important, as the customer you can then safely look to the industry's professional body for your expert. `Simples` ... well it should be !

But all this has not yet quit happened, so back to change. The days of the raincoat and trilby hat have long gone, it's in with new technology. If your investigator cannot find his way around the web, drop him. If he doesn't have an e-mail address, drop him, if he is only on a mobile, drop him ... all this gives you an indication as to whether he is `up to the mark` or not. Investigative work these days is as much on the `bottom` as on the feet ! Or so it would seem it would have to be !

So to change, I ask, are licences really necessary, or should it be up to one body, similar to the BMA, who can be responsible for the individual, one body that can oversee the activities of the individual who would deem to call himself, or herself, an investigator. **Seems logical, what do you think?**

Invitation to Contribute to the Journal



Truth be told, the Journal is written by very few people. Inevitably this narrows down the scope of available material and this is of concern to the Board because as a professional journal it should cover as wide a range of subjects as we could possibly and realistically manage. Over the years we have borrowed articles from all over the world (a trend apparently now followed by others) but with 350+ members we have an expectation that YOU have things you want to say, or that you know about that we do not, that might be of use, of interest, or just plain annoying to other members.

Please take the time to email the IPI at admin@ipi.org.uk if you discover anything about which we should be aware – consultations, legal decisions, advice from clients on service provision and so on. Or just write us a letter or article with an opinion.

Please.

Are We Corrupt?

Members may recall that the Home Affairs Select Committee, in their report from July last year, recommended that retiring police officers – arguably one of the biggest sources of professional investigators – should be barred from so practising for 12 months after that retirement. The Institute contacted Keith Vaz MP and got a reply which we reproduced in these pages.

We were later given the nod that this ‘suggestion’ wasn’t going to happen, but I regret to say that in the (arguably well-hidden, but thanks to James Harrison-Griffiths for spotting it) Home Office/ Government Response to that report, dated July 2013, they state (and I quote):

“We are currently considering whether it would be appropriate for members of the police to have formal restrictions on employment after leaving the service, and what such measures might entail, particularly as the Leveson report also contained a recommendation to this effect, in connection with employment in the media. As part of this work the Government will consider very carefully the recommendation that any contact between police officers and private investigators be recorded. Furthermore the Government will also consider whether any such restrictions or requirements that are placed on the police should be extended to other agencies with investigative or covert powers and with the potential for contact with private investigators.”

So all of you in public investigation roles are now potentially included in that restriction. Watch this space.

(The full PI report can be found at <http://publications.parliament.uk/pa/cm201213/cmselect/cmhaff/100/10002.htm>)

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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Heir Hunters

A colleague recently asked me if the BBC's Heir Hunters, who trace beneficiaries of estates for probate purposes, would need licences. Interesting question.

If licensing follows the intended and understood legal template of the 2001 Act, then there could be alternative answers based on the precise point of their investigations. Remember, the Act ONLY applies to investigators providing investigative services that are defined as 'regulated conduct', namely the investigation into people's whereabouts or activities, or the circumstances in which property is lost or stolen. But even before that, and perhaps most pertinent to the question asked by my colleague, is the precondition that the regulated activity must be undertaken *under contract* to a third party.

Most of the activity shown on the Beeb relates to occasions where the Heir Hunters themselves have identified, from their own research and at that point on their own behalf, what intestacies have arisen which may give rise to profitable investigations. So, at that point they are working for themselves. No licence required.

They continue their enquiries using public records (as a general rule) to identify and occasionally locate potential beneficiaries. The use of public records is exempt from the Act, so again, no licence needed.

Having identified an individual they then need to

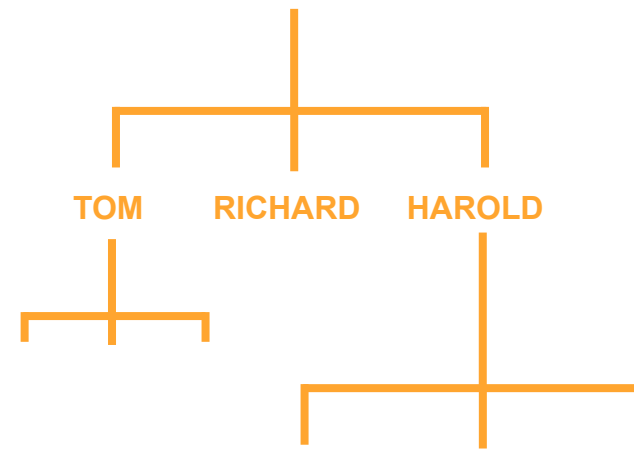
If they only carry out research using public records, they still do not need a licence but if they start knocking doors with a view to tracing a beneficiary they do

go to see that person. If they know where they live, no trace enquiry is needed BUT even if there was a need to trace they would STILL not need a licence as they are conducting their enquiries on their own behalf, which is not licensable, regulated conduct.

If they find that person they routinely enter into a contract with them, but that is not to provide an investigation service – it is to agree a commission payment for disclosure of what the investigator already knows.

However, if beneficiary A identifies another beneficiary B and s/he contracts with the Heir Hunter to find that third party, at this point they would need to have a licence unless all of their subsequent activity related to public record research.

Now, here's another option. A Bank, lawyer, probate practitioner or other person is engaged to



execute a will. They turn to the Heir Hunter and engage them to do the necessary work. Now they are under a contract. If they only carry out research using public records, they still do not need a licence. But if they start knocking doors with a view to tracing a beneficiary they now need a licence as they are conducting regulated activity – tracing a person under contract to the third party. ***There you are - clear as mud!***

Incidentally, if the Bank conducted the non-public-record research as part of the contract with their executor-client, THEY would need a licence, as would a probate practitioner. But the lawyer would not, as s/he is still exempt from licensing under the Act.

If the licensing regime to come follows the PSI Act none of this will change, but we wait to see if there are to be any legislative changes following the announcement and will keep you informed.

AGM

The Institute's AGM will take place on Friday 22nd November 2013 at The Civil Service Club, Great Scotland Yard, London. Booking forms will shortly be circulated by the Secretariat.

Guests and speakers



Christy Hopkins, *Assistant Director of Customer Service and Quality Improvement at the Security Industry Authority.*

He is responsible for Delivering a transformation of the SIA's UK wide regulatory services from paper and manual handling to e-enabled and automated services; delivering a targeted, time critical plan that puts the SIA and its 500,000 customers at the front of the UK Governments 'digital by default' agenda; operational management of end to end service provision for UK regulator through management of an outsourced service provider and an 'in-house' customer service and quality improvement team; and he has responsibility for service transition, cost reduction, growing e-services and converging services with other public sector solutions.

He is former Head of Investigation for the SIA and may have some interesting and relevant information for our sector.



Ray Clarke, *Chief Executive of IQ Ltd.*

Industry Qualifications (IQ) is a pan-sector, mutual awarding organisation approved by Ofqual, the qualifications regulator. It is membership based, and focused on the provision of high quality awards, working with members as partners and stakeholders in the organisation. Ray will be able to advise us on our future in educating investigation professionals, a particularly important activity at this specific time.

Skills for Security Update

On the 9th of September a meeting of the Sector Consultation Group for the Investigators Sector took place at the new Skills for Security venue at BSIA in Worcester



It was remarkably well attended, probably because of the Home Office announcement a month or so earlier, and representatives of the SIA and Home Office were present.

Prior to the event I had been made privy to some 43 questions that were proposed by those who were to attend as well as those who could not, but as many revealed a lack of knowledge of the Act I was able to respond to some and reduce the number to about 17.

The meeting went ahead, starting with a briefing by the SIA. I'll bypass reference to what the SIA is and does, and focus on the 'news' relevant to licensing.



Security Industry Authority

The SIA is now responsible for (in this order)

- **Reviewing the competencies (more later)**
- **Enacting the legislation (i.e. our part of the Act)**
- **Taking applications for licensing and then**
- **Enforcement.**

Once applications can be taken, people will have 6 months to get their licence before they start enforcing the law. That means you will be able to apply and carry on working until the enforcement date. That day, if you don't have a licence you will be prosecutable.

Questions were asked about criminality as a bar to a licence – this, said the SIA, would be dealt with on a case by case basis, although policies and guidelines have been set to assist with this. One thing they may be considering within the competency assessments in future may be knowledge (and therefore compliance) with a Code of Conduct, and we are mindful that the Home Affairs Select Committee recommended one be created for the profession.

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Then our 'old' friend Tony Holyland of the SIA (who had the temerity look younger than he did in 2007) spoke about competencies. I was astounded to discover that the rather dismal 60 guided learning hours expected of a trainee investigator is now set at 39 hours. Yes, we thought, a competent investigator can now be trained in 5 working days. Tony corrected our misconception: competency for the purposes of licensing is not about ability to do the job: in SIA (HMG) terms competency is ONLY about avoidance of risk to the public. That's why 39 hours is enough to tell you what you shouldn't do – not tell you how to do what you OUGHT to be doing. That said, Tony took away our views that it ought to go back to at least the 60 hours.

He then addressed Recognition of Prior Learning – something close to our hearts because it allows scope for recognition of 'old' qualifications, and hopefully rids us of the need to take that 'risk avoidance' examination. The SIA is actively looking at how a 'portfolio' assessment of prior learning and experience could and should form part of the competency assessment for grant of a licence, something which the industry will be asked to provide guidance on.

The Home Office delegates then kindly took questions. The first was – will the forthcoming election delay things a second time. Their response was that although this is always a possibility, Mrs May has been in post a long time (unlike Labour Home Secretaries who served a couple of weeks

**For example, instead of being
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investigation service to Tesco
(licence required), I work as a Tesco
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only when they need me at £150 an
hour (no licence required)**

each), insists upon what she wants and on getting it quickly, and so expects everyone to work to the timetable she announced. Hopefully this means availability of licences by October 2014, and enforcement the following April. (Apparently October and April are the 'getting things started' months in Government.)

Next came – do they envisage new legislation or enactment of the PSI Act as is. The good news is that while they could not give an assurance that new law would not be needed, they were of the view that apart from a potential tweaking of the PSI Act Schedule 2 it is most likely that it will be as we have been expecting for 12 years. They will be reviewing the definition of 'licensable conduct' and they will, as stated, be looking at competencies - but the chances are good that new laws will NOT be required. Ideally this would make the timetable workable.

Interestingly, the Home Office are also asking about the feasibility of in-house licensing, and the impression we got from the delegates was that some big companies will obtain licences whether they need them or not; that the industry would welcome it; and I suggested that their inclusion would simplify the questions about whether a licence was or was not needed in certain circumstances. It was also proposed by Yours Truly that, given the new propensity for 'zero-hours' employment contracts where someone only works as an employee when

continued>>

If a PI takes an evidential laptop computer to PC World, do PC World employees need a licence?... investigative journalism, when is a journalist an investigator, and vice versa?

called upon, this could be used by the dishonest to somehow circumvent the Act. For example, instead of being contracted to provide an investigation service to Tesco's (licence required), I work as a Tesco employee on a zero-hours contract only when they need me at £150 an hour (no licence required). I suggested they call that change Palmer's Law.

Apart from sometimes having to stop lines of questioning because they'd either been dealt with over the past 12 years, or because they were turning into interminable 'what-if' questioning sessions, some interesting questions did arise: for example, if a PI takes an evidential laptop computer for download at PC World, do PC World employees need a licence? Are they just downloading (defence under the Act) or are they investigating? Answers on a postcard, please. And, of course, investigative journalism – when is a journalist an investigator, and vice versa?

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